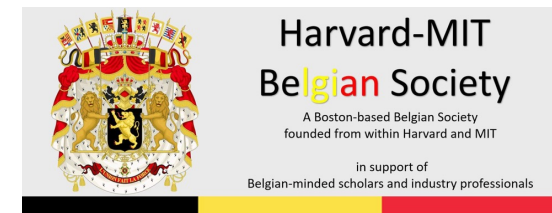


Ukraine's Relationship with the European Union in light of the Russo-Ukrainian War
Historical Conceptions of Europe and Path to EU Membership

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May 12, 2022 – HMBS Invited Talks

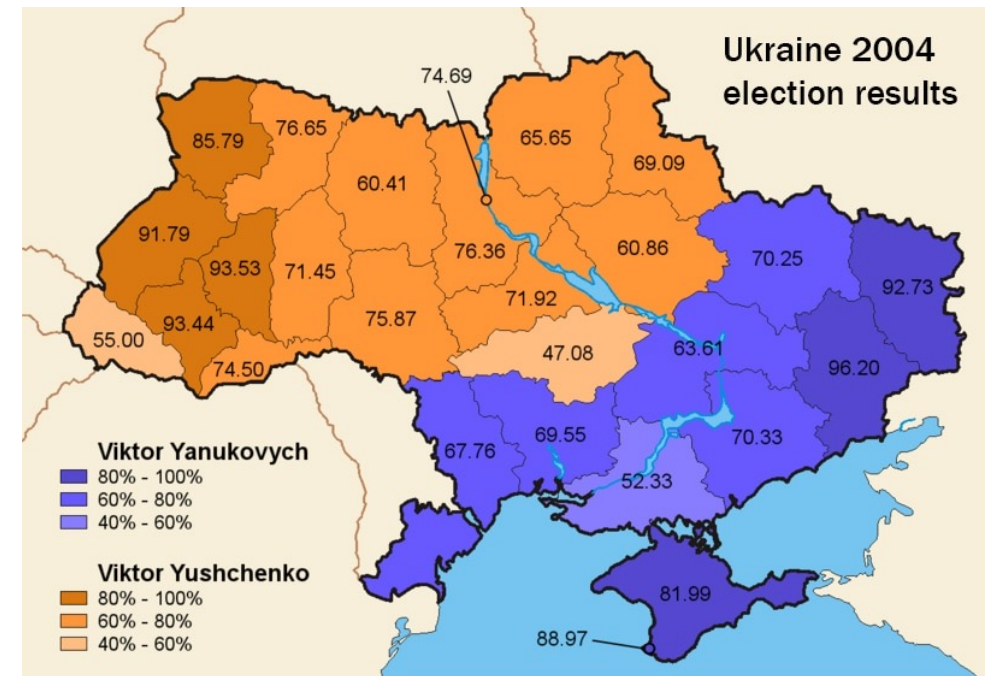
Russo-Ukrainian War and the EU

Some historical background: A history of conflicts

Ukraine = country with a long story of invasions (Russia, Poland, Lithuania, Ottoman) and periods of independence

Resulted in cultural, linguistic, religious differences between the east and the west of the country

- 1990-91: **dislocation of USSR**
- August 1991: **Ukraine declares its independence**
- 2004 elections: strong divisions between east (pro-Russia candidate president) and west (pro-Europe candidate president)
- 2004-5: **Orange Revolution** to protest against corruption, oligarchy, and alleged fraudulent election of Yanukovych → run-off annulled



Russo-Ukrainian War and the EU

Some historical background: Period of *rapprochement* with the EU and NATO

- 2005: Election of Yushchenko who seeks **closer ties with the EU and NATO**
- 2008: Ukraine applied to integrate **NATO's Membership Action Plan**
- 2009: **Eastern Partnership** with 5 countries (6 before Moldova suspended its membership in 2021)
"We all know the EU has enlargement fatigue. We have to use this time to prepare as much as possible so that when the fatigue passes, membership becomes something natural" (Polish foreign minister Radosław Sikorski)
- 2010: Election of President Yanukovich who preferred to keep Ukraine "non-aligned"
- November 2013: Yanukovich decides not to sign the finalized EU-Ukraine Association Agreement → **Euromaidan movement**: demonstrations and civil unrest in the capital to oppose power of oligarchs, corruption, violation of human rights, etc.



