European Union and Ukraine: the strategic partnership leading to (some)where?

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Abstract: This article analyses the evolving nature of the strategic relationship between Ukraine and the EU since the onset of the second decade of the 21st century. The author aims to show that, although the two sides have for years been elevating their ties through the neighbourhood policy and the Eastern Partnership strategic initiative, Kyiv's ultimate ambition has always been focused on securing the EU membership perspective. The author considers the Ukrainian EU membership request precarious due to the Union's concerns over stability, Kyiv's territorial integrity problems and the ongoing war, the unfavourable impact for the current membership candidates, but also since such a request sets a precedent for the other eastern partners. To explicate the abovementioned aspects, the author primarily uses the historical method and the document analysis, to clarify in greater detail the chief political events which have gradually led towards the current state. Research conclusions point out that, despite Ukraine's right to apply for EU membership, such a request is unlikely to result in a speedy accession, due to a variety of abovementioned aspects, coupled with a complicated decision-making process in the Union in that regard. In spite of that, the EU intends to continue supporting Ukraine as a strategic partner in a variety of domains, including also an indirect aid in combating the Russian military incursion. The author finds that the EU's response to the membership application will have extensive ramifications not only on the two parties' relations, but also on the enlargement policy and the Eastern Partnership domain.

Keywords: Ukrainian crisis, EU membership request, enlargement policy, Eastern Partnership, neighbourhood, Russia, conflict.

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Introduction

Next year will mark a decade since the inception of the Ukrainian crisis, which emerged as a consequence of the Russian and EU pressures on Kyiv to opt for either Eurasian or pro-Western geopolitical course (Alexandrova-Arbatova 2015, 131). The outcome of the crisis has so far been mixed in the geostrategic terms. On one hand, the Euromaidan protests, supported by the European Union, have resulted in exile of the former President Viktor Yanukovich and the inauguration of the pro-Western government. The country became deeply exposed to what Gawrich, Melnykovska and Schweickert (2010, 1210) referred to as "neighbourhood Europeanization", an approach related to the transformative developments in the enlargement policy, but aimed towards the immediate geographical "outsiders" without the membership perspective. Kyiv signed the privileged political and economical partnership agreements with the EU, even though its accession aspirations remained unrecognized (European Commission 2017). Furthermore, Ukraine has evolved into one of the most prominent and ambitious members of the Eastern Partnership, a policy platform designed to deepen the strategic ties between the European Union and the post-Soviet European countries (with the exception of Russia). In the domain of trade, during the past decade, the EU has replaced Russia as Ukraine's top trading partner (WTO 2013; European Commission 2021). In the political domain, the overall approximation between the two sides ensued, and Ukraine became exposed to a variety of EU programs and policies.

Whereas the cooperation with the EU assumed strategic characteristics, conversely, Ukraine became a territorially infringed country, as Russia reacted to the pro-Western foreign policy shift by annexing the Crimea Peninsula and aiding the secessionists in the Donetsk and Luhansk regions. Essentially, the regional war in Donbas has been fought ever since, so far resulting in loss of over 14,000 lives in that part of Ukraine alone (International Crisis Group 2022). Although a range of restrictive measures against Russia have contributed to the feeling of strategic understanding between Kyiv and Brussels, contrastingly, the EU failed to encourage the implementation of the Minsk accords on the Ukrainian side, which resulted in further alienation of the breakaway regions from their *de iure* homeland, and also increased dissatisfaction of the Russian authorities due to the *status quo*.

The strategic partnership between Ukraine and the European Union has been based on (and shaped by) the following chief aspects: (1) the Association Agreement

(which encourages Kyiv's political association with Brussels on the basis of "shared values" like democracy, rule of law, respect for international law and human rights and other EU principles, norms and standards, which lead to deepening cooperation in all domains, including foreign and security policies); (2) the Deep and Comprehensive Free Trade Agreement (leading towards the economic integration with the European Single Market); (3) participation in the Eastern Partnership initiative (as a platform aimed at securing the greater EU strategic influence in the post-Soviet European region); (4) EU support to the country's sovereignty and territorial integrity in accordance with the relevant principles of international law (that is, support to Ukrainian claims over the annexed Crimea Peninsula, the breakaway Donetsk and Luhansk territories and other regions occupied or supported by Russia) and (5) cooperation in the context of Russian engagement in Ukraine (variety of measures ranging from sanctions and embargo against Moscow to the humanitarian, financial, economic and other assistance to Kyiv) (23rd EU-Ukraine Summit 2021). On the basis of the Association Agreement and other mentioned aspects, the cooperation between the two sides has been remodelled throughout the past 8 years in political and economic terms, and the EU has evolved into the country's primary partner. Notwithstanding that fact, there have also been some challenges, stemming from the fact that (1) the EU has been unwilling to include Ukraine in the enlargement policy, as well as that (2) strategic cooperation did not envisage mutual defence clauses, that would serve as a guarantee in case of (further) violations of the country's territorial integrity and sovereignty. Similar problems have also burdened the country's relations with NATO, which has also been reluctant to grant Ukraine accession and therefore also an access to defence and other privileges.

