

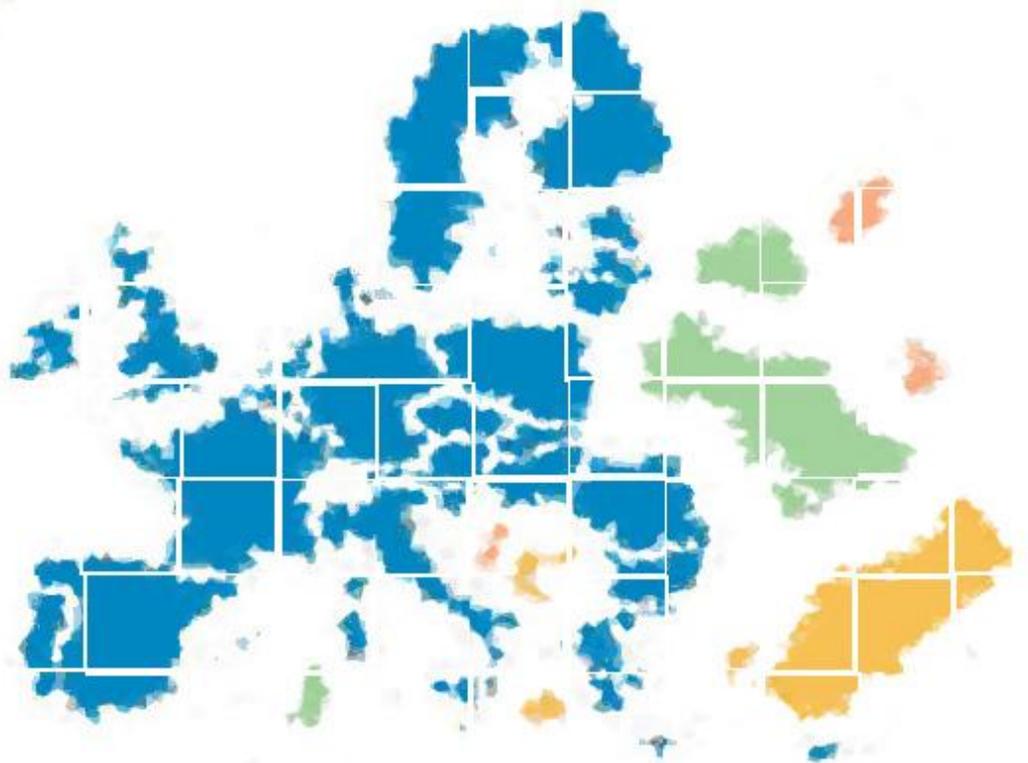
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EU-Ukraine Relations after the 2012
Parliamentary Elections in Ukraine

The Road to Signing the Association Agreement

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EU-Ukraine Relations after the 2012 Parliamentary Elections in Ukraine

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Introduction

Ukraine is the most important country of the European Union's (EU) Eastern Partnership program, which was launched in May 2009 in Prague as part of the European Neighbourhood Policy. As Ukraine is the biggest neighbour of the EU, the organization should pay special attention to it because the country represents a huge market, great investment opportunities, and additionally, it constitutes a corridor between the EU and Russia. Keeping the ties close with the EU is in Ukraine's interest, as well, because it could mean a possibility for the development of the country. In spite of the fact that the two parties mutually need each other, their relationship is far from being trouble free. The imprisonment of former Prime Minister Yulia Tymoshenko and former Minister of Internal Affairs Yuriy Lutsenko under questionable circumstances and forbidding them from running in the 2012 elections increased tensions. After the elections of October 2012, several EU leaders expressed their concerns about the lack of just legal procedures and rule of law in the country. Also the usual annual EU-Ukraine summit was postponed until February 2013.

This policy brief analyses the process and the aftermath of the Ukrainian parliamentary elections of 2012 from the perspective of a potential future Ukrainian accession to the EU. Although the prospect of EU membership is not provided in the framework of the Eastern Partnership to the participating countries, Ukrainians were always enthusiastic in this matter. In 2012, 47.4% of Ukrainians were still in favour of EU accession (the ratio of those against was 33.5%). Although it is not the highest support rate ever (the highest was in 2002, with 65.1% in favour), the prospect of membership is still being discussed, and Ukrainians associate the EU with economic prosperity and democracy, which makes such an analysis relevant nowadays.¹ Based on the recent events and concentrating on the most problematic issues, the paper will attempt to find out if the elections brought new challenges to the EU-Ukraine relations, and if they hinder or facilitate signing the Association Agreement (AA) and the prospects of EU membership. The main argument of the current analysis is that the Ukrainian membership is not even among the mid-term perspectives of the EU. Based on this statement, some forecasts and recommendations will be

¹ Dariya Orlova, "EU in Ukrainian Eyes: Pretty Enough? | EaPCommunity," June 16, 2011, http://www.easternpartnership.org/publication/2011-06-16/eu-ukrainian-eyes-pretty-enough#_ftnref4.

