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A EUROPEAN UKRAINE: ANSWERING THE MEMBERSHIP QUESTION

BY

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THESIS

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## **ABSTRACT**

Since the fall of the Soviet Union, Ukraine has made significant strides in moving away from an increasingly authoritarian Russia. Despite efforts to remain in Russia's sphere of influence by some Ukrainian leaders, the Ukrainian people have been successful in their demands for democracy and integration with Europe. Considering Ukraine's progress in Europeanization, the potential for membership is becoming an increasingly pertinent question. In this thesis, I will determine if, or under what conditions, Ukraine can become a European Union (EU) member state. I aim to identify Ukraine's barriers to European Union membership, and how significant and relevant those barriers are to the process. I will evaluate the accessions of previous member states to better understand what the EU has identified as problems and possible solutions. Overall, I find compelling evidence to support Ukraine's possible membership in the EU, particularly during the dramatic changes of the war.

*To those who have lost their lives  
in Russia's war on Ukraine.*

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## CHAPTER 1: INTRODUCTION

Since the fall of the Soviet Union, Ukraine's historic ties with Russia and the EU have changed dramatically. In the first months of 2022 alone, President Vladimir Putin's invasion of Ukraine has totally changed the international order in attempts to retain Ukraine within Russia's sphere of influence. Almost catalytically, the war has induced deeper integration and affirmation with Ukraine's western partners, with Ukraine going so far as to apply for EU membership. Now that President Zelenskyy has begun the process, EU membership is more real for Ukraine than ever, making an evaluation of Ukraine's progress toward European standards vital. On June 23, 2022, after being recommended by the European Parliament and EU Commission, the EU Council granted Ukraine and Moldova candidate status (European Council, 2022).

The purpose of this thesis is to assess Ukraine's ability to join the EU, focusing on the pertinent issues that have permeated the Ukrainian government and are in conflict with EU expectations in areas such as corruption, energy dependency, and territorial disputes. This thesis was primarily written prior to Russia's invasion but the war is nonetheless addressed because of the effect it has had thus far on the international order. I seek first to answer how much progress Ukraine has made in the years since gaining independence in moving away from the Soviet system toward European policies, ideals, and values. Secondly, what lessons has the EU learned from previous accessions, how do they relate to Ukraine specifically, and how can those lessons be addressed in future negotiations? Since gaining independence, Ukraine has certainly developed a deeper relationship with the EU and as a result, has adopted European policies in pursuit of membership, making significant progress. On the other hand, the EU is hesitant to accept a member state that may not be ready, considering issues from past enlargements that have contributed to disunity and inefficiency. The EU, as vested an interest as it has in Ukraine,



especially during the war, is not eager to accept fiscal responsibility for a state that is not fully committed to EU goals and values. Ukraine has now been officially accepted as a candidate state, and the problems it experiences, such as corruption, have become problems within the EU, and without adequate tools to resolve it, the EU is by far cautious to complete the enlargement process in Ukraine.

I aim to analyze the general positions and attitudes toward Ukraine that have a bearing on its future with the EU. Since Russia's annexation of Crimea in 2014 and the self-declared independence of Donbass later that year, Ukraine has made significant strides in aligning with Europe, a reversal from its previous path under former President Viktor Yanukovich between 2010-2014. With designation as a priority partner and an Association Agreement, Ukraine and the EU have integrated more deeply than ever before. Now that Russia has begun a war in Ukraine, the EU has also realized the importance of Ukraine to Europe, making the call for membership even greater. The question of the next step still remains, and the realization of it will not happen until the war is over. The results of the war will help determine Ukraine's barriers to accession and the future EU-Ukraine relationship.

This thesis will examine the complexity of Ukraine's potential accession through multiple lenses, paying respect to the viability and symbolism of such an accession. Though other former Communist states have become EU members, Ukraine has had the deepest integration with Russia historically, complicating collective and national identity. Now that Russia has invaded Ukraine, the implications of official integration with the West are severe and growing increasingly worse- for both the West and Ukraine.

In my first chapter, I will explain important events in Ukrainian politics since 1991, which give context to the juxtaposition between the positions of the leaders and citizens. Most

importantly, I will discuss Ukraine's relationship with the EU, how it has changed, the trajectory prior to the invasion, and the position now. My second chapter examines the literature on lessons learned from previous accessions to compare and assess Ukraine's situation, if the EU has adapted to fix the problems, and if they would apply to Ukraine. In comparing two different territorial disputes, I will examine them through a lens featuring external actors that affect the possibility of membership and the accession process. I will use Cyprus' accession as a case study to better understand why a member state was accepted with an unresolved territorial dispute and how the EU can address it- especially considering the external actor is Russia, an actor the EU is not seeking to provoke. Comparing the external actors opposite the EU in each dispute, Turkey, an EU candidate, has been approached much differently compared to Russia, a more assertive and powerful state. Being a candidate made Turkey more vulnerable to EU pressure, but the EU cannot exert that same leverage on Russia, making the resolution of the territorial dispute a greater challenge.

This thesis will emphasize the importance of understanding the historical, cultural, and linguistic identities in Ukraine. Polling data reveals a change in identity over time, especially as more years pass since gaining independence. With hundreds of years of struggling against oppression, genocide, and Russification, national identity is very important to Ukrainians and plays a major role in the conflict. As a fairly young state, I will explore how nation-building in Ukraine compares to other EU member states prior to accession to gauge for conflicts between the domestic agenda and EU policies. Moreover, I will explain language policy as a tool that have aligned EU and Ukrainian policies that can help unify Ukrainians through language, which is already a highly contested topic. With Ukraine's extensive history of linguistic oppression, I will suggest policies that promote nation-building and linguistic freedom while building unity.

Given the extent of Russia's relationship with the EU prior to the invasion, it is important to analyze how the EU is willing and able to respond to the conflict. A previously divided Europe split on energy dependence has changed due to the gravity of the war on Ukraine, prompting new legislation and policies on energy. While the general EU consensus is clear regarding the future, Russia has leverage in certain countries, which now poses a threat to energy security.