In early 2022, the situation in Donbas took a turn for the worse, as the OSCE recorded thousands of ceasefire interruptions (OSCE 2022). This coincided with the build-up of the Russian troops along the Ukrainian borders, which became the subject of the Western diplomatic concerns and discussions with the authorities in Moscow (Shankar 2022). Notwithstanding the military exercises, the Russian representative to the EU Vladimir Chizhov denounced that his country would intervene in Ukraine, referring to such concerns as "hysterical" (Koutsakosta 2022). In spite of that, on February 21st, Russian President Vladimir Putin signed the executive orders pertaining to the official recognition of the breakaway republics of Donetsk and Luhansk, justifying the move with the alleged mistreatment and genocidal intents of the Ukrainian authorities towards the local population (President of Russia 2022). Apart from that, as announced during the speech, President Putin also launched a comprehensive military incursion across the Ukrainian territory. Russia referred to the right to intervene as per Article 51, Chapter VII of the Charter of the United Nations, which applies to individual or

collective self-defence in case of an armed attack against a member-state (Charter of the United Nations 2022). Instead, the incursion actually violated the Charter's Article 2, which instructed the UN member-states to refrain from the threat or use of force against the independence or territorial integrity of another states (Ibid). The United Nations General Assembly overwhelmingly supported a resolution demanding that Russia "immediately, completely and unconditionally withdraws all of its military forces from the territory of Ukraine within its internationally recognized borders" (UN News 2022a). As announced ahead of the escalation, the Western partners of Ukraine abstained from the direct engagement, despite the strategic links with Ukraine (Nicholson 2022). Indeed, the EU has reached a unanimous stance regarding the three rounds of extensive sanctions targeting Russia's financial system, high-tech industries and the elite circles, including the disconnecting key Russian banks from the SWIFT network, which the European Commission (EC) President Ursula von der Leyen referred to as "the largest sanctions package in our Union's history" (European Commission 2022a).

The author considers that the EU's reaction as Ukraine's chief strategic partner has reflected the contractual ties between the two sides, whereby the Union has agreed to assist Kyiv in a variety of domains, while officially excluding the direct military involvement. Such logic stems from the fact that mutual defence clauses are only to be triggered in case of violation of sovereignty and territorial integrity of member-countries, which Ukraine is not. Many member-states (that are also NATO countries) have rejected the notion of directly engaging in the conflict. The author aims to show that the EU-Ukraine strategic cooperation, which excludes the option of direct military engagement, has demonstrated its limit in securing the country's sovereignty and territorial integrity. From the perspective of the Ukrainian authorities, such a limited EU response does not value properly the heavy toll of the country's "European choice". According to President Volodymyr Zelensky, his country's efforts should be matched by the "Ukrainian choice of Europe" (UATV 2022). In spite of such expectations, that country's "European choice" does not entitle it to direct EU military engagement, since it is not a member-state, but "merely" a close partner. Correspondingly and perhaps also unsurprisingly, both NATO and European Union have made it clear that they would not send troops to Ukraine but would instead provide defence assistance to Kyiv (Erlanger 2022). Although the Ukraine-EU relations have visibly evolved throughout the past decade, the Brussels stance in many aspects remained similar to 2014, when it unsuccessfully appealed for a diplomatic solution to the conflict. The author considers that the EU's unwillingness to engage directly in military terms derives from the lack of contractual commitment towards Kyiv in that regard. Furthermore, the Ukrainian situation serves as a deterring example for other eastern partners interested in deepening relations with the European Union.

Whereas the EU considers Russian military incursion to constitute an act of aggression, its non-military sanctions (despite being fully in compliance with the framework of strategic cooperation with Ukraine) don't seem to constitute an adequate match to the destructive nature of Russia's hard power. Still, "for the first time ever", the EU has agreed to finance the purchase and delivery of weapons and other equipment "to a country under attack", apart from expanding sanctions against Moscow, but also Minsk, for its supportive role in the conflict (European Commission 2022b). On the other hand, attempting to defend its citizens and territory, Ukraine has been asking for more direct support from the strategic allies. In a very sudden manner, the Ukrainian authorities also filed an application for the country's EU membership, despite the fact that it hasn't been included in the EU enlargement agenda, but in its neighbourhood policy. Ukraine's long-standing European Union accession ambitions and the main political challenges in that regard constitute the focal point of this research.

The author also deliberates on the logic of the Ukrainian authorities' abrupt decision to apply for EU membership. This act has been undertaken in the context of the ongoing crisis, as a symbolic political statement to the European Union that Ukraine should be offered - and provided – more benefits within their strategic partnership. On the other hand, the author identifies several challenges in that regard. Firstly, stability-wise, Brussels does not intend to "import" problems which might compromise the functioning of the EU; secondly, the Eastern Partnership dimension has been designed as an alternative to EU membership and that fact is unlikely to change; thirdly, Ukrainian membership application encourages other eastern partners to follow suit; fourthly, the enlargement policy has been characterized by lack of dynamism and fatigue even in case of long-standing membership candidates from the Western Balkans (WB). The author considers that the Ukrainian membership application serves a dual purpose: firstly, to exert the pressure on the European Union to make a strategic commitment towards Ukraine, and secondly, to remind Brussels regarding the high political, security, territorial and other costs of approximation to that entity.

The author will only marginally reflect on the ongoing violent events in Ukraine, to the degree necessary to depict the strategic challenges which burden that country's "European choice".[2] This research is situated in the domain of European studies, covering the political developments in the EU neighbourhood and

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[2] The term "European choice" has been used within the Eastern Partnership dimension to describe the strategic approximation of those neighbouring countries with the European Union, through the political association and the economic integration. For a more detailed insight consult: Joint Declaration of the Eastern Partnership Summit (Brussels, 15 December 2021), paragraph 8.

enlargement policies throughout the past decade, largely from the perspective of the EU legal and political documents, decisions and activities. Bearing in mind the topicality of the military incursion in Ukraine, this papers' chief arguments and conclusions are somewhat limited by the specific "timing" of this piece. The author stresses that this research does not form part of the peace and conflict studies; henceforth, it does not examine more closely the ongoing war, nor its nature. In the context of this paper, the clashes in Ukraine provide "solely" a backdrop to the analysis of the strategic relationship between that country and the European Union as the main focus of this research. Undoubtedly, the ongoing conflict and its peaceful resolution are fundamental when it comes to the political future of Ukraine. Nonetheless, in this paper, that aspect has an auxiliary and contextual purpose, as part of examining the dynamics and further strategic direction of Ukraine from the perspective of European Union policies, positions and the two sides' overall strategic relations.