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outlined on how the future relationship of the two parties should be conducted.

The Situation before the Elections

The EU and Ukraine started negotiations on a future Free Trade Agreement in 2008, when Ukraine joined the World Trade Organization (WTO). Since then, the issue of trade was closely tied to signing an Association Agreement, which would establish a comprehensive agenda for political association and economic integration including an increased access to the European market, advancing towards the EU *acquis* and modernizing Ukrainian institutions. Also, a Deep and Comprehensive Free Trade Area (DCFTA) would be part of the Agreement which involves political, financial and security cooperation, justice and liberty.² Negotiations on the Agreement were finalised in December 2011, the text was initialled in March 2012, but the date of the signing and ratification is still unclear. Cooperation between the EU and Ukraine was smooth in other areas, such as visa-liberalisation, as well: the Visa Liberalisation Action plan was adopted in November 2010, and Ukraine made important steps to advance in this matter.³ In addition, in February 2011, Ukraine became full member of the European Energy Community. In spite of the development of the bilateral relations between the two parties, since the 15th annual EU-Ukraine summit held on December 19, 2011, their relationship was in “standby mode”.⁴ At the summit, European Council President Herman Van Rompuy stated that the signing of the Association Agreement would highly depend on certain political circumstances, and that the 2012 parliamentary elections would be a litmus test in this regard.⁵

Why did tension start to increase between the two parties? The EU always had concerns about the effective predominance of democratic values in Ukraine, but the situation aggravated in 2010 when Viktor Yanukovich defeated Yulia Tymoshenko in the presidential elections. Following this event, the less EU-oriented politician became the new president. In November 2010, the EU drew Ukraine's attention to the necessity of deep and comprehensive constitutional reform, which should have been conducted in close cooperation with the Venice Commission of the Council of Europe. One year later, President Yanukovich introduced electoral reforms which were criticised by the Venice Commission still that year, as well as by the European Commission's report of May 2012.⁶ These preoccupations show that

² “Communication from the Commission to the European Parliament and the Council - Enlargement Strategy and Main Challenges 2012-2013” (European Commission, October 10, 2012), 2, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/strategy_paper_2012_en.pdf.

³ *Ibid.*, 3.

⁴ Alyona Getmanchuk, Oksana Pyliavets, and Sergiy Solodkyy, “Three Scenarios for the Ukraine-Eu Relations After the Elections - 2012” (Institute of World Policy, 2012), 10, http://iwp.org.ua/img/tri_czenari_eng.pdf.

⁵ *Ibid.*, 17.

⁶ *Ibid.*, 12.

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the EU has concerns about how determined Ukraine is concerning the basic principles of democracy and the rule of law.

Besides these worrisome issues, the most controversial topic was the imprisonment of members of the Ukrainian opposition. First, Yuri Lutsenko, former Interior Minister and ally of Yulia Tymoshenko was arrested in December 2010. One year later, Yuliya Tymoshenko was found guilty with the charge of abuse of power. Both cases resulted in high discontentment among the Ukrainian opposition and in the Western world: the European Court of Human Rights condemned Ukraine because of the unfair and politically motivated trial in the Lutsenko case.⁷ Moreover, the European Parliament issued a resolution in which they condemned the conviction of Lutsenko and Tymoshenko and stated that internal reforms were needed for the strengthening of the rule of law and for fighting against corruption. The MEPs warned that the failure of these reforms would jeopardise the ratification of the Association Agreement.⁸ In May 2012, they reaffirmed their statements and called for the establishment of an independent international legal panel to report on possible violations of fundamental rights and freedoms in Ukraine.⁹ The dissatisfaction was further increased in September, when the Ukrainian Central Election Commission (CEC) outlawed the registration of Tymoshenko and Lutsenko as candidates for members of Parliament.