Russo-Ukrainian War and the EU

Some historical background: Towards the war we know today

- February 2014: **Revolution of Dignity (Maidan Revolution/Uprising)**: Yanukovich is ousted from office and goes into exile + overthrow of the government
- February/March 2014: **Russia invades and annexes Crimea** + **civil war in Donbas** backed by pro-Russian separatists → violation of several international agreements
- March 2014: **EU-Ukraine Association Agreement signed** by newly elected President Yatseniuk → political and economic association + establishes the Deep and Comprehensive Free Trade Area between Ukraine and the EU
- 2019: amendment of Ukraine's Constitution to **enshrine prospective membership of the EU and NATO**
- 2021: Russia build up military forces at the border with Ukraine → EU asks for de-escalation and threatens sanctions
- 24 February 2022: **Russia invades Ukraine** → EU sanctions

EU discourse on Ukraine

EU's discourse on Ukraine: common values, history and destiny

We have come as friends and as partners because we know that **we share the same history, we share the same values**, being convinced of the rule of law as our foundation, and I think we share the **same destiny as one European family**.

- Von der Leyen, 12 October 2021, Kyiv (Opening sentence of the post-EU-Ukraine Summit speech)



Ursula von der Leyen ✓
@vonderleyen

...

Ukraine's membership application is an expression of their will and their right to choose their own destiny.

Today we have opened the pathway towards us for Ukraine.

They are part of the European family.

“we will never forget how they **stand up**, in these difficult days, **for our values, for the principles of independence and freedom.**”

- Von der Leyen, 3 March 2022

“But I am sure: Nobody in this hemicycle can doubt that **a people that stands up so bravely for our European values belongs in our European family.**

- Von der Leyen, 2022

Ukraine's membership request

Zelensky's discourse on the EU

“ We are fighting for our rights. For our freedoms. For life. For our life. And now, we're fighting for survival. And this is the highest of our motivation. But **we are fighting also to be equal members of Europe** I believe that today we are showing everybody that's exactly what we are.

- Zelensky, 28 February 2022

Our goal is **to be together with all Europeans** and, most importantly, to be on an equal footing. I'm sure it's fair. I'm sure it's possible

- Zelensky, 28 February 2022

we're giving lives **for the rights, for freedom, for the desire to be equal as much as you are.**

- Zelensky, 28 February 2022

Europeans are aware that our soldiers are **fighting for our country and, consequently, for the whole of Europe.**

- Zelensky, 28 February 2022

We appeal to the European Union for Ukraine's **immediate accession under a new special procedure** (...) Our goal is to stand alongside all Europeans and, most importantly, to stand on their level.

- Zelensky, 28 February 2022

Ukraine's membership request

EU's discourse on Ukraine: Ukraine's membership of the EU



Charles Michel  @eucopresident · 11 mars

We are discussing **#Ukraine**'s EU **membership** request.

They want to be part of the free & democratic world. We say to our Ukrainian friends: we hear you. You are fully members of our European family.

And we will concretely strengthen our support for your European choice.

“the future of the European Union is also written in Ukraine”
- Von der Leyen, 4 May 2022



We must be very clear in our analysis: Putin is trying to subjugate a **friendly European country**. And he is trying to **redraw the maps of Europe** by force. He must, and he will, fail. -

- Von der Leyen, special meeting of the European Council, 25 February 2022

- Where does Europe stop?
- Is Ukraine part of Europe but not Russia?
- What is the EU's conception of Europe?

EU membership

What are the conditions for EU membership?

2 types:

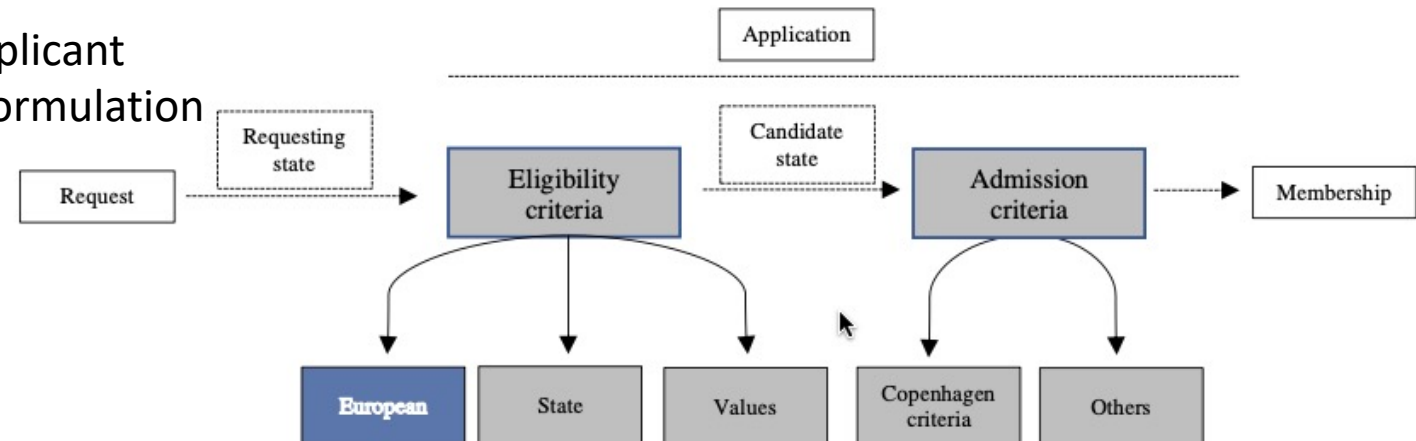
- Eligibility conditions
- Admission conditions

Article 49 TEU (membership clause)

***Any European State** which respects the **values** referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. (...)*

1st requirement for EU eligibility: “European State” (Article 49 TEU)

- stable formulation: since the ECSC treaty, 1951
- never defined in EU law
- EU Commission: provides an opinion on applicant states’ eligibility and, thus, interprets the formulation



EU membership

2nd requirement for EU eligibility: respect and promotion of values referred to in Art. 2 TEU (Article 49 TEU)

→ Added in the Treaty of Amsterdam (1997)

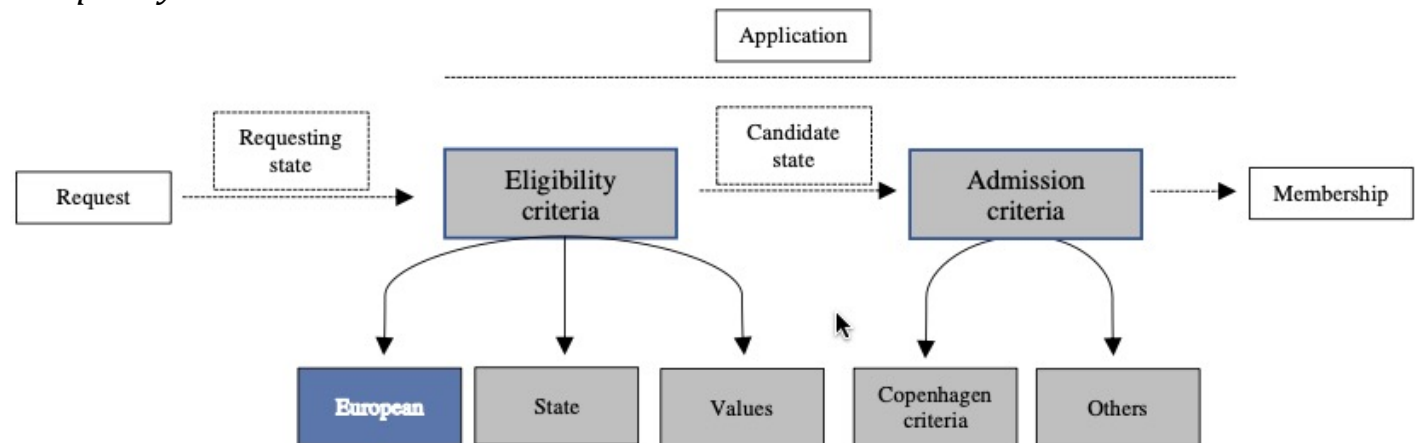
→ Art. 2:

*The Union is founded on the values of respect for **human dignity, freedom, democracy, equality, the rule of law** and respect for **human rights**, including the rights of persons belonging to **minorities**. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*

- values
- big principles guiding the European society

Article 49 TEU (membership clause)

*Any **European State** which respects the **values** referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. (...)*



“European State”

Contextual understanding through practice – e.g. by studying discourse that frames enlargement (Commission’s opinions, speeches, etc.)