The structure of the paper is as follows. The author will firstly provide a historical retrospective of the Ukraine-EU relations since the second decade of the 21st century, analyzing the key political events which have contributed to shaping their strategic relations. The author also deploys document analysis approach, focusing on various EU (and other international) legal and political acts. Although their cooperation has long been bounded by the framework of the neighbourhood policy and its Eastern Partnership dimension, the Ukrainian interest in EU membership has been consistent during the past two decades. In the second part, the author will interpret the decision of the Ukrainian authorities to officially apply for EU membership, while outlining the main foreign-political challenges in that regard. Conclusive remarks will be outlined in the final part of this paper. This research aims to depict the sustained ambivalence of the European Union regarding the long-standing accession aspirations of Ukraine, while additionally pointing out to changes in the light of the 2022 military incursion, which prompted an unprecedented political and economic response from the EU as Kyiv's strategic partner.

From the Eastern Partnership to the eastern crisis

The European Union's approach towards the Eastern European post-Soviet neighbours has always been largely influenced by Russia's strategy for that same region. The two strategies have been overlapping since the beginning of the 21st century, when the EU enlargement policy started encompassing some of the post-Soviet states (Estonia, Lithuania, Latvia), or bordering on them (Ukraine, Belarus,

Moldova, Russia). Already during the Munich Conference on Security Policy (2007), Russian President Vladimir Putin referred to the NATO enlargement as provoking, pointing out to the statement of the previous General Secretary Mr. Woerner from 1990 that the lack of readiness to place a NATO army beyond Germany represented "a firm security guarantee" for Moscow. The fact that European integration and the transatlantic integration processes were conducted in parallel contributed to the impression in Russia that the two aspects were similarly damaging for its interests in Eastern European space (Milosevich 2021). For instance, out of twelve countries which acceded to the EU between 2004-2007, only two – Cyprus and Malta – were not included in NATO enlargement, meaning that around 84% of those countries have (simultaneously) pursued both the NATO and EU memberships.

Following the second EU Eastern enlargement round in 2007, the eastern flanks of the Union reached the Black sea coast. The admission of Bulgaria and Romania (although subject to specific cooperation and verification mechanisms) not only defined the eastern-most boundary of the Union in a geo-strategically important Black sea region, but also entirely encircled the Western Balkans within the EU (and NATO) territory. Behind the eastern border, the authorities in countries like Ukraine and geographically-more-distant Georgia became hopeful regarding their own European and Transatlantic aspirations, especially having in mind the pro-Western political changes as part of the "colour revolutions" in those countries (Lazarević 2009, 29). Although the membership quest has never been officially endorsed in the European Union's legally binding documents, during the NATO summit in Bucharest in April 2008, the Ukrainian and Georgian transatlantic membership ambitions were recognized, via invitation to elevate ties through the Membership Action Plan (NATO 2008). The Bucharest declaration also recalled the partnership of NATO with Russia as a "strategic element in fostering security in the Euro-Atlantic area" (Ibid). President Putin, who also attended the Summit, criticized the two neighbours' recognized accession perspective, adding that NATO "cannot guarantee its security at the expense of other countries' security" (Erlanger 2008). According to one 2008 transcript, when asked regarding the potential Ukrainian NATO accession, President Putin cautioned that "…Russia might be forced to take military countermeasures, including aiming missiles against Ukraine, if Kyiv hosted foreign bases or joined the U.S. missile defence project…" (Congressional Research Service 2008, footnote 63).

The author of this paper agrees with John Mearsheimer's observations that the Bucharest summit represented the key turning point in Russia's relations with the West, the NATO and the EU alike (Chotiner 2022). Only several months later, in August 2008, the Georgian-Russian conflict erupted following the allegations

regarding Tbilisi's attack on South Ossetia (Cheterian 2009, 156). Over the course of days, the secessionist forces of Abhkazia, South Ossetia, supported by Russia through its ground, air and naval capacities, pushed the Georgian forces well into the interior and the Russian President Dmitri Medvedev recognized the two breakaway territories as independent states, which was condemned by most of the international community (NPR 2008). The EU reaction was mixed, generally more supportive of Georgia and its territorial integrity, although some member-states like Italy seemed to also incline towards the Russian argumentation (Maurizio 2008, 135-136). NATO also abstained from directly interfering in the conflict; moreover, the prospects of Ukraine and Georgia joining that military bloc have been waning ever since, despite their long-standing advanced political association with the Alliance. These developments corresponded to some realist views that the US (and also NATO) policy towards conflict in the post-Soviet European space should be governed by the Western pragmatism and the acknowledgement of Russia's regional-power interests (Motyl 2015, 75).

Following the aforementioned events, determined to exert a greater influence in the post-Soviet European space, the EU established the Eastern Partnership initiative for Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine in 2008, aiming to "intensify their relations" (EC COM[2008] 823 final). This marked the beginning of competing interests between Russia and the EU, which has been referred to by some as the "contested neighbourhood", due to diverging views regarding the strategic direction of the post-Soviet European space (Delcour 2017). The pro-European Ukrainian authorities were not enthusiastic about remaining in the framework of neighbourhood policy, but accepted to take part in the project, which envisaged the signing of the privileged political and economic agreements. Meanwhile, the narratives continued to include the country's European Union membership goals, despite the fact that such ambitions lacked an official EU endorsement (BBC 2005).