Russia's relationship with Ukraine is actively changing. Though historically the two states have been closely tied, not always by choice, the relationship has raised questions of Russia's influence in Ukraine's government. I will address corruption in Ukraine, the rootedness of corruption in government as a feature of an inherited Soviet system, and why Ukraine's government is still perceived as widely corrupt. Considering cases of corruption in EU member states, especially in former Soviet states, I will compare corruption in the EU to Ukraine to understand how corruption affected the accession process and what that would mean for Ukraine. Additionally, I will use those cases to gauge the EU's ability to tackle corruption and the tools the EU employs to do so.

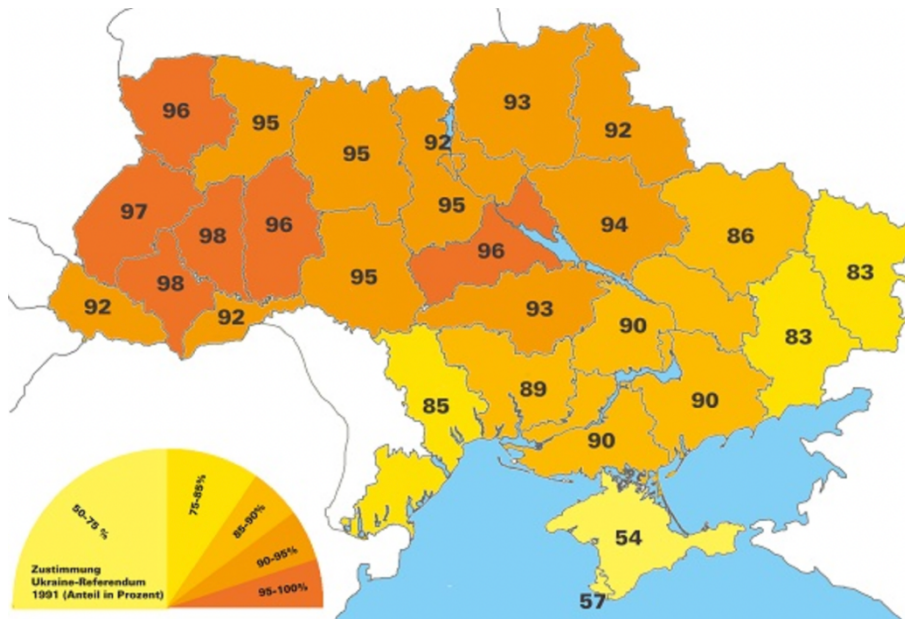
Finally, I will make the case for Ukraine's membership in the EU. What (and who) stands against it, what works towards it, and especially why it is important. This thesis would certainly have been different if Russia had not invaded Ukraine, escalated the conflict, and continued to spread dangerous narratives. Because of the evolving nature of the war and the possible outcomes, my scope is limited, and the situation may very well change. However, based off of narratives emanating from Europe, Ukraine, and Russia, and the Western response to the war, it is safe to assume Russia's relationship with the EU will remain fractured indefinitely. With this

in mind, I intend to argue that Ukraine belongs in the EU and will be able to meet the requirements for accession.

## CHAPTER 2: UKRAINE AND THE EUROPEAN UNION SINCE 1991

The fall of the Soviet Union and Russia's consequent loss of control over Ukraine sparked two diverging and conflicting interests: "democratization in eastern Europe and Russia's insistence that it retain its "great power" status and its domination over its immediate neighborhood" (D'Anieri, 2019, p.3). Though it marked official independent status for Ukraine, especially significant after decades of bearing the Soviet yoke, it was merely the beginning of a long rebuilding process and establishing their sovereignty. In this chapter, I will give context to Ukraine's complex governance and political systems by evaluating trends since 1991. By exploring policies under each president, I will explain trends under pro-Russian and pro-European leaders. To understand how Ukraine has changed in various periods, I will evaluate the success and perception of each leader. Finally, I will include cultural and historical context that contribute to the basic construction of post-Soviet Ukraine's society, especially the national and collective memory.

The early years of independent Ukraine were led by Leonid Kuchma, who became president in 1994, assuming the responsibility of resolving the institutional framework problems and remaining Soviet elements in governance (Protsyk, 2005). Upon the fall of the Soviet Union in 1991, a sovereignty referendum was held nationwide, with over 90% of constituents voting for Ukraine's independence (Commission on Security and Cooperation in Europe, 1992). Though some regions reported far less congruence than the nationwide tally, independence was still the most popular vote in all regions, including Crimea and eastern Ukraine (see Figure 1). Despite unanimity for Ukraine's sovereignty and independence across the country, the majority of the elite were quite opposed to accepting a democratic constitution. Even worse, the parliament elected in 1994 was no better than before, finding themselves unable to make



**Figure 1:** “Ukraine Referendum 1991”. Reichardt, Adam. *New Eastern Europe*, 2018.

decisions on critical issues such as state symbols, the Russian language, and the powers of the president (Protsyk, 2005). Ironically, the EU was also established just two years after Ukraine gained independence, and from 1994<sup>1</sup>, the EU stressed the need for “a strong political relationship with Ukraine” (Moskalenko, et.al., p.120). The importance of this partnership was clearly demonstrated by both parties throughout the 1990s based on EU financial assistance and consistent overall Ukrainian support for Euro-Atlantic integration (Svyetlov, 2007). Though public opinion varied nationwide on which country Ukraine should prioritize economic integration with across the country, 57% of the entire population agreed EU integration was important, with increasing support beginning in 2000 (Razumkov Center, 2002).

Kuchma, facing an ineffective parliament, threatened its dissolution, which motivated the arrival at a new constitution in 1996. The new constitution separated the powers of the president

<sup>1</sup> The EU was formally established in 1993 by the Maastricht Treaty but had previously existed as the European Economic Community under the Schuman Declaration, Treaty of Paris, and Treaty of Rome as agreed to by the founding members: France, Belgium, the Netherlands, Luxembourg, and West Germany.

and parliament and gave the president substantial power, particularly in the dual executive system, which “made the cabinet accountable to both the president and the parliament” (Protsyk, 2005, p. 25) and created competition between the president and prime minister, a recurring theme throughout his two terms. Though Kuchma publicly declared himself pro-European, allocating more power to himself resonated with former authoritarian methods of governance, which lowered the EU’s interest in Ukraine (Moskalenko, et. al., 2015). Ukraine publicly announced its intention to become an EU member state in 1996 and in the 1999 Common Strategy, “the EU recognized Ukraine’s ‘European Choice’” (Svyetlov, 2007, p.532). Nevertheless, Germany and France rejected Ukraine for membership because of its relationship with Russia, and Kuchma’s foreign policy remained largely ambiguous, along with corruption and political volatility (Svyetlov, 2007).