In the light of the above mentioned events, close monitoring of the elections and the preparation for the elections in advance seemed justified. The OSCE conducted a detailed investigation of the situation in Ukraine in May 2012, and the organization came to the conclusion that serious questions could be raised regarding the legal framework, the role of the media, some administrative issues and the campaign itself. Therefore, the organization recommended the deployment of a standard Election Observation Mission (EOM) to Ukraine to assess the compliance of the October 28 parliamentary elections with the OSCE commitments.¹⁰ Other organizations also monitored the elections, such as the European Network of Election Monitoring Organizations (ENEMO) and an American delegation led by a Republican representative, David Dreier.¹¹ These events make it obvious that the months preceding the elections already brought some challenges into the EU-Ukraine relations, and since then new ones emerged, as well.

⁷ "BBC News - Strasbourg Condemns Lutsenko Sentence in Ukraine," February 29, 2012, <http://www.bbc.co.uk/news/world-europe-17202650>.

⁸ "Texts Adopted - Thursday, 27 October 2011 - Current Developments in Ukraine - P7_TA(2011)0472," *European Parliament Website*, October 27, 2011, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP7-TA-2011-0472%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>.

⁹ "Texts Adopted - Thursday, 24 May 2012 - Situation in Ukraine, Case of Yulia Tymoshenko - P7_TA-PROV(2012)0221," *European Parliament Website*, May 24, 2012, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP7-TA-2012-0221%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>.

¹⁰ "OSCE/ODIHR Needs Assessment Mission Report" (OSCE, August 6, 2012), <http://www.osce.org/odihr/91151>.

¹¹ "International Observers Denounce Ukrainian Election - NYTimes.com," October 29, 2012, http://www.nytimes.com/2012/10/30/world/europe/international-observers-denounce-ukrainian-election.html?_r=2&.

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Preliminary results came out a day after the elections and they showed that after 80% of the votes counted the ruling Party of Regions gained 32%, the Batkivschyna (Fatherland United Opposition) party of Tymoshenko 24%, the Communist Party 14%, the UDAR (Punch) Party of Vitali Klitschko 13% and the ultranationalist Svoboda (Freedom) 9% of the votes.¹² International observers (groups formed by the OSCE, the Council of Europe, the European Parliament and the NATO) denounced the elections, claiming that they were characterised by a tilted playing field in favour of Yanukovich's party, which was achieved through the abuse of government resources, unbalanced media coverage and the imprisonment of former opposition leaders.¹³ However, Assen Agov, Head of the Delegation from the NATO Parliamentary Assembly praised the engagement of the Ukrainian people as well as their desire for democracy, and expressed his hope that the Ukrainian political stakeholders will deliver "the democratic progress which Ukrainians clearly seek".¹⁴ High Representative of the EU for Foreign and Security Policy Catherine Ashton and Commissioner for Enlargement and Neighbourhood Štefan Füle also issued a statement the day after the elections in which they highlighted the "mixed picture" and several shortcomings of the election process.¹⁵

A few days after the elections no winners have been determined in five single-mandate election constituencies,¹⁶ and the Ukrainian opposition claimed recount in thirteen constituencies. Some analysts stated that the results reinforced the leadership of Yanukovich and paved the way for his re-election as president in 2015,¹⁷ while others were more optimistic by arguing that Yanukovich's party could only avoid a catastrophe thanks to its success in the single-seat constituencies, and that the high rate of the opposition in the Parliament can be seen as the beginning of a quiet revolution. Vadym Omelchenko, president of the Gorshenin Group, a non-profit analytical centre in Kyiv, said that "all in all, despite the barbarian attempts by some candidates in single-seat constituencies to doctor the results by falsifying them, the situation as such leaves room for certain optimism."¹⁸ Perhaps the less optimistic scenario was perceived by the opposition and its supporters,

¹² Ibid.

¹³ "International Election Observation - Statement of Preliminary Findings and Conclusions on the Ukrainian Parliamentary Elections" (OSCE Parliamentary Assembly, October 29, 2012), <http://www.osce.org/odihr/96675>.

¹⁴ Ibid.

¹⁵ "EUROPA - PRESS RELEASES - Press Release - Joint Statement by High Representative/Vice-President Catherine Ashton and Commissioner Štefan Füle, on the Parliamentary Elections in Ukraine," October 29, 2012, http://europa.eu/rapid/press-release_IP-12-1162_en.htm.