Be that as it may, the political changes ensued in Ukraine. During the presidential term of Viktor Yanukovich (2010-2014) the strategic foreign policy goals were characterized by the balanced cooperation with both the EU and Russia. Whereas the European integration goal was formally still in place, the political processes in that regard have been hindered and questioned, making the strategic direction of Ukraine confusing (Babenko, Biletska and Pelyak 2019, 14). Although the Ukrainian authorities have been attempting to develop cooperation with both the EU and Russia to a certain degree, the country gradually became exposed to increased pressures from both partners to assume a more specific strategic course. This contributed to a growing geostrategic dilemma in Kyiv and fears that either choice might cause damage to the country's national interests, but also to the

governing elites. The Yanukovich government suspended the decision to sign the strategic partnership agreements with the EU, which was underlined in the Vilnius Declaration of the Eastern Partnership (The Council of the European Union 2013, 3). In response to that, the Euromaidan protests erupted across the country, with EU political support. These demonstrations and their goals were perceived as staged by Russia, and contrary to its own preferences and interests. Russia backed the secessionist movements in the Crimean Peninsula and the Donbas region (Donetsk and Luhansk), infringing the territorial integrity of Ukraine from the perspective of the international law. Following the annexation of the Crimea Peninsula, the Donbas dispute remained active as part of the low-intensity (albeit protracted) conflict (Jović-Lazić and Lađevac 2018, 29). Meanwhile, the EU obtained the strategic leverage by inviting the post-Maidan Ukrainian authorities to sign the advanced Association Agreement (AA) in Brussels in March 2014. By doing so, the EU somewhat compensated for its previously flawed strategic approach which contributed to the adverse (violent) flow of the crisis, while symbolically elevating ties with Kyiv (Howorth 2017, 121-122). Contrastingly, the Ukrainian geopolitical shift resulted in the territorial disunity and the emergence of secessionist conflicts, both of which the European Union, the country's primary political partner, has not proven able to resolve, having in mind its deficient and underdeveloped security instruments (Petrović 2019, 36-37). John Mearsheimer criticized the Western role in the Ukrainian crisis as provoking against Russia, calling for Kyiv's de-westernization and "political neutralisation" (similar to the Austrian Cold-war model) as a manner to address Russian security and political concerns (Mearsheimer 2014, 85-87). Nonetheless, Russia and the Western alliances continued drifting apart. While sanctions against both the breakaway authorities and the Russian subjects have been expanding for years, and many international bodies have condemned the violation of Ukraine's territorial integrity, the progress has not been recorded and the conflict have started assuming a chronic character.

In the meantime, the European Union and Ukraine have deepened their strategic cooperation on the basis of the political and economic treaties. Ukraine agreed to voluntary adapt its legislation to EU normative framework in a variety of domains, as part of the economic integration and political association with the Union, without the membership perspective (Redko 2017, 100). These agreements represented the most advanced privileged acts signed between the EU and the third countries (as part of the Eastern Partnership neighbourhood dimension), through which, according to Baležentis and Yatsenko (2018, 57), "the two parties moved from partnership and cooperation to political association and economic integration." Unfortunately for Ukraine, the economic integration goal was not matched by the political one, so the country's membership perspective remained

unrecognized. Such a logic reflected the very nature of the Eastern Partnership dimension, designed as a platform to enable deeper integration without the prospects of membership (Petrović 2019, 64). While the EU idea seemingly aimed to achieve a privileged partnership as the highest level of mutual cooperation, Ukraine still remained interested in securing the recognition of its accession aspirations. The "post-Maidan" President, Petro Poroshenko, announced that the country would do so by 2024 (TASS 2019).

During the previous decade, the EU became Ukraine's primary trade partner, accounting for a third of the country's foreign trade, with a growing tendency every year; this was enabled by the privileged partnership agreements, which gradually lift import and export barriers and harmonize standards and norms (up to 80% compatibility with the EU acquis) (Vošta, Musiyenko and Abrhám 2016, 30). The political domain remained characterized by the "political association", meaning that Ukraine was expected to adapt and follow EU policies, but without the perspective of integration, that would allow it to enter the EU and have a say in its political institutions (Petrović 2018, 16). Despite the limitations caused by the EU's dislike towards EU membership ambitions of Ukraine (and also other partners like Moldova and Georgia), the two sides remained strategically connected and their cooperation was also characterized by a common approach towards the Russian activities in the breakaway territories. Meanwhile, Russia has evolved into the EU's strategic rival largely due to diverging views and activities in Ukraine and elsewhere in the contested neighbourhood. On the other hand, neither the EU, nor its leading member-states which take part in the Normandy Four, have managed to aid Ukraine in retrieving sovereignty and territorial integrity, which was infringed earlier due to the country's pro-Western strategic course. The Minsk protocols, which were supposed to secure reintegration of Donbas region in Ukraine under high degree of self-rule, have never been fully implemented, and the breakaway regions remained outside Ukrainian control, despite lacking an international recognition.