Despite the competition within the executive branch, Kuchma as president relied on his powers to enable drastic constitutional reform that more closely aligned with European standards. Though he was largely responsible for driving the reform process, his motivations were in part driven by the threat of his successor, as he could not guarantee a continuation of his work nor his safety. This compelled him to devalue the president’s power and transfer many of his previous presidential privileges to the parliament via his constitutional reform in 1996, and most experts attribute his reform motivations to the threat of the next president and not a European ideology (Protsyk, 2005). In conjunction with Kuchma’s role in the murder of a journalist, Heorhiy Gongadze, his actions to reduce the presidential power ruined his public image early on in his second term, giving the opposition four years to prepare for the next election (Kuzio, 2005).

Unfortunately, Kuchma's second term was distinctly marred- with scandal, international ostracism, and domestic backlash. His alleged involvement in the murder of the journalist contributed to a protest campaign with the slogan "Ukraine without Kuchma". With a hesitant EU pointing incentives at Ukrainian elites, the public felt even more disillusioned by Kuchma's alleged pro-EU position (Moskalenko, et. al., 20). While he faced a resentful public at home, international partners were cautious to stretch a hand to Kuchma. In a sense the EU was grateful to use Kuchma as an excuse to put off the Ukraine question, as opinions on Ukraine largely varied across member states (Svyetlov, 2007).

Kuchma also spent time preparing for Ukraine's dirtiest election, as he even warned, promoting Prime Minister and previous eastern Ukraine governor Viktor Yanukovich as his successor in the run against the more western-oriented former Prime Minister Viktor Yushchenko (Kuzio, 2005). Indeed, the election was quite dirty, especially considering Yushchenko was poisoned during his campaign and "Yanukovich's shadow campaign team and the presidential administration hacked into the Central Election Commission server and manipulated results" (Kuzio, 2005, p.9) in the first round. Both Yanukovich and Yushchenko won the first round, prompting more blatant voting fraud in Yanukovich's favor in round two, with as many as 2.8 million votes fraudulently placed, according to the Committee of Voters of Ukraine (Kuzio, 2005). The blatant fraud drew international condemnation from the United States, Canada, and the European Union, and angering Ukrainians to the point of mass protests, known as the Orange Revolution.



## The Orange Revolution

As a part of long-term pattern of revolutions, the Orange Revolution was much more significant to Russia because Ukraine was quite valuable to Russia and it “was seen... as a potential model to oust Putin himself” (D’Anieri, 2019, p.16), contributing to the larger idea that revolution is replicable model, further evident in Georgia’s Rose Revolution and the Arab Spring (D’Anieri, 2019). The Orange Revolution, some argue, characterizes the birth of a united Ukraine, powerful in the moments of protest in Maidan Square, feeling that anything is possible, even achieving democracy. Considering Kuchma’s Ukraine, the Orange Revolution can be considered a significant step toward democracy and Europe, simply because the goals of protest are inherently democratic. It was also representative of uniting values between the Ukrainian public and the West, as protesters garnered support from the US and EU (Kuzio, 2005).

The Orange Revolution was a long time coming, stemming from Kuchma’s opposition in before his second term in 2000, who were able to mobilize 50 thousand people in Kyiv. The Narod, made up of up to a million people who were enraged at Kuchma and the election fraud, provided the numbers to fulfill a massive protest. Narod, or *народ*, though technically a term meaning all that are born, is a Slavic word that specifically denotes a group united by “a common language and territory but also by a common consciousness” (Klechenov, 1993), often used to convey a sense of brotherhood. The use of the term in protest signals an appeal to the Ukrainian consciousness and nationalism, which repressed under the Soviet Union. Notably, most of the most passionate protesters were from central and western Ukraine, reinforcing the relationship between national identity and civil society in Ukraine (Kuzio, 2005). Nationalism had already been rising in accordance with the “back to Europe” narrative, but gradually shifted to a more “let’s build Europe in Ukraine” approach (Svyetlov, 2007).

The protest was effective as a microphone of the people's rage and disgust. Implicated leaders from multiple industries, such as television, the military, and security forces, fled the country. The cases of Serbia in 2000 and Georgia in 2003 match the number of protesters and the departure of the security forces, making force an impossible solution to quell the crowds, though Yanukovich asked Kuchma to do so anyways (Kuzio, 2005). He refused, citing that he did not want to leave office with blood on his hands, but really scrounging up security forces was impossible at that point.

In December 2004, the Ukraine's parliament, the Verkhovna Rada, and the Supreme Court overturned the previous election and called for a new one later that month. Even with assistance from the EU, the election could not be considered totally clean and fair, given it came at the end of a dirty campaign and election cycle, but Yushchenko was nonetheless elected and inaugurated in January 2005, a symbol of Ukraine's shift toward Central Europe rather than Russia (Kuzio, 2005). Moreover, it represents an end to Kuchma's legacy and Ukraine's first step toward Europe and a democratic future.

At this point, the Orange Revolution marked a change in the EU's attitude toward Ukraine. With a Soviet inheritance, the EU had become more indifferent toward Ukraine in the 1990s, uninterested in investing in a European Ukraine, prioritizing Central and Eastern Europe (Moskalenko, et. al., 2015). Kuchma certainly did not help, especially with his alleged involvement in the murder of a journalist and illegal arms dealing, the EU and the US were extremely hesitant to even put a carrot at the end of the stick (Kuzio, 2004). Yet it was the public demonstration of the Orange Revolution that altered that attitude because it represented a civil societal refusal of old Soviet corruption and initiative to make it happen (Moskalenko, et. al., 2015).