¹⁶ Due to the mixed electoral system of Ukraine, half of the candidates were elected from party lists and the other half in single mandate districts.

¹⁷ "Is the EU Losing Its Eastern Neighbourhood? | EurActiv," October 31, 2012, <http://www.euractiv.com/europes-east/eu-losing-eastern-neighbourhood-analysis-515801>.

¹⁸ "Ukraine's Quiet Revolution, Part 1 | EurActiv," May 11, 2012, <http://www.euractiv.com/elections/ukraines-quiet-revolution-stage-analysis-515840>.

which is demonstrated by the protests organised in Kyiv at the beginning of November.¹⁹

Ukrainian Prime Minister Mykola Azarov declared the elections to be free and fair, stating that “neither democratic norms nor legal democratic procedures were in fact violated.”²⁰ He also expressed his concerns about the on-going disputes over the long vote count, urged the political parties and candidates to end their disagreements and start a dialogue, and called for the establishment of a “broad coalition based on European values.”²¹ Finally, it took two weeks for the Ukrainian Central Electoral Commission to establish the results. The ruling Party of Regions received 29.99% of the votes, the Batkivschyna United Opposition 25.53%, the UDAR (Punch) 13.95%, the Communist Party 13.18% and the ultranationalist Svoboda party 10.44%. It meant, combining the single mandate and the party list seats, 187 deputies for the Party of Regions, 103 for Batkivschyna, 40 for UDAR, 37 for Svoboda and 32 for the Communists. The remaining seats were held by members of small parties and independents.²²

The good result of the nationalist Svoboda should be highlighted here, which could raise concerns, given that it is a far-right nationalist party. But generally more important is the fact that opposition parties were given a considerable level of trust from the people. Also, as some events will demonstrate it later, Svoboda is so far willing to cooperate with the other pro-European opposition parties. Klitschko's UDAR, was a new party on the political scene and it became very active since the elections. The United Opposition expressed its discontent about the results by threatening to impeach the president, demand the resignation of the government and the release of the political prisoners.²³ The opposition together refused to accept the results and claimed that they would challenge them in local and international courts.²⁴

The Aftermath of the Elections – International Reactions

Tension was kept alive in Ukraine for weeks after the elections. It has already been mentioned that the opposition parties denounced the results. In the meantime, Kostiantyn Yelisieiev, the Ukrainian ambassador in Brussels claimed that Ukraine passed the test and proposed the unfreezing of EU-

¹⁹ “Ukrainian Opposition Demands Recount in 13 Constituencies | EurActiv,” June 11, 2012, <http://www.euractiv.com/europes-east/ukraine-opposition-demands-recou-news-515856>.

²⁰ “Ukrainian PM Denies Ballot Rigging in Parliamentary Polls | News | RIA Novosti,” July 11, 2012, <http://en.rian.ru/news/20121107/177264926.html>.

²¹ “Ukrainian PM Pleads for pro-EU Coalition Cabinet | EurActiv,” September 11, 2012, <http://www.euractiv.com/europes-east/ukrainian-pm-calls-broad-pro-eu-news-515953>.

²² “Ukraine 2012 | World Elections,” April 11, 2012, <http://welections.wordpress.com/2012/11/04/ukraine-2012/>.

²³ “Ukraine’s United Opposition Threatens to Impeach President | Euronews, World News,” November 13, 2012, <http://www.euronews.com/2012/11/13/ukraine-s-united-opposition-threatens-to-impeach-president/>.

²⁴ “Ukraine Opposition Protests Election Results,” *KyivPost*, December 11, 2012, <http://www.kyivpost.com/content/ukraine/ukraine-opposition-protests-election-results-316008.html>.

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Ukraine relations and the continuation of Ukraine's EU-agenda.²⁵ However, his optimism was not reflected by the events that followed. There were no news about the organisation of the 16th annual EU-Ukraine summit and the EU "poured cold water on the Ukrainian hopes."²⁶ At the end of November, Commissioner Füle firmly stated that the Association Agreement could be signed no earlier than November 2013 at the Vilnius Summit of the Eastern Partnership, under the Lithuanian Presidency. He also stressed that to reach the point of signing the AA, Brussels wants to see "determined actions of the Ukrainian government and the new Parliament to address the well-known and oft-repeated concerns."²⁷ Füle's standpoint was reflected at the session of the Foreign Affairs Council, as well, held on December 10, 2012. The ministers adopted a text that repeated the same future prospects the Commissioner stated beforehand. The text only specified the main fields where determined action would be needed in order to improve the EU's engagement with Ukraine: the compliance of the 2012 parliamentary elections and the following political processes with international standards, Ukraine's progress in addressing the issue of selective justice and preventing its recurrence, and the implementation of the reforms defined in the jointly agreed Association Agenda.²⁸