As 2022 started, the situation in Donbas deteriorated, and several thousand ceasefire interruptions occurred. In February 2022, Russian President Vladimir Putin officially recognized the so-called Donetsk and Luhansk People's Republics as independent, referring to the need of "protection of people who have been mistreated and subjected to genocide for eight years" as Russian troops crossed the Ukrainian boundaries from various directions (Weber, Grunau, Von Hein and Theise 2022). Attacks on Ukraine's military and civilian capacities was condemned by many international actors. The Council of Europe (2022) promptly suspended the participating rights of representation of Russia in the Committee of Ministers and in the Parliamentary Assembly, due to violation of its obligations under the Statute of that organization. In addition, Ukraine responded by filing a claim against

Russia before the International Court of Justice (ICJ), the UN's highest legal authority, arguing that Russia's genocide claims in Donbas have been false, and that these allegations served as an argumentation towards recognizing the Donbas breakaway regions and pursuing a so-called "special military operation" against Ukraine (ICJ 2022). Within one week, Russian incursion resulted in occupying various border regions in that country, death of several hundred Ukrainian nationals, the exodus of over 1 million people abroad and bombardment of various places (UN News 2022b). By mid-March (that is, within several weeks since the onset of hostilities), several UN sources have confirmed nearly two thousand casualties and over 3 million refugees abroad, which illustrates the severe magnitude of the war (UN News 2022c).

Belarus has also participated in the campaign, including the enabling of Russian attacks from its territory into northern Ukraine. During several recorded months prior to the military incursion, Russia and Belarus approved the so-called military doctrine of the State Union, an executive decree which foresees the deepening of supranational integration during the 2021-2023 period (in domains ranging from security to monetary policies) (Aljazeera 2021). As a consequence, the European Union and a variety of international actors introduced sanctions against Russia (and also Belarus), targeting the financial subjects and individuals, media outlets, institutions, enterprises, the transport sector etc (EU sanctions map 2022). The EU also agreed to support Ukraine financially for the purpose of its defence, and member-states like Germany, but also countries like USA, also pledged to bilaterally support Kyiv. Still, all sides declared that they would not directly engage in the Ukrainian conflict, but only support the country's war efforts in a roundabout way. These aspects disappointed the Ukrainian authorities, which proclaimed that they were "abandoned" by the Western allies and have repeatedly been asking for their direct involvement - despite lacking the NATO or EU membership, on the basis of which a collective support would be legally binding (Bodkin and Barnes, 2022).

The "weak spots" of Ukraine's EU membership request

According to the Article 49 of the Treaty on European Union (TEU), any European state which respects the common values of the Member States may apply for EU membership (the application is handed to the Council, while the European Parliament and national assemblies are notified) (ENPEN 2022b). In line with Article 2 of the TEU, these values encompass human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the

rights of persons belonging to minorities (Ibid). Being a European country, Ukraine certainly meets the geographic criteria. That aspect should not be understated, having in mind that it served as an argument for declining the application of Kingdom of Morocco back in 1987 (European Parliament 1998). Contrastingly, as regards the other conditions, in addition to the traditional EU unwillingness to recognize its membership aspirations, the Ukrainian ambition does not seem very probable in the short-term.

Following the Russian incursion in February 2022, Ukraine announced that it would apply for joining the European Union, despite not being included in the enlargement policy, and the lack of legal ground to do so either in its Association Agreement, or any other binding document. Aside from Turkey, the enlargement agenda assembles the countries whose membership perspective was recognized during the Thessaloniki summit of the European Council in 2003. The Western Balkan countries have been part of that policy for two decades, but even their EU membership applications were carefully planned much in advance. For example, Bosnia and Herzegovina applied for membership in 2016 following more than a decade of being the "potential membership candidate", and even such a step was unofficially considered by some as premature and somewhat controversial due to an apparent lack of consensus within EU institutions (Nezavisne novine 2016). Moreover, the Bosnian Stabilisation and Association Agreement, unlike its Ukrainian counterpart, refers to the country's future EU membership (MVTEO 2008, 3). During the Western Balkan enlargement round, the application was followed by a comprehensive questionnaire of the European Commission, covering several thousand questions in all sectors, on the basis of which further decisions regarding the candidate status recognition could be made. Following the European Commission's opinion, the Council needs to endorse the candidacy unanimously. Later on, the same steps are undertaken regarding the decision on opening the membership negotiations. In the case of Bosnia-Herzegovina, a positive decision regarding the candidacy has still not been reached, six years following its membership application. Considering this example, it does not seem realistic that the European Commission could technically treat the Ukrainian application in a fast-track manner, all the more having in mind the state of war in that country. Implementing approximately 100,000 pages of EU norms and engaging in accession negotiations would require a large team of experts to navigate the legal and technical process, coupled with extensive state administration reform and meeting the common market criteria, all of which doesn't appear even remotely possible during the wartime (Grabbe and Kirova 2022).

In addition, the EU conditionality in enlargement policy has been very stringent while evaluating the state of meeting the membership criteria, through carefully

evaluating each step during the lengthy negotiation process. According to Maja Kovačević (2020, 138) who refers to Othon Anastakakis, by introducing the new criteria and applying the conditionality ever earlier, the EU has been increasingly paying more attention to the "accession journey" than to the membership itself, by scrutinizing each technical step, which affects the strategy credibility. The conditionality principle has been traditionally deployed in the enlargement policy, but also in the Eastern Partnership domain, having in mind the similar logic: to encourage reform processes for the sake of deepening the integration process (Verduna and Chira 2011, 450). These conditions include the Copenhagen criteria (political – e.g. the rule of law or stability of democratic system; economic – a functioning market economy and institutional – regarding the enforcement of the *acquis*) as well as the European Union's absorption capacity to admit new members (ENPEN 2022a). In addition, for the Western Balkans, an additional set of conditions was introduced through the "Stabilisation and Association Process", mostly regarding the improvement of neighbourly cooperation and regional relations (ENPEN 2022c). These conditions were invented for the Western Balkans due to its post-conflict nature. Ergo, it seems likely that an Eastern Partnership region, if being considered for membership, would be evaluated through an additional, specifically tailored set of conditions. That seems probable having in mind the graveness of the political, economic, social and other situation in the partner countries like Ukraine, the underdeveloped regional relations, but also specific democratic challenges stemming from their own recent political history, among other things (which sets them apart from the previous enlargement rounds).