→ gives indications on what it means to be a “European State”

Several criteria came back through the successive enlargement requests > multiple interpretations

- Europe as a geographical entity
- Political values such as democracy, the rule of law and human rights to be enforced in law and respected
- European culture or history, mostly imbued with Greek-Roman influences (political and cultural)
- Economic liberalism (open economies)

“European State”

Words defining Europe-anness in EU discourse (randomized selection of speeches and official documents, 1951-2019)



“European State”

Starting criterion: Europe as a geographical entity

- “Conventional” geographical definition of Europe
- Half in Europe? → OK (Turkey)
- Beyond the Mediterranean Sea? → not OK (Morocco... >< Algeria)
- Up to the late 1980s: Europe = “free countries” → western Europe

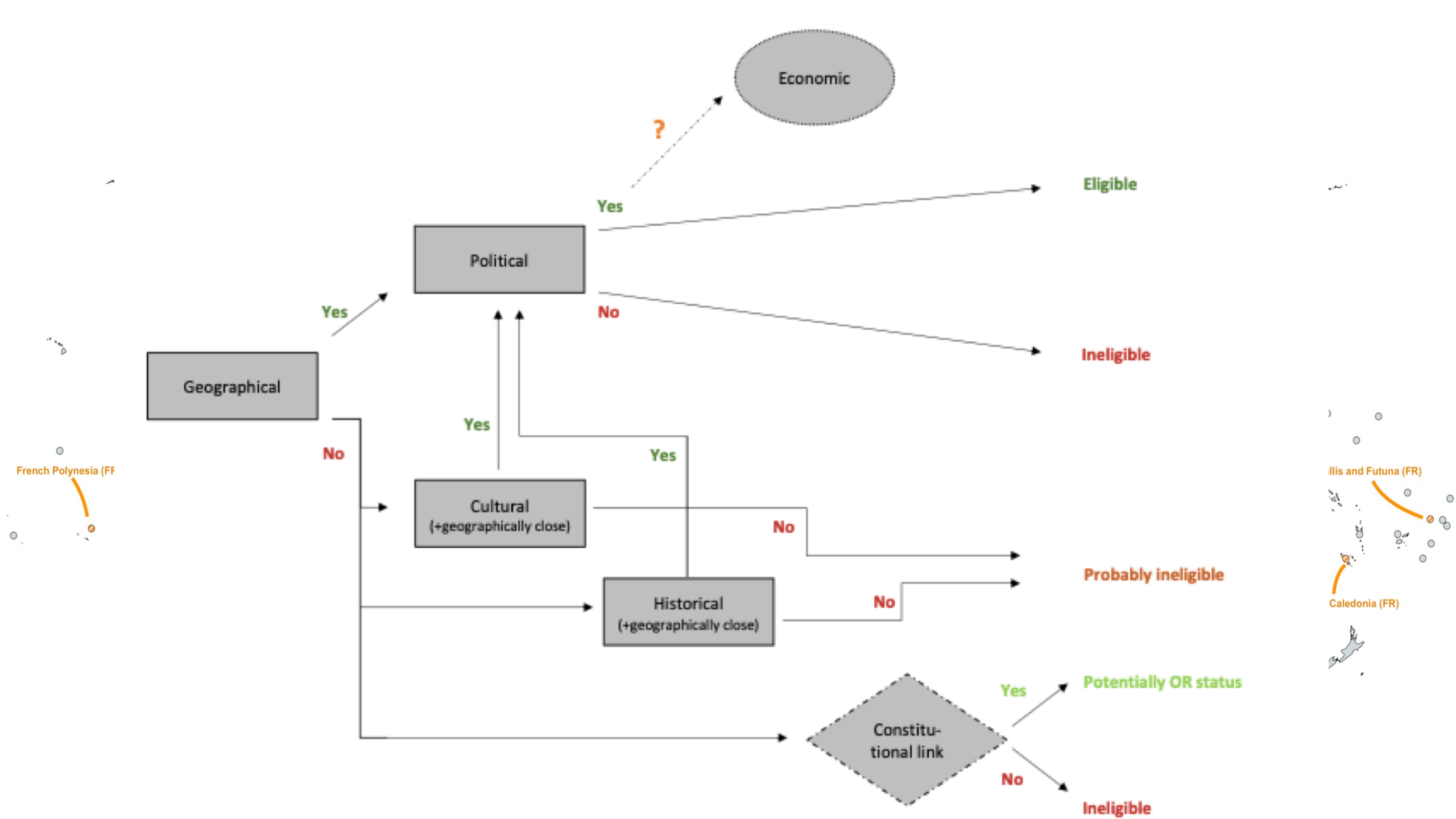
Reinforcing criterion: Common history

- After the collapse of USSR: the narrative (re)included the CEECs

Reinforcing criterion: Common culture

- ... also to make up for an unconvincing geographical position (Cyprus → Greek-Roman cultural heritage)





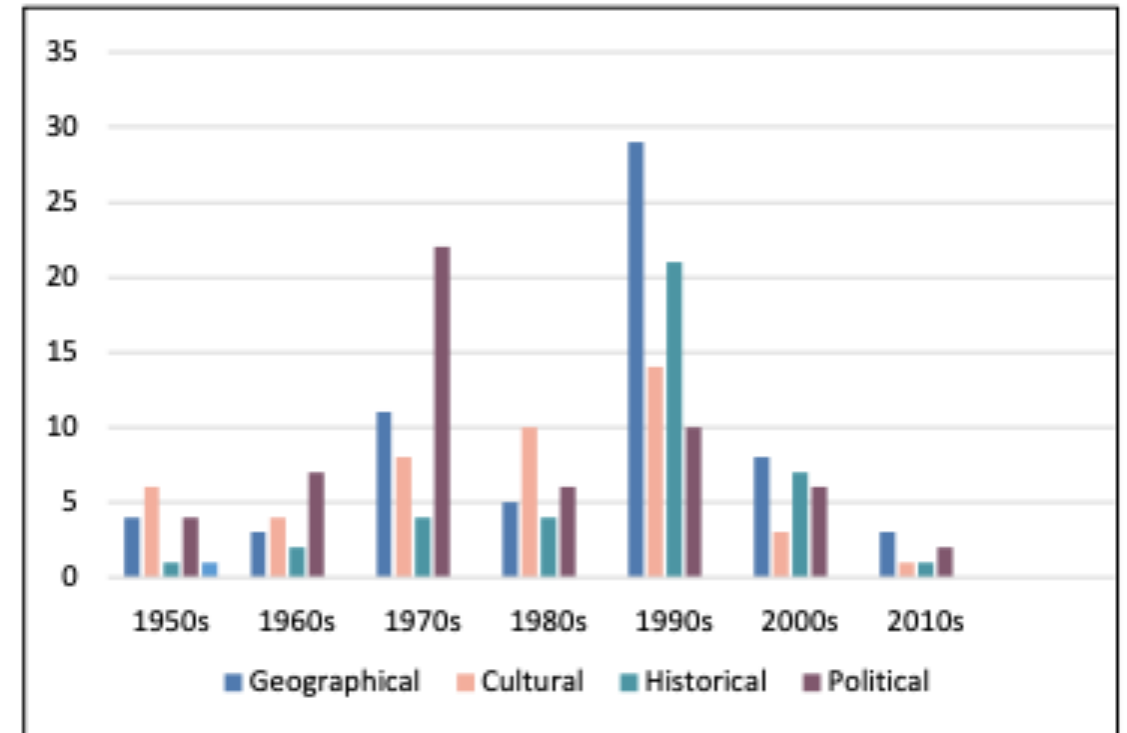
Ukraine as a European State

Is Ukraine eligible for EU membership?

Ukraine is a *European State* → in geographical Europe (+ historical and cultural ties) + a state + fights for European values

but... on what grounds?