Besides the constant warning messages broadcasted by the EU, an important part of the Ukrainian society, some representatives of the media, showed similar concerns. At a conference held on November 26 in Brussels, media activists from Russia and Ukraine called for urgent help from the EU and civil societies to protect the freedom of press. The Ukrainian journalists claimed that the freedom of press was curtailed under the presidency of Yanukovich, which can lead to the deterioration of democracy, as demonstrated by the events related to the elections.²⁹ Concerns over the unbalanced flow of information in Ukraine were also raised in February 2013 by the International Federation of Journalists and the European Federation of Journalists, who worry about the growing political interference at the Ukrainian Independent News Agency. They fear unbiased news coverage and false reporting.³⁰

Events further escalated at the opening session of the new Ukrainian Parliament on December 13, where the vote for the speaker of the Parliament (a candidate from the Party of Regions) resulted in physical aggression among the deputies. At the end of the violent session Volodymyr Rybak was elected speaker and Mykola Azarov was re-elected as Prime Minister of

²⁵ "Ukraine Seeks Thaw in Relations with the EU | EurActiv," November 19, 2012, <http://www.euractiv.com/europes-east/ukraine-wants-eu-agenda-unfrozen-news-516113>.

²⁶ "Füle Pours Cold Water on Ukraine's EU Hopes | EurActiv," accessed April 19, 2013, <http://www.euractiv.com/europes-east/fuele-pours-cold-water-ukraine-e-news-516374>.

²⁷ Ibid.

²⁸ "Press Release on the 3209th Council Meeting" (Council of the European Union, October 12, 2012), 13, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134152.pdf.

²⁹ "Russian and Ukrainian Journalists Send SOS to Brussels | EurActiv," November 27, 2012, <http://www.euractiv.com/europes-east/russian-ukrainian-media-call-eu-news-516270>.

³⁰ "Journalists Cite Growing Bias at Ukrainian News Agency | EurActiv," February 20, 2013, <http://www.euractiv.com/europes-east/european-journalists-protest-cra-news-517952>.

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Ukraine.³¹ Yanukovich appointed the second Azarov government on December 24.³² In the meantime, the European Parliament adopted a new resolution which basically contained all concerns voiced by the international observers of the election-period in Ukraine. The MEPs also stressed the commitment of the EU to sign the Association Agreement with Ukraine in 2013, as Štefan Füle mentioned before. But there is a long way ahead before such an agreement can be signed as significant progress would still be needed from the country.³³

There are several circumstances that do not point towards an easy signing of the Association Agreement including the DCFTA. In January, Yanukovich mentioned that the primary goal of the Ukrainian foreign policy for 2013 will be signing the AA in November and in the meantime developing the country's relations with Russia's Customs Union. The problem with this double engagement is that Moscow seems to make Kyiv choose between the EU and Russia. Moreover, the European Commission stated that if Ukraine wants to sign the DCFTA with the EU, it cannot enter any customs union with any other area, because the two are incompatible.³⁴ The long awaited 16th EU-Ukraine summit held on February 25 also reflected the EU's firm stance towards Ukraine. The Union gave a deadline until May for Kyiv to address the problems of the three main areas already mentioned before: selective justice, democratic shortcomings stemming from the elections and judiciary reforms. Van Rompuy and Barroso stressed that these are not additional requirements but conditions for signing the Agreement in November.

The summit also dealt with the issue of Ukrainian gas, and a joint statement was released that the EU will continue to support the modernization of Ukraine's gas system.³⁵ The importance of this statement cannot be neglected, because the problem of the country's gas supply was raised several times by Kyiv in the past months. Moreover, the opposition recently adopted a rhetoric which focuses on Ukraine's choice for Europe over Russia, also aiming at achieving the country's independence in its gas supply. The UDAR Party, for example, is highly building its 'campaign' on this argument.³⁶ Nevertheless, Klitschko is not alone in his campaign against Yanukovich and for Europe. The three major opposition parties try to cooperate in most of the issues possible and they organise common protests.

