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## **European Neighborhood Policy as a Cooperation Instrument between Ukraine and the EU**

The European Commission adopted a new concept in its relations with Ukraine on March 11<sup>th</sup>, 2003. In its message entitled “Wider Europe – Neighbourhood: a New Dimension to Relations with Our Eastern and Southern Neighbours” the European Commission clearly identified that the aim of the new concept was the formation of an area of prosperity and good neighborliness – “circle of friends”, with whom it would enjoy close peaceful relations and cooperation. The main goal is the cooperation with partner countries to promote political and economic reforms, support closer economic integration, sustainable development and ensure political support and assistance. In addition, in response to the real progress that demonstrates a commitment to common values, and be accompanied by effective political and institutional reforms, all the neighboring countries, including Ukraine, will be offered a share of the EU internal market. Simultaneously further integration in order to facilitate the free movement of people, goods, services and capital (four freedoms of the EU) is also possible.

In May 2004 the European Commission adopted the “Strategy Paper” on the European Neighborhood Policy (the ENP). Thus, the ENP was developed in 2004 to avoid the emergence of new dividing lines between the enlarged Europe and its neighbors, strengthening stability and security in the region. The EU proposed a cooperation within the European Neighborhood Policy to its closest sixteen neighbors – Algeria, Azerbaijan, Belarus, Armenia, Georgia, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Moldova, occupied Palestinian territories, Syria, Tunisia and Ukraine. Therefore, Ukraine has been in cooperation with the EU under the European Neighborhood Policy for seven years, which gives a reason for evaluation of its achievements during this period and prospects for the future taking into account Ukraine’s external policy towards European integration.

In early 2011, the European Commission conducted an analysis of the European Neighborhood Policy. An additional factor that currently leads the European Union to reflect the goals, results and prospects of the European Neighborhood Policy, is the changes in the political situation in North Africa in 2011. Therefore, it is relevant to analyze the results of the EU-Ukraine cooperation under the European Neighborhood Policy and its prospects, given the new regional geopolitical realities, and the preparation of an association agreement between Ukraine and the EU.

Given the above, the purpose of this paper is to analyze the European Neighborhood Policy as an instrument of cooperation with Ukraine in the light of new geopolitical conditions in the region, including preparation of a new enhanced agreement between EU and Ukraine, which is to secure cooperation between the two sides on a new level with prospects of Ukraine’s membership in the European Union.

The European Union requires from the candidate countries to share the values the EU as a condition of EU membership. The EU integration process inevitably leads to political, economic and social reforms in those countries that want to integrate into the European Union. According to O. Rehn, European Commissioner in charge of integration, the EU as a community of values is also the basis for partnerships with neighboring countries in North Africa, Southern Caucasus, Southeast Europe and the Middle East through such initiatives as the EU European Neighborhood Policy<sup>1</sup>.

The European Neighborhood Policy requires a broad and lasting cooperation between the EU and partner countries to implement the obligations established by joint efforts within the "Action Plan on European Neighborhood Policy (ENP)". The main instrument of the ENP is bilateral Action Plans between the EU and each partner country within the framework of the ENP.

The ENP in practice means:

- for contemporary EU members – a circle of friends from Marrakech to Moscow, which move in one direction and in the future will fully enjoy the benefits of a common market and an external potential in all areas of common policy;
- for neighbors – a guarantee that a wave of the EU enlargement in 2004 will provide new opportunities for relations with the new, larger EU. They do not remain behind the walls of the new fortress, but they are invited to join the world's largest market and to take advantage of its benefits;
- establishment of stability, based on common values and common political objectives;
- on the estimated time it is the best opportunity for all sides to strengthen cooperation between neighbors in a way that does not threaten the internal balance of the EU and does not encourage unrealistic ambitions of those who one day plans to join the EU;
- in the long term this concept paves the way for a stable, strong relations between the EU and our neighbors. Expected result is, if our neighbors agree and are able to use the offer, a stable and prosperous life for much of our planet<sup>2</sup>.

R. Prodi, European Commission President, and K. Patten, European Commissioner for External Relations noted that this EU initiative concerns those states that seek to satisfy the high standards that the EU has set for its members, and respect the EU values. This means significant political, economic and institutional reforms in certain areas – from management structures to civil liberties and human rights. Reform process can take quite a long time, but, according to EU officials, defined purpose will help countries to implement reforms. Countries prepared to answer to this EU offer would get a strong support from the EU including financial assistance and better adapted to the countries' needs programs<sup>3</sup>.

Existing agreements of the EU with the neighboring countries (the association agreements or partnership and cooperation agreements, depending on the country), contain all necessary provisions and exhaustively outline the nature of collaboration in

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<sup>1</sup> O. Rehn, *EU Enlargement: Values Define Europe, Not Borders*, "Foreign Policy" 2005, no 151 (Nov.–Dec.), p. 5.

<sup>2</sup> *Жити по-сусідські*, "Свробюлетень" 2003, № 3, березень, с. 9.

