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POLITICS

THE DOUBLE CHARACTER OF EU'S NEIGHBOURHOOD POLICY AND THE UKRAINE CRISIS

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Abstract: In a situation where EU enlargement is already saturated, because of the last big bang enlargement of 2004, the European Union created its Neighbourhood policy with the aim to continue the successful projection of its values and principles towards neighboring countries 'sharing everything but institutions'.

However, even if *de jure* this policy does not forecast any membership perspectives, *de facto* actors of the European Foreign policy, number of times have recalled the carrot of EU membership, in their communication with countries from the neighborhood. This because, membership bait as an instrument of EU's Foreign Policy, has proven to be the most powerful and effective instrument in order for the Union to influence reformative processes in neighboring states.

Nevertheless, the misuse of this policy instrument in the Neighborhood policy, besides adding the adjective of 'incoherent' to the Union's Foreign Policy, in concrete, influenced Ukraine's domestic policy, which in its turn contributed to the happening of Ukraine's crisis and the events that followed.

Thus, this paper will speak about the ambivalent and double character of EU's Neighborhood Policy, in reference to the abuse of the membership clause in EU – Ukraine relations and its influence in Ukraine's domestic policy, and it will also speak about the reasons of the ambivalence of EU's Foreign policy towards Ukraine.

Keywords: *European Neighborhood Policy, membership clause, Ukraine crisis.*

The change of political regimes that followed the events of the late 1980's with the fall of the Berlin wall and the dissolution of the Soviet Union, redrew

geographical maps especially in Europe, and awoke EU's concern for its safety and security.

In this occasion the European Union in order to keep Pandora's box closed and to hold outside of Europe's backyard, potential riots, poverty, conflicts and wars, the Union put together a most successful tool of foreign policy – that is the Enlargement policy, through which it won over interested states from the region, and through dictating and steering their internal political-economic and social realities, the Union took benefit and eliminated potential threats present in Central and Eastern European borders. The massive outcome of this policy was the Big Bang enlargement in 2004, where 10 new states entered the European family.

Soon after the saturation of EU's Enlargement policy, the European Union in order to continue it's successful projection of values and principles towards these newly arrived neighboring countries, the Union established the Neighborhood policy, with the aim to create so called 'rings of friends' in the neighborhood (Popescu M., 2013:61), and to 'share everything but institutions' (Prodi, 2003).

The focus of this policy is basically strengthening democracy, rule of law, protection of human rights, fostering principles of market economy, but also, focus on resolution of the so called 'frozen conflicts' in the region and prevention of new ones, and of course, contribution to the development of the diversification of different sources of energy and transport¹.

However, even if *de jure* this policy does not forecast any membership perspectives, *de facto* actors of the European Foreign policy, a number of times have recalled the carrot of EU membership, in their communication with countries from the neighborhood. This because, membership bait as an instrument of EU's Foreign Policy, had proven to be the most powerful and effective instrument, in order for the Union to influence reformative processes in neighboring states and to gain more benefits.

The misuse or abuse of this policy instrument in the Neighborhood policy, has occurred numerous times, and in spite of adding the adjective of 'incoherent' to the Union's Foreign Policy as a whole, it also influenced Ukraine's domestic policy, which as a result brought to the happening of the Ukraine crisis and the events that followed it.

The question that is posed in this paper refers to: How and in what way did the European Union's Foreign policy – specifically the Neighborhood policy,

¹ENP Action Plan on Armenia, ENP Action Plan on Azerbaijan, ENP Action Plan on Georgia, ENP Action Plan on Moldova, EU-Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement as endorsed by the EU-Ukraine Cooperation Council (Luxembourg, 24 June 2013), Belarus Country Strategy Paper 2007 - 2013 and National Indicative Program 2007 – 2011 (Europa website).

influenced Ukraine's domestic policy and the later happening of the Ukrainian crisis and why?