While the Orange Revolution marked a significant step toward Europe, the process of integration with the EU was fraught with controversy (Malek, 2009). As Yushchenko turned toward the possibilities of EU and North Atlantic Treaty Organization (NATO) membership, his pro-Western position concerned both Ukrainians and some Europeans. Though he appointed pro-Europeans within his cabinet, internal conflicts later led to the firing of his prime minister, Yulia Tymoshenko, and the following partnership with Yanukovich and his Party of Regions (Fritz, 2007). Appointing Yanukovich was aimed at quelling pro-Russians and reducing internal divisions to pursue progress. But with Yanukovich as prime minister, he began to collect power and build a coalition within the Verkhovna Rada (parliament). Eventually political chaos and internal division allowed Yanukovich's return to power as president in 2010, in conjunction with a growing pro-Russian attitude of Ukrainians (Myagkov, et. al., 2008). That sentiment would soon change toward a much greater demand for European integration by the Ukrainian people during Yanukovich's presidential term.

### **Collective and National Memory in Ukraine**

Ukraine's collective and national memory has significantly been affected in the time since gaining independence in 1991 because it was an official move away from the Soviet Union and Russian ideology (Törnquist-Plewa, et. al., 2019). To understand the significance of the Revolution of Dignity and Ukraine's path since then, it is important to identify the elements that make up the Ukrainian national and collective memories. For that purpose, I will identify events that contribute to nation-building in Ukraine and the deterioration of the Ukraine-Russia relationship, given the importance of the revolution in 2014.

Ukraine has been subject to Russian control for hundreds of years, but the current collective memory is strongest from the abuse during the Soviet period. Despite a period of linguistic development under *korenizatsiia*<sup>2</sup> in the early 1920s, which promoted education and participation in politics, one could not be considered truly communist and Ukrainian (Bilaniuk, 2005). This attitude grew into a deeper divide as Russians characterized Ukrainian language and Ukrainians as inherently peasant, and the orthography began to diverge between eastern and western Ukraine. As the eastern orthography took on variations in spelling more similar to Russian, western orthography took on characteristics of Polish, which Stalin perceived as traitorous, threatening nationalism. Taking advantage of the perceived threat and death of a Ukrainian activist, Stalin ordered the murder of the *intelligentsia*<sup>3</sup> in non-Russian Soviet states.

Stalin's subsequent move for power is a key component of Ukraine's national memory: the Holodomor. His climaxing fear and resulting crackdown on Ukrainian rebellions, revolts, and opposition culminated in the man-made, systematic famine, perpetrated through forced collectivization. Unlike a previous famine in 1921, there were no other conditions to contribute to a famine except three years of production tax tacked onto an already large burden of grain procurement (Rudnytskyi, et al, 2020). From the famine in 1921, the Bolsheviks established the practice of starving the peasants who revolted since any grain only contributed to their ability to protest, which Stalin took on as a primary tool in the '30s. The exact total and even estimated

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<sup>2</sup> *Korenizatsiia*, or nativization, emerged as a policy in the 1920s developed by Vladimir Lenin to allow non-Russian nationalities to continue to practice their culture, language, and education to prevent them from revolting. In many places, this was de-Russification of the language and culture propagated by the intelligentsia.

<sup>3</sup> Intelligentsia, with the Slavic root for intelligent, refers to a group of creatives, largely consisting of writers, poets, artists, and teachers. They often led the national identity and thus were a key group for Stalin to eliminate to Russify non-Russian nations.

casualties are still unclear, ranging between four and seven million, but the Soviet practice of destroying records has made it unclear just how many died in the Holodomor (Dreyer, 2018).

Predictably so, life for Ukrainians did not improve later under Stalin. With World War II and Stalin's growing paranoia, he deported 200,000 Crimean Tatars to the Urals and Central Asia, where 22-46% died within three years (Dreyer, 2018). Stalin is one of the reasons Putin was able to take Crimea in 2014, since Stalin sent Russians to settle and live there after the forced deportation. 1.5 million Ukrainian Jews<sup>4</sup> and over seven million Ukrainian soldiers died in the war, making the loss of life during Stalin's rule incredibly staggering (Dreyer, 2018). Regardless of any prior perceptions that did not consider the Jewish loss of life in Ukraine murder of Ukrainians, the national memory now is far different. As it stands, current president Volodymyr Zelenskyy is not only Jewish, but grandson to the sole survivor of his family when Nazis attacked their village (Mendoza, 2022). With linguistic and cultural oppression, the number of deaths and methods of perpetration align with the definition of genocide, with which most Western experts agree and treat as such (Naimark, 2018).

Given the extensive nature of the Holodomor, it is easy to understand the lasting effect it has on Ukrainian collective and national memory, especially when modern Russians perpetuate admiration and respect for Stalin. Polling data reveals Russians consistently regard him positively for the majority, despite significant numbers declining to answer, in sharp contrast to Ukrainians, whose data has trended the opposite (Levada Center, 2018). In the same poll, Ukrainians chose to report far more, and negative views of Stalin are far more widespread and trending further since 2016 (Levada Center, 2018). Based off of the data alone, the Holodomor

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<sup>4</sup> Because of the time period, it cannot be said that the murder of Jews during this time was considered an attack on ethnic Ukrainians and therefore was not considered a major loss for ethnic Ukrainians at the time.

and Stalin's treatment of Ukrainians are major components in national and collective identity, contributing to the Ukrainian desire to march toward Europe.

### **The Revolution of Dignity**

One of Ukraine's critical turning points away from a Russian path toward a European future was the Revolution of Dignity in 2014, also called the Maidan Revolution or Euromaidan. Yanukovich's term was fraught with pro-Russian policies, from language to education to national memory. Hailing from Donetsk, a historically Russian-speaking region of Ukraine, Yanukovich promoted Russian language over Ukrainian, passing legislation allowed Russian to be labelled as an official language (Pifer, et. al., 2012). This allowed regions to essentially control the language of business and proliferated Russian over Ukrainian. Over the course of Yanukovich's presidential term, Ukraine and the EU negotiated an Association Agreement that would significantly alter Ukraine's foreign policy and primary partnership. Perceiving EU encroachment into the post-Soviet space, especially a country Russia had consistently controlled for hundreds of years, Russia offered Yanukovich Customs Union membership and a hefty gas discount (Kordan, 2016). Thoroughly enticed, Yanukovich backed out of the Association Agreement in November 2013, to which the public responded strongly.