Come what may, as Russian incursion into Ukraine advanced, President Zelensky and the Ukrainian government announced the request for EU membership. Moreover, the Ukrainian side asked for an "immediate accession, via a new special procedure" (RFE/RL 2022). In an emotional appeal to the European Parliament, Zelensky stated: ..."we are giving our lives for values, freedom, for rights and the desire to be equal as much as you are... prove that you are with us... prove that you will not let us go" (Bounds and Pop 2022). His speech was greeted by the European Parliament representatives, and a resolution was passed with a support of 90% of the present MPs, calling for the recognition of the candidate status for Ukraine (European Parliament 2022). Still, despite the sizeable backing, one should bear in mind that the European Parliament resolutions are of non-binding character, so calls for *de facto* inclusion of Ukraine into enlargement policy do not need to have favourable outcomes. Nevertheless, the request for EU membership represents a watershed event in the context of advancing the mutual ties, and its "timing" has been highly symbolic: during the Russian incursion into Ukraine.

The European Commission also appeared more inclined towards that idea than before. The EC President, Ms. Ursula von der Leyen, during her speech at the European Parliament Plenary on the topic of Russian aggression against Ukraine, while referring to EU membership ambitions of Kyiv, stated that nobody should doubt that a nation "that stands up so bravely for our European values belongs in our European family" (European Commission 2022c). In addition, numerous EU member states support the recognition of Ukrainian membership aspirations, although they remain limited to Central and Eastern European region. The leaders of Bulgaria, Czechia, Estonia, Latvia, Lithuania, Poland, Slovakia and Slovenia, in an open letter, called on other member states and EU institutions to "conduct steps to immediately grant Ukraine a EU candidate country status and open the process of negotiations" (President PL 2022). The initiative was also supported by Romania, Croatia and Hungary, accounting for a total of eleven member-states (Makszimov 2022). Despite the dramatic circumstances, such a scenario could be considered as discriminatory towards the long-standing Western Balkans (WB) candidates. For instance, the current frontrunners, Montenegro and Serbia, have been granted the candidacy and opening of accession negotiations following a decade of political and economic transformative efforts, whereas countries like Albania and North Macedonia still await to begin their accession talks, after two decades of being part of the enlargement agenda. In addition, all WB candidates have in place the Stabilisation and Association Agreement, which, in addition to other documents, contains a reference to EU membership, unlike any of the Association Agreements signed with the eastern partners.

Nevertheless, while the support to the Ukrainian EU cause has never been more evident, that doesn't mean that it is universally backed. Many in the European Union remain reluctant regarding further steps. European Council President Charles Michel hinted that there were "different opinions and sensitivities" among EU members regarding the Ukrainian application, adding that, either way, the European Commission would have to issue a formal opinion and the Council would then decide (Harris and AFP 2022). To illustrate this aspect more closely: back in 2016, the voters in Netherlands rejected to endorse even the non-controversial Association Agreement with Ukraine, conditioning its signing with additional guarantees from all other member-states that the act did not represent a basis for considering membership for Ukraine (Zhabotynska and Velivchenko 2019, 363). As regards the two most influential EU countries, France and Germany, their reactions have so far been restrained. President of France Emanuele Macron, who seeks re-election in 2022, has been focused on the security aspect and the crisis diplomacy with both Ukraine and Russia, while underlining that "France is not at war with Russia" (RTS 2022). The new German government has initiated

radical changes by suspending the North Stream Two pipeline and pledging to militarily support Ukraine through the export of weapons, while also announcing a sharp increase in its own military spending, which would meet the NATO defence expenditure requirements (Kinkartz 2022). On the other hand, pertaining to the Ukrainian EU request, German Foreign Policy Minister Annalena Berboek stated that "EU entry is not something that could be done in months", implying that it requires comprehensive and far-fetching transformative efforts (Riegert 2022). Having in mind that the adoption of an EU membership application requires unanimous support from 27 member-states, and that the backing of Western European countries in that regard has not been visible so far, it appears that this aspect would require significant time. As one German media illustrates, the Ukrainian application represents "a difficult topic, at the wrong time" (Mayr 2022). The author of this paper agrees with that quote and further outlines several foreign-political challenges to the Ukrainian EU accession request.

The author finds it comprehensible that Ukraine seeks extensive support from the European Union as its chief strategic partner in this time of need. Be that as it may, it is unprecedented that a country at war files a request for EU membership, during an acute phase of the foreign invasion, while expecting a positive decision. If the EU has been unwilling to consider Ukraine's membership prospects all along (including the past 8 years of the regional conflict in Donbas), the author fins that the chances for adopting the accession model for Ukraine, especially the fast-lane-one, seems to be even more unrealistic now, in the wake of the Russian incursion. This constitutes the first argument for the non-recognition of its membership aspirations at this moment: the European Union does not want to import conflicts and problems that might disrupt its functioning. One of the chief arguments lies in the Article 42 (7) of the Treaty of the European Union (the mutual defence clause) which provides that if any EU member falls victim to an armed aggression on its territory, other members are obliged to aid and assist by all the means (EUR-Lex 2022). That means that, in case of Ukraine's hasty EU admission, due to the ongoing territorial and sovereignty problems, other member-states would be obliged to directly engage in conflict with Russia, which, as already stated, many, most or all were unwilling to do. Even in the case of official recognition of the country's membership perspective in the long-run, after the war consequences largely heal, any possibility of regional conflicts in Ukraine and the Russian involvement in those conflicts weakens the Ukrainian EU application. Apart from concerns over being included in the conflict, some member states are also apprehensive regarding the impact of the new admissions on their economies, including their labour markets, which is also evident in case of the officially recognized membership candidates (which are demographically much smaller).