The answer to the question 'how' did the EU's Foreign policy influence Ukraine's domestic policy and the later happening of the Ukrainian crisis, could be found by looking retrospectively at the EU - Ukraine relations, that could be summarized in three phases which mark the Euro integration process of Ukraine.

The first phase refers to the year 1998, when the then President Leonid Kutchma, stated for the first time, that 'European membership is one of the priorities of Ukraine's foreign policy' (Ünal Eriş, 2012:251). With this statement, President Kutchma actually tried to describe his concern and worry for Ukraine's geopolitical stability (Langbein & Wolczuk, 2012:869), which would be threaten, if Ukraine does not enter in a more intense process of European integration.

This statement and request were taken into consideration by the European Union, however they didn't receive any political feedback, and as a consequence, the membership clause was omitted from the Association agreement of 1998, that at the time of speaking, there were several similar conclusions with other countries from Central and Eastern Europe.

After this initial round of setting a common institutional base, the second phase of EU – Ukraine relations, began in 2003, when the European Union came up with the European Neighborhood policy - a proximity policy that was supposed to cover foreign relations with the newly arrived eastern neighbors, that came in 2004 along with Big Bang enlargement, in order to give them new boost and new dynamics. However, in spite of the Union's enthusiasm to create stronger relations with these countries, the Union limited the outreach of the policy into "share everything but institutions".

The conclusions once again were that the European Union did not foresee a possibility of membership for these states. Taken for granted, this outcome was critically welcomed by the Ukrainian public, and it negatively influenced the domestic political structures and their motivation to act in order to implement in national legislation the common priorities agreed with the European Union (Langbein & Wolczuk, 2012).

After this, the second phase, refers to November 2004, when in Ukraine, was taking place the Orange revolution. The revolution happened as a result of the union of the main political opponents, Victor Yuschenko and Yulia Tymoshenko, which united their parties in the so called National Revolutionary Front, with the purpose to remove from office the then Primer Minister Victor Yanukovich. The demands of this united political block were, on one side, request for domestic political change, and on the other, they explicitly referred to the European Union, with an appeal to accelerate and intensify Ukraine's European integration.

However, regrettably, the Union, did not took seriously into consideration these demands and put aside the possibility for integration, by putting Ukraine again into the circle of friends within the Neighborhood policy.

This approach of the European Union, left deep imprint on Ukraine's aspiration for membership, in a way that it reduced the interest and dedication of national political leaders to achieve European standards, which otherwise would have been a major bait. Consequently, this lack of political will, brought Ukraine's administration and legislation to a verge of being accused to not respect and implement the previously agreed European requirements, and to have only a "declarative Europeanization". This enchanted circle, went further on, creating even more damage to local politicians that were perceived by the domestic public as politicians who are losing their capacity to implement European reforms.

Moreover, the omission of the membership clause which was supposed to be contained in the Association agreement, that at that time of being was to be signed after the events of the Orange revolution, (this omission) contributed to the creation of a political and normative vacuum in Ukraine, especially in the period of the presidency of Kutchma and Yanukovich, where values such as democracy, rule of law and protection of human rights were suppressed. This lack of rule of law generated the rising of the Second revolution, and by that triggered the following November crisis, which brings to the third phase of European Union – Ukraine relations, that is the second revolution.

The second revolution or also known to the European public as the Eurorevolution, because of Europe's figure as a main driving force, started in November 2013, with a series of protests that took place at the main city square in Kiev (the Maidan). These revolts spread across Ukraine in a short period of time, and basically they were against two reasons: the first one is removal from office of the President Viktor Yanukovich because of his government corruption, abuse of power and disrespect of human rights, and the second reason is to support the process of European integration and to resume the signing of the suspended Association agreement with the Union. Unfortunately, in spite of the Union's active role in negotiating and resolving the crisis, once again the EU did not undertake any specific initiative to give Ukraine the possibility to become a member.