Given the material and symbolic importance of the Association Agreement, the Ukrainian public was highly anticipating ratification and the ensuing possibility for change. Historically, polling data shows that the majority of Ukrainians have wanted to join the EU or integrate for years, underlining its value for the Ukrainian public (Greene, 2014). Though a good relationship with Russia was also similarly supported, support for EU integration has consistently been greater beginning with 2002 at 57% (Razumkov Center, 2002). Knowing this, it would not be a

surprise that Ukrainians reacted with massive, peaceful protests in Maidan Nezalzhnosti (Independence Square) in Kyiv, mainly initiated by students and younger generations. Yanukovich's response was ordering the violent crackdown on protesters by riot police, initiating a far greater conflict. Soon, protesters began to organize for protection: building barriers, establishing and expanding camps, and occupying local buildings. Importantly, the protests were consistently peaceful and not disruptive.

By mid-January 2014, a couple months since the protests began, the Berkut<sup>5</sup> began to violently enforce rules limiting the ability to protest, prompting a violent response. By the end of February, the violence had grown, resulting in the deaths of over one hundred protesters mostly by snipers firing on the square to disperse the crowd (Kordan, 2016). The massacre of civilians galvanized Ukrainians beyond Kyiv, expanding to smaller demonstrations in other cities, sufficient for Yanukovich to flee to Russia (Ishchenko, 2020). He was later impeached and convicted of high treason in absentia and has not since returned to Ukraine.

The Revolution of Dignity made clear several matters. The Ukrainian people were willing and able to demonstrate their dissatisfaction with corruption and a pro-Russian government. Successfully ousting Yanukovich gave Ukraine the opportunity to redistribute power according to the 2004 constitution and made the government accountable to the democratic demands of the people (Kordan, 2016). Yanukovich's pro-Russian regime opened the doors for infiltration of the defense and security sectors, which allowed Russia access to Ukrainian intelligence and information flows, leading to its success in seizing Crimea (Klymenko, 2016). While the protests initially began because of Yanukovich's refusal to sign

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<sup>5</sup> The Berkut was an elite unit of riot police within the Ukrainian military that were disbanded shortly after Euromaidan because of their crimes during the revolution and previous scandals (Paramaguru, 2014).

the Association Agreement in favor of relations with Russia, the full extent of Russian control over Ukraine was not clear until later investigations.

Upon Yanukovich's fleeing of Ukraine, the full scale of his corruptive hierarchy became clear. Corruption permeated all layers of government, from small bribes and tributes to seizing businesses to embezzling from the state, all to ensure the upward flow of cash to the president and his cronies (Klymenko, 2016). Since gaining power as prime minister in 2006, Yanukovich had systematically worked towards sequestering power to control the financial flow of corruption, with him at the top of the pyramid. While managing to keep the entire parliament content to endorse his wishes, he had then-Prime Minister Yulia Tymoshenko, the "gas princess" oligarch, arrested for an overpriced gas deal with Russia. Her arrest was globally condemned for being politically motivated and contradictory due to the conflation of EU procedure in her arrest. Beyond corruption, Yanukovich returned Ukraine to the 2004 constitution and pandered to Putin's desires. Laying the groundwork for authoritarian rule, Yanukovich turned eastward because Russia's support allowed him to model after Putin's electoral authoritarianism, which in turn made him rich (Kudelia, 2014). This goal emerged as a multi-faceted campaign- to spread disinformation to boost positive views of the Russian state, to demoralize Ukrainians, to buy the loyalty of those in power, and to empower pro-Russian radicals in eastern and southern Ukraine (Klymenko, 2016). Realizing how internalized Russia and corruption had become in Ukraine's government, thanks to Yanukovich, Ukraine's government moved to immediately change its trajectory, leading to the election of a new kind of president. The Revolution of Dignity marked another demonstration of the Ukrainian demand for reform, integration with Europe, and change in government.



## **The Presidency of Petro Poroshenko**

An experienced politician and businessman, Petro Poroshenko, also known as the “King of Chocolate”, was elected as Ukraine’s president in 2014. With a strong pro-European position, Poroshenko was very different from Yanukovich, going so far as to publicly criticize Russia as an imperial power and stress the value of Ukraine’s independence from Russia (Terzyan, 2020). The general demand in the wake of the Revolution of Dignity was eliminating corruption, but judicial reform was especially emphasized, which Poroshenko was able to enact throughout his term (Popova, et. al., 2020). Poroshenko’s presidency encapsulated democracy, reform, and Europeanization, culminating in the signing of the Association Agreement near the end of his term. Nonetheless, one term was not sufficient to tackle all aspects of a corrupt system, and his oligarchical status stimulated questions of ulterior motives.

A main component of Poroshenko’s reforms was decentralization of power. He appointed a new administrative head in charge of ensuring loyalty amongst civil servants, but public perception still revealed concerns of corruption at the “raion” (regional) level (Zelinska, 2021). At the time, scholars realized the gravity of the problem and perception and suggested Poroshenko establish presidential representatives for each raion to build unity within the party system and keep local ministers in check (Fisun, 2015). Perception of success varied; some criticized a lack of cohesive change rather than just the administrative head, but a small degree of change was felt in diminishing the rayon’s power over locals (Zelinska, 2021). Ukrainians expressed a similar sentiment on his success in reform, that it lacked depth and range in tackling problems in all corners of Ukraine (Iwanski, 2018). Enacting change following a highly charged revolution with high expectations is certainly difficult, but his lifestyle as a rich oligarch, association with corrupt people, and failing to make good on all of his promises did not help.

The most significant controversy during Poroshenko's term was his status as the "King of Chocolate"- an oligarch. Oligarchs remained a feature of Ukraine's government during Poroshenko's term, especially in the energy and media sectors. However, defining Poroshenko as an oligarch during his presidential term alone is debatable, since he clearly placed political goals above his business interests when he became president (Pleines, 2016). Poroshenko still had to deal with oligarchical control over critical infrastructure, many of which remained within Yanukovich's former Party of Regions. With the public's disappointment in his failure to de-oligarchize the system, Poroshenko attempted to use oligarchical networks to his advantage while campaigning for reelection. In 2016, an agreement was made to recalculate the price of coal for electricity producers- giving favor to Rinat Akhmetov, the wealthiest Ukrainian who also owns 30% of domestic electricity production (Iwanski, 2018). The deal also benefited Dmytro Firtash who controls the Firtash Group, avoiding increasing excise taxes and regulation of the internal gas market (Iwanski, 2018). Firtash had been arrested in Austria in 2014 at the request of the Federal Bureau of Investigation (FBI) which led to a loss of influence over Ukrainian politics, but still remained connected to Poroshenko and his coalition (Konończuk, 2015). Rather than extinguish the monopolies created by oligarchs, Poroshenko leaned into them.