Secondly, the Eastern Partnership initiative has been designed as an upgrade of the neighbourhood policy and is not organically connected to the enlargement policy. Although the neighbourhood policy does simulate certain aspects of enlargement policy, it does not entitle its members to EU membership, although it does attempts to repeat its transformative successes (Cadier 2013, 52-53). Actually, the EP was designed precisely to respond to greater ambitions of countries like Ukraine or Moldova to approximate as much to EU as possible, through political association and only economical integration, without the membership option. The adoption of this approach and the recognition of Ukraine's membership perspective would not only undermine this policy (by leaving out its largest and most influential country), but would also pave the way to others to follow suit. The recognition of Ukrainian membership perspective would practically also entitle other eastern partners – Armenia, Azerbaijan, Georgia, Moldova and Belarus – to require the same from the EU. That might represent an end of the Eastern Partnership dimension.

Thirdly, the potential inclusion of the eastern partners in enlargement policy might marginalize the long-standing accession efforts of the Western Balkan candidates, who have been undertaking comprehensive transformative efforts during the past two decades, attempting to meet the EU membership criteria. Their own accession process has been burdened with difficulties regarding meeting the democratic performance criteria, statehood aspects, stability and so on. The potential inclusion of post-Soviet countries in the enlargement agenda might further sideline their own membership ambitions. The alternative solution would be to speed up the lengthy EU accession process in the Western Balkans in order to "make room" for the additional candidates, but that also does not seem feasible, bearing in mind the gloomy perception of the enlargement policy as such, even without the new potential candidates. Even in its current state – encompassing the Western Balkan countries populated by less than 20 million people – the European Union's enlargement policy has for years been ineffective and stagnant.[3] The Serbian and Montenegrin applications for membership, filed during the first decade of this century, have still not resulted in EU accession. The potential inclusion in the enlargement agenda of Ukraine (which solely numbers over 40 million people, not to mention the other eastern partners), having in mind the size, statehood and democratic challenges in that country, might disrupt not only the accession policy, but in the long-run also the increasingly delicate balance of power within the EU.

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[3] Although Turkey had started its accession negotiations during the first decade of the 21st century, they have practically been suspended by the EU since the allegedly-attempted *coup* back in 2016, due to human rights and rule of law concerns.

Considering everything mentioned, the author finds that the EU application for membership primarily bears a symbolical character: to remind the European Union partners regarding the extreme demographic, political, economic, security, statehood and other costs of Ukrainian "European choice", and to secure as much support in that regard as possible. Apart from that, Ukrainian authorities would like to secure a greater strategic commitment from the EU. Actually, as the Russian incursion started, President Zelensky also unsuccessfully appealed for a fast-track NATO membership, which would entail the country to trigger the Article 5 of the Washington Agreement regarding the collective-defence obligation – a move that was ignored by the Alliance political leaders (Bjerg Moller 2022). In other words, aiming to strengthen his country's position during the ongoing war, President Zelensky asked the Western partners to secure the speedy accessions to both NATO and the EU. Although it does not seem likely that the EU would reject its strategic partner's request at this difficult time, in order to try to address this aspect in a relatively urgent mode, the European Union would need to fundamentally alter its approach both towards the enlargement policy and the Eastern Partnership, in a fast-track fashion. That doesn't seem probable having in mind the bureaucratic and slow decision-making processes within the bloc, coupled with the lack of internal consensus on the issue even during the peacetime. Despite the fact that the submission of the application occurred as part of the wider context of war in Ukraine, and the short-term outcome will certainly be influenced by that fact, the membership request is likely to have a profound long-term effect on the two sides' relations.

Concluding remarks

> *"1. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine."*

> Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, Budapest, 5th December 1994[4]

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[4] [Budapest Memorandum] Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, concluded in Budapest, December 5, 1994. https://treaties.un.org/doc/Publication/UNTS/Volume%203007/Part/volume-3007-I-52241.pdf.

Prior to the strategic approximation between Kyiv and the EU in 2014, Ukraine didn't have any territorial integrity problems. The 1994 Budapest Memorandum, which nominally vouched for Ukrainian sovereignty and integrity, has been respected for almost two decades. The country, which used to be the second-largest republic of the USSR, emerged from the collapse of the Soviet Union territorially unaffected, unlike many of its neighbours in the Caucasus or in Moldova. All the same, the Euromaidan *coup* and the signing of the Association Agreement with the EU was perceived as a red line for Russia, which reacted by supporting secessionist movements in the Crimea Peninsula, and in Donbas region. It absorbed the first due to its primary strategic significance, while the later remained outside of Ukrainian central government control, with a possibility of reintegration through the Minsk protocols. Ukraine had evolved into a country with territorial problems, as a consequence of Russian reaction towards deepening of Kyiv's ties with the European Union. Moreover, it did not manage to restore its integrity (not even partially), nor to secure its primary goal: EU membership, that has been recognized only for the Western Balkan candidates and Turkey. Meanwhile, Ukraine didn't secure NATO accession either, but its interest was nevertheless used by Moscow as part of its argumentation to intervene in 2022.