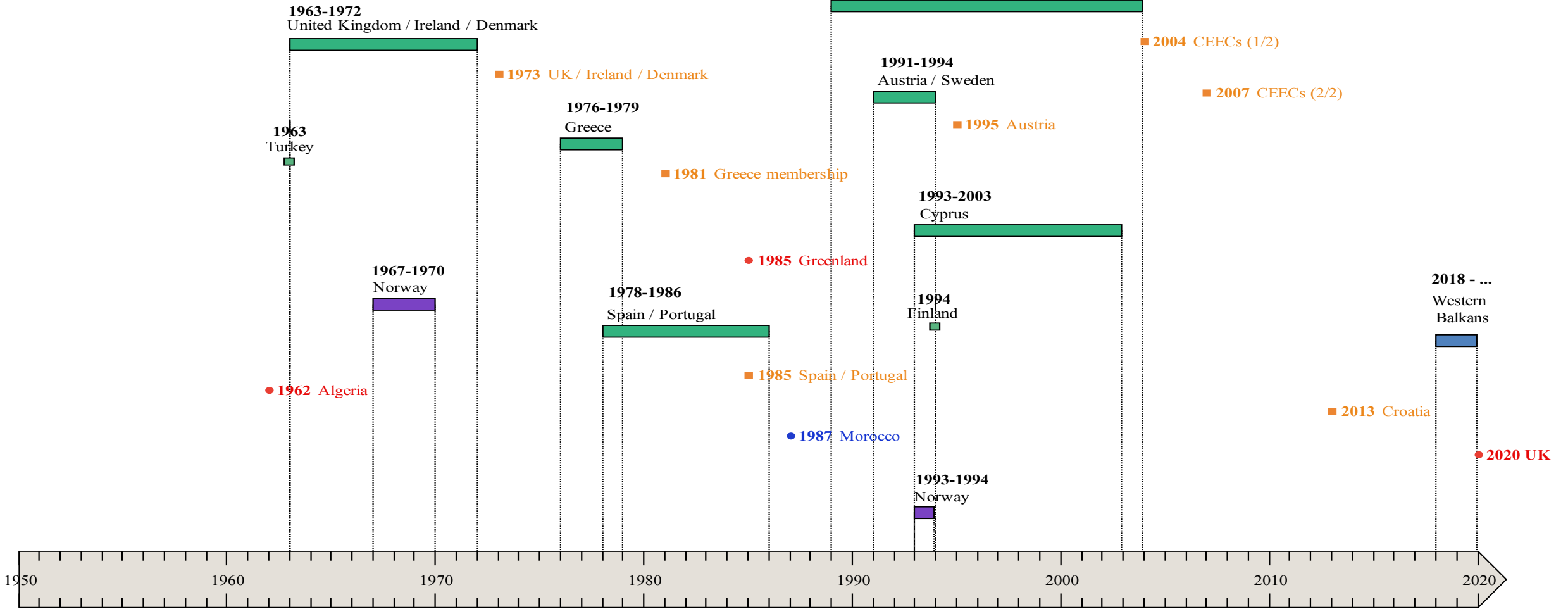
- European identity and borders are hard/impossible to define objectively
- Changing representations of Europe (maps, art, philosophical, etc.)
- Changing EU discourse according to context
- Does not open the way to EU membership necessarily



■ 1951 France, Germany, Italy, Belgium, the Netherlands, Luxembourg

1989-2004

Central and Eastern European Countries



Legend

- Main eligibility assessment period for states with succeeding requests
- Main eligibility assessment period for states with dropped requests
- Main eligibility assessment period for states with pending requests
- Founding Member States
- Enlargements
- Withdrawals
- Membership denial

EU membership

More or less lengthy membership process

Once the State has requested membership...

- The Council informs the European and national parliaments
- The Council asks the Commission its opinion (written document) → Ukraine: should be provided in June
- The European Parliament votes at the majority and gives approval
- The Council votes and accept if unanimity reached

Requesting country becomes Candidate country and the membership process may start

EU membership

More or less lengthy membership process

Once a Candidate country:

- **Copenhagen criteria (1993)** – Created in the context of the fifth enlargement
 - political criteria: stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities (// art. 2)
 - economic criteria: functioning, competitive market economy
 - acquis: administrative and institutional capacity to effectively implement and take on the obligations of membership (35 chapters!)

But also...

- Pre-membership strategy, membership negotiations, economic and political verifications, tackling potential bones of contention, transitional periods (e.g., Bulgaria and Romania), etc

Ukraine's membership?