<sup>3</sup> *Жити по-сусідські*, "Свробюлетень" 2003, № 3, березень, с. 9.

the first stage. Neighborhood agreements are not intended to replace already existing. They may become relevant at later stages, when the EU and the neighboring country reach such stage in their relationship, when they want to expand the scope of existing agreements. Neighborhood agreements can take different forms, but in any case they would mean new legal obligations. Their meaning and term depend on the particular situation and the political will of the country<sup>4</sup>.

Common strategies, which the EU has with Russia, Ukraine and Mediterranean countries, are the useful tool for coordination of the EU policy towards third countries and presenting broad strategic perspectives of the EU. Plans of action qualitatively differ from the common strategies: unlike the four-year common strategies, they can be approved for any period, according to the interests of the EU and partner countries; their content reflects the convergence between the partners, they define clear goals – concrete progress in the field of integration and liberalization, and include a timetable for their implementation, and evaluation criteria by which both sides can assess the progress<sup>5</sup>.

Note that Article 49 of the Treaty on European Union stipulates that any European state may apply to join the EU. Prospective candidates must meet the criteria for membership: democracy, rule of law, human rights, a functioning market economy, effective enforcement of rules and policy. In fact, every decision on further EU enlargement should be discussed concerning the final borders of the EU<sup>6</sup>. In some cases, membership has been already decided. For instance, membership in the EU is excluded for the Mediterranean partner countries of the EU. But other cases are still open – such as Ukraine and Moldova, who clearly expressed their desire to join the EU. Touching the question of membership, the concept notes Moldova and Ukraine's aspirations to join the EU and connects this question with the results of the debate over the geographical boundaries of the EU. So neither positive nor negative response on the prospects of Ukraine's EU membership is given in this concept.

According to R. Prodi, President of the Commission, and K. Patten, European Commissioner for External Relations, the EU should apply to the countries of former Soviet Union new proposals in order to offer them access to the EU's internal market – everything except for participation in the EU institutions. In practice this will mean the spread of four freedoms on these countries – free movement of people, goods, services and capital, and use the potential of a common EU policy in full: in transport, energy, environment, research, culture and education. This concept also implies that partners share common values and implement joint initiatives to achieve common political goals<sup>7</sup>.

As the N. Jousten, Ambassador and Head of the European Commission to Ukraine stated, “the EU has a clear vision of the progressive approach that is based on the principle of differentiation, that progress should be assessed according to the merits of each

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<sup>4</sup> *Ширша Європа – сусідство. Нова концепція відносин ЄС за східними та південними сусідами*, “Свробюлетень” 2003, № 3, березень, с. 8.

<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*, с. 7.

<sup>7</sup> *Жити по-сусідські*, “Свробюлетень” 2003, № 3, березень, с. 9.

individual taps, and proportionality, which means that the new benefits offered only in response to the achievement of the partner country in its political and economic reforms”<sup>8</sup>. As institutions and contractual obligations, the full implementation of existing agreements remains a prerequisite for any further development.

As part of this initiative Ukraine was offered two main ideas of relations' framework. Firstly, Ukraine was offered a new course, which includes the prospect of closer integration into the EU's single market, preferential trade relations and further cooperation in culture and understanding, integration into transport, energy and telecommunications European networks and the European Research Area. Secondly, a new dimension provides new specific tools, for example, participation in European programs and activities, new sources of funding, the Programme of Action for Ukraine and annual reviews<sup>9</sup>.

According to M. Siwec, member of the European Parliament, speaker for the European Parliament resolution on the Eastern Partnership policy and A. Balcer, Program Manager of the “Enlargement and the EU Neighborhood” Center for European Strategy demosEUROPA, question of the prospects of membership in the EU its eastern neighbors becomes a question of shame, because the EU is not able to answer the question whether these countries can ever become its members. However, M. Siwec and A. Balcer are sure that “there is no doubt that without the prospect of membership readiness of these countries to reform will be much lower than in the presence of such a perspective. If the EU continues to use only overwritten general formulations such as that «the EU door is not closed because the Treaty of Rome allows every European country to apply for membership», the EU will not be able to fully run its «soft power» and the enormous potential of optimism and dedication in those countries interested in membership. If we can not talk to them about it, then at least let us be honest and let us not expect miraculous results from the reforms undertaken in these countries”<sup>10</sup>.

As to the “soft power” of the European Union, noted by M. Siwec and A. Balcer, the European Commissioner for Integration O. Rehn stressed: “the idea at the heart of the European project is simple: to create institutions and rules within which states can do their business – both political and economic – and other states will seek to do the same. The most effective means of implementing the EU's «soft power» is to convince countries to integrate into the legal environment and economic ties with the European Union”<sup>11</sup>.

Assessing the cooperation between Ukraine and the EU under the European Neighborhood Policy, Ministry of Foreign Affairs of Ukraine emphasizes the irreversibility of Ukraine's position on this EU initiative: key principles of the ENP do not meet the strategic goal of Ukraine's membership in the European Union. According to the State-

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<sup>8</sup> *Щирша Європа – сусідство. Нова концепція відносин ЄС за східними та південними сусідами*, “Свободетень” 2003, № 3, березень, С. 7.