³¹ "Ukraine's Parliament Elects Azarov as PM After Brawls | EurActiv," December 14, 2012, <http://www.euractiv.com/europes-east/ukraines-parliament-elects-azaro-news-516675>.

³² "Yanukovych Appoints New Staff of Cabinet of Ministers of Ukraine": Ukraine News by UNIAN," December 24, 2012, <http://www.unian.info/news/543116-yanukovych-appoints-new-staff-of-cabinet-of-ministers-of-ukraine.html>.

³³ "Elections Failed to Bring Ukraine Closer to the EU, Say MEPs," *European Parliament Website*, December 13, 2012, <http://www.europarl.europa.eu/news/en/pressroom/content/20121213IPR04603/html/Elections-failed-to-bring-Ukraine-closer-to-the-EU-say-MEPs>.

³⁴ "Ukraine Wants Trade Agreements with EU and Russia | EurActiv," April 1, 2013, <http://www.euractiv.com/europes-east/ukraine-wants-trade-agreements-e-news-516868>.

³⁵ "EU Sets May Deadline for Ukraine's Reforms | EurActiv," February 26, 2013, <http://www.euractiv.com/europes-east/eu-gives-may-deadline-ukraine-news-518052>.

³⁶ "Vitali Klitschko - Boxer and Ukrainian Opposition MP," *HARDtalk* (BBC News Channel, March 31, 2013), <http://www.bbc.co.uk/programmes/b01rk0yb>.

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The beginning of April marked the biggest protests against Yanukovich in 2013 so far, when thousands of citizens marched on the streets of Kyiv demanding early mayoral elections in order to get rid of the President's ally, Mayor of Kyiv Olexander Popov.³⁷ The opposition movement in Ukraine seems to be in a very energetic and ambitious stage and the parties are willing to cooperate despite their fundamentally different political views. On the other hand, President Yanukovich seems to lose ground. First of all, he could not reach absolute majority in the elections, and second, unlike the opposition, he did not manage to build a political coalition. Since the elections, he fails to address pressing public issues such as crime, corruption, aggravating living standards and the increasing negative reputation of his country.³⁸

Future Prospects

The most important question in light of the events detailed above is how EU-Ukraine relations will proceed. Researchers of the Ukrainian Institute of World Policy outlined three possibilities in this respect.³⁹ The first is an optimistic scenario, which contains the quick signing and ratification of the Association Agreement as well as development in trade cooperation and dialogue between the two parties. The second possibility envisions the deterioration of relations, freezing of the dialogue and even sanctions introduced by the EU on Ukraine in case of breaching democratic rules. The third and most likely scenario is the preservation of the *status quo* without any significant changes: the ratification of the Association Agreement will be postponed for an uncertain period of time, the EU will call Ukraine's attention to the violation of several principles of democracy, while Ukraine will continue to ensure the Union about its commitments towards European integration without making any further steps towards it. The Ukrainian analysts are right about their choice for the last one as the most probable scenario, if the current situation in Ukraine does not change, because that is the most cautious and strategically least risky choice from the EU's side. In fact, if the EU wants to keep itself to its promise and to the conditions reinforced at the EU-Ukraine summit, and if Ukraine will not show improving results in the problematic areas (which is more than likely), then the EU will have no choice but to refuse to sign the AA. From the Ukrainian point of view, this would not be a favourable scenario, however, without the determination of the government to pay more attention to keeping the democratic standards, this possibility is the most likely to materialise.

³⁷ "Protests Turn up the Heat on Ukraine's Yanukovich | EurActiv," March 4, 2013, <http://www.euractiv.com/europes-east/protests-put-heat-ukraine-yanuko-news-518844>.

³⁸ "Where Are You Going, Ukraine? | EurActiv," January 18, 2013, <http://www.euractiv.com/specialreport-eu-ukraine-relatio/going-ukraine-analysis-517202>.

³⁹ Getmanchuk, Pyliavets, and Solodkyy, "Three Scenarios for the Ukraine-Eu Relations After the Elections - 2012," 27.