While the oligarchical network remained prominent in Poroshenko's term, he did manage to achieve significant milestones that were the result of the Revolution of Dignity. By far the most remarkable and anticipated: the signing EU Association Agreement. Just as the public had expected in 2013, the Association Agreement combined reform with economic benefits, such as access to the EU market and a Deep and Comprehensive Free Trade Agreement (DCFTA). Ukrainians with biometric passports were also permitted visa-free travel to the EU and students were able to be admitted to the Erasmus+ program, aimed at promoting education and training.

The main framework set forth by the agreement is to support anti-corruption institutions, governance reform, and alignment of policies adhering to the EU standard (Eastern Partnership, 2022). In total, the EU gave more than 15 billion Euros in loans and grants to enable Ukraine to support the reform process and the agreement retained EU conditionality (Eastern Partnership, 2022). For the most part, Ukraine embraces EU policies and has made considerable progress in multiple regards. The EU has supported Ukrainian constitutional, judicial, and educational reforms that align with EU policies regarding rule of law, judicial independence, and language of instruction (Petrov, 2018).

### **Conflict with EU Language Laws**

One controversial policy Ukraine passed in 2017 required that instruction after fourth grade must be in Ukrainian and minority language classes can be taken as an addition, except for Russian (Nicolai, 2017). This was intended to help the nation-building agenda as well as follow the European Charter for Regional and Minority Languages (ECRML), which Ukraine ratified in 2005. The ECRML advocates for the protection and promotion of regional and minority languages that are typically spoken by small percentages of the population. Russian does not require the protection of a minority or regional language status, as it is not endangered nor spoken by a small percentage of the state. Unfortunately, when Ukraine signed and ratified the charter, Russian was included on the list due to mistranslation and not understanding the types of languages the charter is intended to protect. Since Russian is the majority language in many regions of Ukraine, it does not require protection to ensure it does not die out.

On the other hand, one particular EU state was outraged over about the violation of ethnic rights in Ukraine: Hungary. Hungary's concern emanates from a significant population of ethnic

Hungarians in Ukraine's Carpathian region. President Viktor Orbán of Hungary responded with claims of discrimination and restrictions on freedom of language. While European institutions echoed those concerns over the law, Hungary certainly exacerbated the problem by blocking talks and integration efforts in both the EU and NATO for two years (Socor, 2020). Luckily, Ukraine was willing to work by advisement of the Venice Commission and pass a new language law in 2019. The Law on Ensuring the Functioning of the Ukrainian Language as the State Language established Ukrainian as the sole lingua franca, but also promises the free public use of Ukrainian national minorities and EU languages, including in secondary education. Under EU language planning laws, allowing citizens to pursue and freely use their chosen tongue is protected. While some Ukrainian residents and even Putin himself have said that Ukraine jeopardizes the rights of Russian speakers, the overwhelming majority, especially now in war time, claim Ukrainian as their native tongue. By allowing the use of any tongue in public use, Ukraine meets EU standards and also reduces intersectionality barriers in Crimea and Donbass, opening the doors for unity.

### **Presidency of Volodymyr Zelenskyy**

Career actor and comedian Volodymyr Zelenskyy was elected as Ukraine's president in 2019, beating opposition leader Tymoshenko and incumbent Poroshenko for a surprising win. Campaigning on a platform of thorough reform, Zelenskyy gained popularity on a TV show called "Servant of the People", in which he stars as a history-teacher-turned-president. As president in the show, his character is always honest, maintains integrity, and fights corruption on every level, gaining favor amongst the real Ukrainian public. When he realized the character

he played was the kind of president he wanted for Ukraine, he campaigned under a new party, Servant of the People.

Zelenskyy fell into some hot water early in his term when then-president Donald Trump blackmailed him for information on the then-oppositional presidential candidate Joe Biden. Eventually Trump was impeached but acquitted for his actions, and Zelenskyy's image did not falter domestically. Rather, the election of Zelenskyy was significant because, for the first time since 1991, the same party led the majority in both the east and west (Bond, 2019). Zelenskyy's platform promised reform that, coupled with the EU's support, was feasible, but his success relies on the cooperation of other actors, such as the Constitutional Court and the Verkhovna Rada.

Under Zelenskyy's administration, several of Poroshenko's associates were arrested for varying charges of corruption. Later in 2021, Poroshenko himself was accused and charged with treason, citing the illegal sale of coal to pro-Russian separatists in Donbass, though the status of the case remains unclear in light of the war that began in February. The charges against Poroshenko are controversial across the world, with many claiming it to be politically motivated, but for now he is not detained (Greer, 2022). For now, he is responding to the war by appearing in the media, advocating for the support of Ukraine and its membership in the EU, in which he wants to serve as a member of European Parliament (Romaliiska, 2022).

Zelenskyy has consistently advocated for and enacted reforms consistent with EU standards. Following the disappointing end of Poroshenko's term, a European future for Ukraine did not seem feasible. Two two main donators of aid, the EU and IMF became more strict and less generous with their money, requiring Zelenskyy to establish the High Anti-Corruption Court in 2018 (Larsen, 2021). Enabling high-level prosecution under such a court had been previously

dodged due to fear of threatening oligarchs and their interests, which is why it appeared as a big success for Zelenskyy. Hopes rose in the beginning of his term as the National Agency on Corruption Prevention was reinstated at the end of 2020 a few months after the Constitutional Court suspended its powers, but oligarchical pressure remained a major concern and barrier to full reform. Recognizing the problem, Zelenskyy signed an anti-oligarch law that would limit their influence in government, but many international players were not overly hopeful. Some believed Zelenskyy would not enforce it on all oligarchs, including his friends, or that he was simply setting himself up to fail, raising the hopes of the public with an incapable administration. The Ukrainian public itself echoed the sentiment, with a poll revealing only 14% of Ukrainians believed it would improve the situation (Stratfor Analysis, 2021).