<sup>9</sup> *Ibidem*, С. 6.

<sup>10</sup> A. Balcer, M. Siwec, *Partnerstwo Wschodnie: punkt zwrotny* [Electronic resource], “Rzeczpospolita”, 14.03.2011, Access mode: <http://www.rp.pl/artykul/9133,626747-Partnerstwo-Wschodnie-punkt-zwrotny.html>.

<sup>11</sup> O. Rehn, *EU Enlargement: Values Define Europe, Not Borders*, “Foreign Policy” 2005, no 151 (Nov.–Dec.), p. 5.

ment of the Ministry of Foreign Affairs of Ukraine concerning the European Commission's message on the implementation of the ENP in 2008, progress in implementation of the EU-Ukraine Action Plan was not achieved due to implementation of the ENP towards Ukraine, as interpreted in the European Commission's message, but due to political will and persistent efforts of the Ukrainian side to implement the reforms necessary to meet EU membership criteria<sup>12</sup>. Head of Ukraine's Mission to the EU K. Yeliseyev, speaking in the European Parliament in 2011, stressed that the European Neighborhood Policy "is not able to promote European integration. Ukraine is an example of this. We passed the stage where European integration had become a key principle of development. This happened not because of but despite of the European Neighborhood Policy. Now we are in the situation where the ENP is not able to provide the necessary political signals. Thus, the European Neighborhood Policy should include a mechanism for expansion"<sup>13</sup>.

This position of Ukraine, which is currently in talks with the EU on signing a new enhanced agreement between two parties, is more important for rethinking the EU objectives of the ENP as a result of changing political situation in North Africa, where the countries are part of the EU European Neighborhood Policy.

For example, in February 2011 German Foreign Minister G. Westerwelle in a letter to K. Ashton, The High Representative of the Union for Foreign Affairs and Security Policy, after the events in North Africa offers in the future the EU to provide assistance to neighbors, given the process of transformation in these countries. The focus of cooperation with the neighbors should be a good governance and democratic reform. Given the overthrow of dictatorial regimes in Tunisia and Egypt, he put forward the idea to offer a new EU's concept to support reforms in the countries of the region. In addition, G. Westerwelle also proposed to reduce EU's assistance as a response to violations of the rule of law and negative developments for democratic reforms. Along with providing financial assistance to the neighboring countries G. Westerwelle required deeper economic integration with the EU for those countries<sup>14</sup>.

Assessing the results of the European Neighborhood Policy, it can be said that this EU initiative from the outset could not be an effective instrument of the EU with all its neighboring countries because of neighboring countries' different goals in their relations with the EU. After all, the states-neighbors of the EU in the European Neighborhood Policy framework can be conditionally divided into two groups: partners in the eastern border of the EU, which have intentions and certain prospects of membership in the EU in the future, and southern neighbors, which have no such intentions and prospects.

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<sup>12</sup> *Європейська політика сусідства не відповідає стратегічній меті України* [Електронний ресурс], Інформаційне агентство УНІАН. – 25.04.2009. – Режим доступу: <http://www.unian.net/ukr/news/news-312885.html>.

<sup>13</sup> *Європейська політика сусідства повинна давати перспективу членства в ЄС* [Електронний ресурс], "ForUm." 4 лютого 2011, Режим доступу: <http://ua.for-ua.com/politics/2011/02/04/192303.html>.

<sup>14</sup> *Глава німецького МЗС пропонує переосмислити Європейську політику сусідства* [Електронний ресурс], "Deutsche Welle" 18.02.2011, Режим доступу: <http://www.dw-world.de/dw/article/0,,14854005,00.html>.

In some ways, the European Union has already begun to comprehend such differences in its neighboring countries, introducing the Eastern partnership initiative, which concerns cooperation as well with Ukraine, and also rethinking the directions and goals of partnership with the southern Mediterranean States due to the events in North Africa in 2011. Therefore, possible change of the EU's foreign policy direction and redirection of the European Neighborhood Policy's instruments primarily on the Northern African states in the present conditions might lead, respectively, to the European Union's rethinking of its position towards Ukraine. For Ukraine, which foreign policy's strategy is aimed at membership in the European Union, cooperation with the EU under the European Neighborhood Policy does not comply with the implementation of the abovementioned strategic goal. Accordingly, emphasizing the importance of introduction of the EU's enlargement mechanism for some neighboring countries within the European Neighborhood Policy, for Ukraine it is actual to sign the new enhanced agreement between Ukraine and the EU, which will provide new framework conditions for cooperation between the two parties and the possibility of realization of Ukraine's strategic goal of membership in the EU.

### **Summary**

#### **European Neighborhood Policy as a Cooperation Instrument between Ukraine and the EU**

European Neighborhood Policy as an instrument of cooperation with the neighboring countries, including Ukraine, is analyzed in this article taking into account new geopolitical conditions as the result of events in North Africa in the beginning 2011 year, preparation of new association agreement between the EU and Ukraine on the new level with perspectives of membership of Ukraine in the European Union.