On the contrary, the Union's intervention in domestic affairs supported the change of the political regime in Ukraine, which pushed further on towards the deterioration of the events related to the crisis, like the secession of Crimea and subsequent integration into Russia, the proclamation of independence of Donetsk and Lughansk, the internal displacement of people and the loss of human lives in Eastern Ukraine etc.

Summa summarum, the above described three phases contain links that show and prove that the European Union in its relations with Ukraine, has made abuse of the membership clause, by putting Ukraine in a situation to believe that it could become a part of the EU, in spite of the fact that Ukraine is not a country within the domain of the Enlargement policy.

Having elaborated the answer to the question “how” did the EU influence Ukraine’s domestic policy, now we pass to the second question related posed at the beginning of the paper and related to the reasons of the ambivalent character of EU’s Foreign policy towards Ukraine, that is “why” did the European Union want to influence Ukraine’s domestic policy. The answer could be structured into three arguments.

The first argument refers to the Union’s security as a whole. Namely, the Union purposely acts and implements an ambivalent foreign policy towards Ukraine by abusing the membership clause, exactly as bait to force and obtain political, economic and social reforms in Ukraine, from which the EU and EU member states would benefit. For example, the EU uses the membership clause as a bait for Ukraine to implement social, economic and political reforms, in order to prevent unwanted migration to the EU or to control or prevent transnational crime from spilling-over to Europe (Whitman & Wolff, 2010:99-100). By doing this, the EU has a guaranty that unwanted events that represent a threat to EU’s internal and external security, would be stopped or prevented from happening. On the contrary, if the membership clause would not be at stake, neighboring states in concrete Ukraine, would lack real interest to implement or comply with agreed reforms with the EU.

The second argument refers to the worries of the European Union for its energy security. This argument is founded on two points. The first one is, that the EU and its members states, having in mind the Strategy Europe 2020, are focusing on alternative and clean sources of energy. This means that most of the member states are redirecting their energy supplies towards Russian gas, which makes the EU dependent on Russian gas for over 40% of its total need. The second point concerns Russian-Ukraine relations, and the two energy crisis that arose between them. These energy crisis left deep impact not only on EU’s industry and economy, but on EU’s energy security in general. Therefore, the usage of the membership clause by the EU towards Ukraine, is intended in order for the EU to assure its influence and position on Ukraine’s Foreign policy, through which it would pressure Ukraine to maintain stable political relations with Russia, in order to avoid possible disputes between Russia and Ukraine. By doing this, the EU wants to prevent possible cut offs of Russian gas to Ukraine, because it would affect EU’s energy security, since the main gas routes for Russian gas to the EU, pass through Ukraine’s territory.

Lastly, the third argument concerns the ambivalent character of EU’s Neighborhood policy, and it is related to the Union influence on Ukraine’s domestic policy. Namely, the reason behind the ambivalence of EU’s Foreign policy towards Ukraine with reference to the misuse or abuse of the membership clause, is that the Union is very careful not to interfere in Russian foreign affairs with other states that are, and have been traditionally within the Russian sphere of influence (Steinkhol, 2010). That is why the European Union does not offer and it

is very careful in tackling the question of Ukraine's possible membership, because if it would grant Ukraine with membership, that would affect EU – Russia relations negatively and as a consequence, would threaten EU's energy security.

The conclusions that could be drawn from this paper are that the European Union lacks of a clear and straightforward foreign policy towards Ukraine. The proof of this is the presence of the membership clause in the Neighborhood policy that was traditionally an instrument of EU's Enlargement policy, and its usage or misuse as a tool to exert the Union's positions and influence on Ukraine's foreign and domestic policy. All this in order for the Union to obtain geostrategic objectives that will safeguard and guarantee its own external and internal security as well as its energy security and the one of its member states. Therefore, the European Union did influence Ukraine's domestic policy and through its ambiguous foreign policy contributed to the happening of Ukraine's crisis and the events that followed.

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