Zelenskyy's ratings had certainly dropped a couple years into his term, with the public largely dissatisfied with his reform progress that he promised during his campaign. The EU and IMF had also grown disillusioned and did not disburse planned aid due to a lack of follow-through. Though his narratives remained positive on Ukraine's overall progress, Zelenskyy was making small steps when he promised to make great strides in the economic sector and corruption, especially judicial reform (Interfax, 2021). By the middle of his term, hope in Zelenskyy was waning and history seemed to be repeating itself.

### **Russia's War on Ukraine**

Rumors of a possible Russian invasion had begun at the end of 2021, leaving many scholars and experts concerned and unsure. Over several months, Russian military accumulations at the border concerned EU officials enough to begin diplomatic efforts to prevent an invasion, but Russia's rhetoric denied any such intention. On February 21<sup>st</sup>, Putin shocked the world by

recognizing the independence of the separatist-controlled regions, Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR). Three days later, Russia invaded Ukraine, claiming a "special military operation" in the DPR and LPR, though launching attacks throughout the country.

Such Russian aggression had not occurred like this on Ukrainian territory in a very long time. Quickly, the West condemned the war, continued diplomacy, and began to respond to the crisis, with full support. Many expected Zelenskyy to leave the country, even once the US offered him assistance leaving, but he famously responded, "I don't need a ride, I need more ammunition." Since the war began, Ukraine has been largely supported from Western partners, effectively uniting the EU. The EU has accepted large numbers of Ukrainian refugees, sent significant ammunition, and given generous amounts of aid to defend Ukrainian territory, and Europe overall. Zelenskyy even officially applied for EU membership just four days into the war on February 28, 2022, initiating a greater conversation.

In May 2022, panels of EU citizens submitted proposals for changing EU treaties at the Conference of Europe. Based off of the proposals, members of the European Parliament successfully voted to begin the process. The proposed changes include altering the voting requirement to a qualified majority in some cases, such as sanctions or enlargement (European Parliament, 2022). Prior to the vote, thirteen countries cosigned a letter opposing the drastic nature of the initiating the process. Nevertheless, since passing European Parliament, the next step in the process is individual follow-up to the report from the Conference of Europe. Amending the treaties will require unanimity from all twenty-seven member states, which is ultimately up to the European Council at an unannounced date, but signals a greater shift within EU institutions.

Recognizing the multifaceted crisis that has developed because of Russia's war in Ukraine, some EU citizens and officials want the EU's framework to allow them to respond better. Considering EU President Ursula von der Leyen promised and successfully delivered a route to candidacy in June, the relationship between the EU and Ukraine has never been stronger (Polityuk, et. al., 2022). With the EU already altering the accession process and supporting Ukraine in war, the significance of the membership question is clearer than ever before. Ukraine and the EU certainly have a complex relationship, but both parties are under pressure to achieve the same goals: end the war and make Ukraine a qualified candidate state for membership. Granting candidacy signaled renewed trust in Ukraine and its leaders, and Ukraine must now implement the requirements for membership to demonstrate its independent ability to fulfill the duties of an EU member state and promote EU values.



## **CHAPTER 3: LITERATURE REVIEW OF THE EUROPEAN UNION**

### **ACCESSION PROCESS**

The fall of the Soviet Union granted the emancipation of most of Central and Eastern Europe, countries eager to recoup their economies and begin rebuilding. Their accessions to the European Union give formidable hindsight to issues within the process that need to be addressed in future negotiations. Considering the problems from the past three accessions and their performances as member states, the EU has largely recognized these issues and in some regards, addressed them. However, the EU has not yet figured out how to tackle several issues, as it is often constrained by existing law, requiring the passage of new legislation or policy. Comparing these previous lessons of enlargement to issues that may apply to Ukraine, I will examine how extensive these problems are and how they pertain to Ukraine. Specifically, I will explore problems in conditionality, rule of law, self-sustaining reforms, territorial disputes, and corruption, given these are significant problems emanating from previous enlargements. In order to determine applicability to Ukraine, I will evaluate how the EU has mitigated these issues and if they have been successful in resolving the problem.

#### **Conditionality**

Since the 2004 enlargement, the EU has acknowledged issues from negotiations and post-accessions that can be divided into several lessons that are most referenced by EU leaders (Grabbe, 2014). A major issue from 2007 and 2013 is conditionality; the EU seems to lose considerable power and influence once a candidate has been granted an accession date. This was the case most notably with Romania and Croatia, where reform plans collapsed after they became official member states. In Romania, Justice Minister Monica Macovei, who had been

leading the judicial reforms, was fired and Romania failed to complete their reform plan, allowing corrupt judiciary members to remain in power. A striking feature in Romania and Bulgaria's membership agreement was the EU's right to delay their accession dates by a year, should they feel the new member states had not met the conditions (Phinnemore, 2009). Leading up to four months before the accession date, EU officials feared political recoil rather than an improvement in progress. Despite concerns lingering from the 2004 accessions and post-monitoring reports with unsatisfactory progress, the delay was not employed (European Parliament, 2007).

After the issue with Romania, Croatia had to successfully accomplish a more thorough reform process before they were granted membership. However, the EU still had less influence once an accession date was set- Croatian parliament passed laws that prevented the extradition of Croatian citizens and certain criminals that were wanted in other EU countries. Though the fugitives were eventually caught, the rollback was shocking for the EU and indicated another gap needing to be covered in future enlargements. Without an agreement between both Ukraine and the EU on conditions and standards to be met after an accession date is set, the EU will still not hold much power over conditionality.