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Signing the AA would be crucial for Ukraine because such an agreement would have significant effects on the country's transformation into a well-functioning market-economy as well as on its advancing towards the adoption of EU legislative standards.⁴⁰ Moreover, the DCFTA could lead to a 2-8% annual growth in Ukrainian GDP.⁴¹ After signing the AA, the EU could influence Ukraine more easily, because the Agreement would contain binding rules about transparency in the political life, rule of law and keeping democratic principles. For Ukraine, although the government would have to work hard to adopt many principles, it would be a huge step towards European integration. Ukraine would also express its commitment towards the West, instead of the East (or Russia), which would definitely increase confidence between the two sides.

As mentioned before, Ukrainian citizens expressed their need for a change with their high participation rate in the elections: 57.98%.⁴² The relatively big number of opposition MPs (despite the suspected fraud in the process) and the popularity of a new opposition party (UDAR) also showed their commitment. The results suggest that people seek change and trust in the opposition who mainly see Ukraine's future close to the EU. Opinion polls also show that pro-European citizens outnumber EU opponents in Ukraine.⁴³ Journalists, as previously mentioned, also called for Western help and fifty Ukrainian experts addressed a letter to EU leaders to sign the AA and help Ukraine in attaining a European future.⁴⁴ By adopting the AA, one could say that the EU replied somehow to the concerns of the Ukrainians. The Association Agreement would be a clear sign that the EU is ready to help, and it could gain a certain kind of 'saviour' title as well as the support and enthusiasm of the Ukrainian people.

However, the counterarguments, which can be raised against the signing of the AA, are more significant. The first and most important fact is that by signing the Agreement under the current circumstances, the EU would legitimise the Ukrainian governments' lack of determination and the violation of democratic values and norms.⁴⁵ The EU cannot neglect its promise that it will not continue with the AA unless the government addresses Europe's political concerns about the country by May. The EU would lose its credibility as a normative actor, who sees itself as a promoter of the rule of law and democratic accountability. Moreover, it would create a bad example and raise false hopes for other Eastern Partnership countries for closer cooperation, or a possible EU accession in the short-run. Another important argument against signing the AA is the uncertainty of the

⁴⁰ "EU-Ukrainian Association Agreement: To Sign or Not to Sign? | EurActiv," October 12, 2012, <http://www.euractiv.com/specialreport-eu-ukraine-relatio/eu-ukraine-association-agreement-analysis-516561>.

⁴¹ Balázs Jarabik and Jana Kobzova, "The European Council on Foreign Relations | The EU's Relationship with Ukraine: Fling or Partnership?," March 14, 2013, http://ecfr.eu/content/entry/commentary_the_eus_relationship_with_ukraine_fling_or_partnership.

⁴² "Ukraine 2012 | World Elections."

⁴³ Orlova, "EU in Ukrainian Eyes: Pretty Enough? | EaPCommunity."

⁴⁴ "50 Ukrainian Experts Urge the EU to Sign the AA in 2013 - Institute of World Policy," accessed April 19, 2013, <http://iwpp.org.ua/eng/public/625.html>.

⁴⁵ "EU-Ukrainian Association Agreement: To Sign or Not to Sign? | EurActiv."

Ukrainian elite about its choice between Russia and the EU. It is clear that with the entering into force of the AA and DCFTA Russia would definitely feel that the EU 'stole' Ukraine from her. President Putin deliberately expressed Russia's interest in Ukraine joining the Eurasian Economic Community and the Customs Union, which is only possible if Ukraine does not strengthen its ties with the EU. As mentioned before, joining Russia's Customs Union is not an option for Ukraine if it wants to establish the DCFTA. At this stage, the Ukrainian elite seems to be interested in cherry picking between the advantages of being close to Russia and the EU at the same time, and it is not willing to choose among them. As already noted above, the Ukrainian opposition and the majority of citizens would opt for the EU, but the governing elite have not made this choice yet.

After putting the arguments for and against on a scale, it will turn out **that the EU can only sign the Association Agreement and the DCFTA if Ukraine takes steps in the three political areas** outlined at the February summit. If this does not happen, that will be a clear sign from Yanukovich that he is not committed enough to tie his country to the European Union. In that case, it is possible, that **the agreements will have to wait until the presidential elections of 2015**. If two years from now Ukrainian citizens elect a leader who is willing to commit to European values, the time will come to sign the Association Agreement and to create the Deep and Comprehensive Free Trade Area.