In practice: EU-Ukraine cooperation and Ukraine's internal dynamics

- Enhanced cooperation and dialogues (Civil Aviation Area Agreement, Horizon Europe and Creative Europe, EU Digital COVID Certificate system, cybersecurity, green transition, digital) with clear purpose of deepening the EU-Ukraine partnership and economic integration
- Reforms must be addressed in the fields of the judiciary, endemic **corruption**, influence of **oligarchs**, sustainable **economic growth**, respect of values, etc.
 - EU support in 2022: “This package should bring massive investment to meet the needs and the necessary reforms. It should address the existing weaknesses of the Ukrainian economy and lay the foundations for sustainable long-term growth. (...). It could help fight corruption, align the legal environment with European standards and radically upgrade Ukraine's productive capacity. (...). And eventually, it will pave the way for Ukraine's future inside the European Union.”
- Ukraine's considerable population size → would become the 5th most populated country in the EU (after Germany, France, Italy, and Spain)

Ukraine's membership?

In practice: EU's internal dynamics

- Crimea: accepting a country with changing/disputed borders?
- War with Russia: accepting a country in the middle of conflict (was done with Cyprus)?
- Balkans are still waiting...
- EU's capacity of absorption: is an enlarged EU capable of working properly?
- Support of some EU Member States is lacking (e.g., Hungary) + disagreements about how fast this should be done (Belgium in favor of deepening in some areas rather than enlarging directly)

Ukraine's membership?

Macron's on May 9 pitched a proposal for a new "political European community"

→ "we have to rethink our geography and the organization of our continent"

- ✓ "European confederation" of democratic nations adhering to EU core values to work on political cooperation, security, energy, transportation and young people's circulation
- ✓ New way to structure the European continent, outside of the EU framework
- ✓ Not a really brand-new idea: sort of "Europe of nations" coupled with "multi-speed Europe" and a politically strengthened neighborhood policy



Alexander de Croo also favorable to a quicker alternative than membership track



What about Russia?

In discourse: “Partners” and European State (1991-2014)

“European history and civilization would be incomplete without Russia. Yes, Russia is a European country and Russian history and civilization cannot be dissociated from Europe and the cross fertilization that happened over the centuries.” (Barroso, 2013, Russia-European Union Potential for Partnership conference)

“Let me start with a simple premise: there is no doubt that Russia and the European Union are deeply intertwined. We share a continent, a history, a rich and diverse cultural heritage forged throughout the centuries.” (Barroso, 2013, Russia-European Union Potential for Partnership conference)

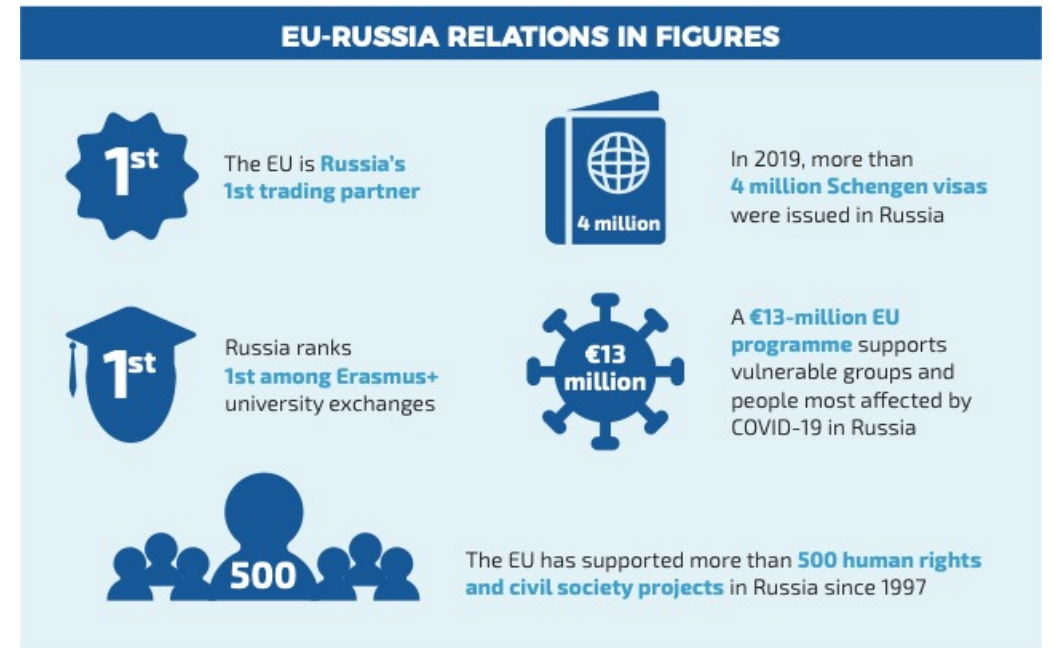
Also reminded more recently:

“At the same time, the EU and Russia are bound to a joint future. Russia is our largest neighbour and remains source of trade and investment to the Union. Along our common borders, the lives of Europeans and Russians are intertwined. And Russia is an important player to meet global challenges and address regional matters.” (Von der Leyen, 24 May 2021, Special meeting of the European Council)

EU-Russia relations

In practice: “Partners” (1991-2014)

- ✓ Russia = EU’s largest neighbor → borders 5 EU Member States: Finland, Estonia, Latvia, Lithuania and Poland
- ✓ Longstanding historical, economic and cultural ties that are vital for maintaining regional peace, long-term security, and stability in the Balkans and the Middle East and to face global challenges.
- ✓ Trade cooperation, cultural exchanges, etc.
- ✓ After the dissolution of USSR: Russia officially supported European integration:
“As for European integration, we not just support these processes, but we are looking to them with hope. Russia is a friendly European nation” (Putin, 2011, speech to the Bundestag in Berlin, Germany)



EU-Russia relations

In practice: Partners but... (1991-2014)

- ✓ But long-standing deep tensions around the prospective memberships of the EU and NATO (“Russia’s sphere of influence”)
- ✓ Minsk Agreements not respected anymore from 2014 onwards.
- ✓ Russia's military pressure on Ukraine and its intimidation of Moldova

“We took stock of our relations. Leaders all agreed that Russia is consistently challenging both our interests and our values by its actions in the past, but also in the present. We all know the interfering and destabilisation in neighbouring countries such as Ukraine, Moldova, or Georgia. We have seen the attempt to weaken the European Union and undermine Member States through hybrid threats, sabotage, assassinations, divide and rule tactics, cyber attacks, disinformation campaigns. We have seen these patterns for years. It is not changing, it is getting worse.” (Von der Leyen, 24 May 2021)

Russia = European State?

Russia = European State? In Europe?

- *Geographically* recognized by the EU as **lying in Europe**
- *Politically* not European (deducting from, among others, the invasion of Ukraine) → no respect of EU values
- No mention of Russia as being “European” or even “in Europe” since Russia’s invasion of Ukraine
- Versatile discourse, easily adapted to situation and interests

Autres pays d'Europe

- [Andorre](#) EN | ...
- [Arménie](#) EN | ...
- [Azerbaïdjan](#) EN | ...
- [Biélorussie](#) EN | ...
- [Géorgie](#) EN | ...
- [Islande](#) EN | ...
- [Liechtenstein](#) EN | ...
- [Moldavie](#) EN | ...
- [Monaco](#) EN | ...
- [Norvège](#) EN | ...
- [Royaume-Uni](#) EN | ...
- [Russie](#) EN | ...
- [Saint-Marin](#) EN | ...
- [Saint-Siège](#) EN | ...
- [Suisse](#) DE | ...
- [Ukraine](#) EN | ...

Source:
https://europa.eu/european-union/about-eu/countries_fr → changed in 2022, now listing EU members only

Carte



Take-home message

- The conflict is reminiscent of the **main ideological divides already existing in the Cold War and post-Cold War eras**: east/west, Russia/NATO, sphere of influence on Eastern countries between EU Member States and Russia
- Do EU's **extensive claims about Ukraine's European status/identity/destiny guarantee membership?**
 - Discourse about Europe's borders and state Europeanness has changed over time
 - Flexibility of membership clause: enables the EU to change its mind depending on the context and interests at stake (e.g., based on respect of values or internal capacity of absorption)
 - EU is willing to welcome Ukraine in the club but not at any price: no fast-tracked membership, improvements are to be done, agreement from everyone is needed. Could take years...
- **What future for EU construction?**
 - More progress done in a couple of months than in years
 - Wars and conflicts = incentives for EU integration and accession (WWII, Cold War, Cyprus)
 - Does a country need to be at war to get access to the EU? Can the EU only progress in times of crises?

Take-home message

“

L'Europe se fera dans les crises

—Jean Monnet, *Mémoires*, 1976



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