The Ukrainian application for EU membership has been submitted during the military incursion in that country. It is unclear whether the move has been politically endorsed from all member-states. Besides, such an act actually contradicts the boundaries of the neighbourhood policy and its Eastern Partnership dimension. That might reflect negatively on the generally protracted EU path of the Western Balkan countries. For instance, there are calls from certain European leaders to include the eastern partners in enlargement policy and allow them to accede to the EU by 2030 (Tanjug 2022). Such initiatives might undermine the two decades of enlargement efforts that are being conducted by the Western Balkan candidates, neither of whom has been offered an entry date or at least an indicative accession period. Considering the WB experience regarding the accession process, it appears unlikely that Ukraine's membership application could be endorsed in a fast-track fashion, and pave the way for the country's negotiations with the European Union in the short-run. The logic of the Ukrainian authorities might have to do with the specific "timing": to try to capitalize on the European Union support to secure recognition of the country's long-standing accession aspirations. While Ukraine's territorial integrity has been infringed also due to its membership aspirations in EU and NATO, Ukrainian authorities have been trying to secure a membership perspective as a political compensation for the unfortunate political and military events which have been ongoing in that country. Having in mind the universal support in EU towards the Ukrainian position in the ongoing war, the authorities

in Kyiv might have presumed that a "now or never" moment has arrived regarding the recognition of its membership perspective. The symbolism of the pro-European Ukrainian stance in the face of the conflict sends a powerful message to the European Union, and constitutes a model example of its cross-border normative power. It seems unlikely that the membership application would be turned down, but its fast-track consideration and the swift adoption of the candidacy also seem overly optimistic, bearing in mind the protracted bureaucratic *modes operandi* of the EU. Additionally, the presence of the Russian troops in Ukraine, although constituting only the secondary, contextual focal point of this study, represents the most urgent political aspect, that reflects on all domains of the EU-Ukrainian cooperation. Therefore, the political developments in that regard are also likely to affect further EU decisions when it comes to Ukraine's goals for ever-closer relations with the Union.

Despite the advanced political, economic and other ties with the Western countries and organizations, and their own mediating attempts between Russia and Ukraine, the announcement that they would not engage directly in Ukraine once again revealed the boundaries of the strategic cooperation between Kyiv and European Union. The EU's unwillingness to act directly in Ukraine and limitations to aiding Ukraine in hard-power domain represent the biggest challenges towards the preservation of the strategic ties between the two sides at this particular moment. Also, the Russian incursion into Ukraine sets a warning example to other eastern partners who wish to develop ties with the EU. The outcomes are such that the EU's diplomatic and soft-power skills couldn't compete with Russian hard power, while the Ukrainian non-membership status made it a favourable target for Russian involvement. By filing a membership application, Ukrainian authorities are attempting to secure at least a long-term recognition of its accession aspirations. On the other hand, the EU, which has long been reluctant to address those ambitions, has been faced with such a request in the wake of the most serious crisis in Europe in the 21st century. The response of the European Union to the Ukrainian membership request will certainly have a long-term effect not solely on their mutual ties, but also on the development perspectives of enlargement and Eastern Partnership domains. While the outlooks for EU membership for that country appear to be higher than before, that fact is overshadowed by the dramatic course of the war in Ukraine, which outcome will have a profound impact on the EU integration aspect as well. When it comes to restoring peace and securing further development, the European Union appears to bear a particular moral responsibility, which has become entangled with the Ukraine's long-sought membership ambition.

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**EVROPSKA UNIJA I UKRAJINA:
STRATEŠKO PARTNERSTVO U (NE)KOM PRAVCU?**

Apstrakt: Predmet analize u ovom članku je priroda strateških veza između Ukrajine i Evropske unije, uključujući i skorašnje političke događaje u kontekstu ruskog vojnog napada 2022. godine. Premda dve strane već godinama unapređuju svoje veze kroz susedsku politiku i stratešku inicijativu Istočno partnerstvo, autor nastoji da pokaže da se neprolazna ambicija Kijeva oduvek ogledala u obezbeđivanju priznanja perspektive članstva u Evropskoj uniji. Autor smatra ukrajinski zahtev za članstvo u EU neizvesnim iz nekoliko razloga, počevši od zabrinutosti Unije oko očuvanja vlastite stabilnosti, preko problema vezanih za očuvanje teritorijalnog integriteta zemlje, do toga da taj akt predstavlja presedan za druge istočne partnere, zaključno sa činjenicom da uključivanje novih zemalja može dodatno poremetiti aktuelnu agendu proširenja Evropske unije. Pored analize pravnih i političkih dokumenata Evropske unije i drugih međunarodnih aktera, autor upotrebljava i istorijski metod u cilju objašnjavanja gorespomenutih aspekata, kroz analizu glavnih političkih događaja koji su vodili ka sadašnjem stanju. Zaključci istraživanja ogledaju se u konstatovanju da, premda Ukrajina ima pravni osnov da podnese aplikaciju za članstvo, nije izgledno da taj zahtev može da rezultira brzim pristupanjem Uniji usled gorespomenutih razloga, ali i složene procedure odlučivanja u tom domenu u samoj EU. Međutim, u kontekstu aktuelne krize, EU planira da podrži Ukrajinu kao strateškog partnera u različitim domenima, uključujući i vojne napore u odbijanju ruskih napada, iako to neće činiti na direktan način.

Ključne reči: ukrajinska kriza, zahtev za članstvo u Evropskoj uniji, politika proširenja, Istočno partnerstvo, Rusija, sukob.