Although the overall enthusiasm of Ukrainian people towards the EU is high, Ukraine's accession to the Union is not among the EU's priorities in the mid-term. This is justified, above all, by the fact that the EU's main interests in the matter of enlargement are the candidate and potential candidate countries. As stated in the Commission's Strategy Paper about EU Enlargement published in October 2012, the most important purposes of enlargement are contribution to peace, security and prosperity in Europe, applying strict but fair conditionality, which drives political and economic reforms, transforming societies and creating new opportunities for citizens and business.⁴⁶ These aims are identical to the goals that the EU wants to achieve in Ukraine; however, EU-Ukraine relations could be characterised as 'conditionality without the prospect of accession.' One of the reasons for this is that Ukraine's political life is filled with questionable undemocratic processes, as the example of the elections demonstrated.

⁴⁶ "Communication from the Commission to the European Parliament and the Council - Enlargement Strategy and Main Challenges 2012-2013."

Ukraine and the Changing European Union

In spite of the fact that the EU does not consider Ukraine as a potential member in the foreseeable future, some possible developments in the functioning of the Union could be favourable to Ukraine. On September 17, 2012, the foreign ministers of eleven European Union countries issued a joint report about the future of Europe with the purpose of making suggestions for strengthening the European Union.¹ The report highlighted the main fields in which changes would be needed for the effective functioning of the EU. There are several propositions which are important for our subject. The first is strengthening the EU's role in the world, mainly through making the functioning of CFSP more efficient. The foreign ministers imagine this through strengthening the role of the High Representative who should be responsible for central action areas, like the European Neighbourhood and Enlargement Policy. The work of the High Representative would be assisted by so-called "senior" and "junior" commissioners, which would help the effective functioning of the specific areas of the CFSP.¹ A change like this would definitely give an impetus to the effectiveness of the ENP, which is very important for Ukraine. The fact, that the document considers the ENP as a "central action area" should also be highlighted here. The Union's special attention to this field would certainly be beneficial for its bilateral relations with the ENP countries, including Ukraine. There is another interesting point of the report, which stresses that the EU is a community of values, which pays special attention to the fundamental principles of democracy. Such a commitment implies that the EU wants to be a more effective promoter of these values and principles, as it tries to be in the case of Ukraine. This report demonstrates that although Ukraine is not among the enlargement targets of the EU, the relationship between them is considered important by the Union. That is why the EU has to do everything in its power to strengthen the democratic values in Ukraine and to ensure the freedom of the press and rule of law. The EU's commitment to pay more attention to its most important neighbour would be mutually beneficial for both sides.

Suggestions and Conclusions

This analysis showed that the parliamentary elections of 2012 kept the EU's position on Ukraine unchanged. They failed to get the two sides closer to each other and brought new challenges into the relationship. First of all, they froze the relations for a while and made the EU hesitant about how to act and how to proceed. Finally, in February 2013, the verdict was announced and the Union gave an ultimatum saying that unless Ukraine shows some democratic development until May, the Association Agreement will not be signed in 2013. Another important challenge came with the realisation that regardless of the Ukrainian government's reluctance towards changes, the wider Ukrainian public (citizens, the political opposition and certain organizations) is ready for a shift and is committed to a close EU-Ukraine relationship by embracing the fundamental democratic values. Ukrainians

know that their image is damaged by their political leaders; this is why they want to prove their willingness to change. By voting for a considerable amount of pro-European opposition MPs in the parliament, they made the first step. Now, it is the EU's turn to reply to the Ukrainian concerns by engaging in the **promotion of democracy in Ukraine**, by closely monitoring the functioning of the new parliament and by conducting a fruitful discussion with the civil society.

The European Endowment for Democracy, which is a foundation with the objective to help pro-democracy activists and organizations in achieving democratic transition and accountability in the European neighbourhood, should be strengthened. It should be able to help in the promotion of the freedom of press and speech, the rule of law and transparency in political life. In order for these principles to prevail, **the Ukrainian government should show its commitment** for European integration not just by words, but by actions, as well. They should respond to the EU's concerns about corruption and selective justice and make changes in these areas.

To sum up, in spite of the missing enlargement prospect, relations should be strengthened in the future. Both sides (the European Union and the Ukrainian government) need to make efforts in order to make this relationship prosperous and productive, based on mutual trust and honesty. The first step in this matter would be for Yanukovich and the Azarov government to achieve changes in the areas of selective justice, democratic shortcomings stemming from the elections and judiciary reforms. And then, if some change is seen in these benchmarks, the EU and Ukraine could continue by signing and ratifying the Association Agreement together with the Deep and Comprehensive Free Trade Agreement.

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