### **Rule of Law**

An increasingly popular solution in the EU is the retainment of funds allotted to countries who do not abide by democratic practices. In the notable case of Hungary, the EU has been cornered in terms of power by the European People's Party (EPP), which the Fidesz party belonged to and thus enjoyed the support in the European Parliament until recently. Hungary's current president, Viktor Orbán, enjoyed this support until the EPP voted to split from his party

in 2021 over considerations of human rights violations and mistreatment of EPP leadership. His reputation in the EU had already been waning before his own European-level party held a vote to get him out. Throughout the 2010s first as prime minister and then president, Orbán loaded Fidesz loyalists in the judicial system, in watchdog organizations, and amended the constitution (Livingston, 2020). During the Syrian refugee crisis, he characterized refugees as a threat to Hungary and Europe, extrapolating fear of Muslims amongst the Hungarian population. In 2020, Orbán's power peaked as he was granted unlimited power for an indefinite amount of time by ruling by decree, enabling him to take away media and judicial independence (Dam, 2020). His desire to create a Christian Hungary dictated by his own opinion without any checks or balances is characterized as authoritarianism. In an attempt to save face, Orbán decided to cut his losses and withdraw Fidesz from the EPP rather than suffer any humiliation. Similar sentiments reflected more greatly in the EU, with "growing concerns in Brussels that illiberal regimes could start to threaten the bloc's very survival" (Gosling, 2021, p.2). Indeed, the EU Justice Commissioner Didier Reynders confirmed the possibility of sanctions in light of Hungary's continued rise of illiberalism, as well as the President of the EU Commission, Ursula von der Leyen (Gosling, 2021).

Taking away funding from a member state for rule of law violations had not been a reality until April 2022. The EU has officially triggered a mechanism to reduce EU funding to Hungary for rule of law violations. Previously, there were concerns over the repercussions for enacting such a dramatic response. Firstly, taking away funds as a constraint could cause Hungary to lose interest in membership, and secondly, it could cause crises wherein the EU could no longer work as cooperative democracies and could eliminate their constraining power, allowing Hungary to transform into a more authoritarian regime (Bozóki, et. al., 2018). Though

the future of Hungary as a member of the EU cannot be predicted, the ongoing struggle highlights EU weaknesses in future enlargements and even current member issues. Based off of the challenging geopolitical situation Ukraine has with Russia, it would be unlikely Ukrainian leaders would push against EU laws and policies the way Hungary has. Ukraine's relationship with the EU has become increasingly comfortable relying on EU funds, so if the EU decided to withhold funds, they would be far more susceptible to EU influence. Especially considering Ukraine's historic trends toward European integration and the funds they have already received, it would be incredibly difficult for Ukraine to survive economically separate from both Russia and the EU, and Ukraine is already fervently moving away from Russian ties, making it far more likely for Ukraine to want to remain in good standing with the EU rather than Russia. While Hungary still pursues a relationship with both the EU and Russia, prioritizing a relationship with Russia allows Orbán to continue his authoritarian regime without fear of punishment. Moreover, with Hungary's reliance on Russian fossil fuels, it has been easier for Orbán to pick Russia over the EU to maintain domestic power rather than give in to EU demands.

Similar to Hungary, the parliamentary election in 2015 saw a change in common values and goals with a new political party, the Law and Justice party (PiS), rise to power. Winning the majority of parliamentary seats, the PiS party criticizes democracy, checks and balances, and endorses greater presidential power and effectively, authoritarian rule (Tworzecki, et. al., 2021). Though the party claimed to be anti-corruption, the party's efforts resulted in its lowest corruption score Poland since 2012. This vote enabled the party to largely control the government without giving power to other parties, which in turn established their power in key roles and institutions like the Constitutional Court and general prosecutor (Wnuk, 2021). With established control over its Constitutional Tribunal (court), President Duda's power made the judiciary subject to political

intervention, making it harder, if not impossible, to prosecute high-level corruption (Transparency International, 2021). For now, the EU has confronted this issue with Hungary, less so with Poland due to the migration crisis from Ukraine, by rescinding EU funds. The success of employing such a tool remains yet to be seen until the effect of losing EU funding is fully felt.

Poland, like Hungary, had remained a strikingly extreme case of rule of law violations in comparison to most of the other EU member states. However, in light of Russia's war on Ukraine, the two have diverged in their behavior. Poland opened its borders to all Ukrainians, has accepted over two million refugees, and consistently defended and shown support for Ukraine as an EU member state (UNHCR, 2022). On the other end of the spectrum, Orbán has not supported Ukraine, having forbidden the passage of weapons destined for Ukraine through Hungary and showing opposition for EU sanctions. As a result, the EU has not enacted the mechanism on Poland as it responds to the crisis, but Hungary remains affected. Moving beyond the crisis, Poland's continuance or reversal will determine if it will continue to be allocated funds. For now, Poland remains one of Ukraine's most fervent advocates, but will require a change in governance to ensure EU funding.

### **Self-Sustaining Reforms**

After the 2004 and 2007 accessions, the EU Commission has established a state-building agenda, especially for the Balkan region. In order to reduce domestic policy opposition to the EU agenda, state-building in coordination with domestic governance must be carried out together with EU guidance and funds to stay on similar trajectories. Former Yugoslav countries make for interesting new candidates, with either former or new institutions that were built after the fall.

The greater issue with post-Communist states like those in the Balkans is the rebuilding process after the fall. Without adequate administrative capacities and a strong, established state, the reforms needed to transform the region will not work (Grabbe, 2014). Moreover, too much intervention runs the risk of unsustainability once the EU stops holding their hand, requiring strong domestic commitment. The EU's state-building agenda demands a quick pace for their administrative capacities and governance to catch up to the standard to be able to move forward in negotiations. This in turn allows countries to take advantage of access to the EU economic and job market, which garners public support for membership. However, for the western Balkans, domestic and regional issues have delayed their progress and the economic opportunities have not arisen, so state-building still has progress to make before they reap the benefits.

Effective EU enlargement is akin to a screwdriver rather than a hammer, "it slowly but surely works deeply into the wood through consistent pressure" (Grabbe, 2014, p.49), affirming the value of consistency throughout the process. With Romania's issues of conditionality in their accession process, the EU's weak standards became even less effective in the reform process. In consideration of enlarging into the Balkans, the EU must be more stringent and reliable to fulfill the promise of membership if a candidate is meeting the requirements. The problem in the Balkans often lies with the conflict between the political elite and the anti-corruption standards of the EU. Now that the EU has experienced issues of conditionality and they want to utilize it more as a tool, it could take countries out of the running entirely. These issues also apply to Turkey, which has been a candidate state for over twenty years. Its continued candidacy was initially strong, but fell drastically under Erdogan, who does not want to work under conditionality. People in Turkey were far less opposed to the system of governance and their status than central Europe and the conflict between the Turkish domestic agenda and the EU's

agenda made it impossible to make significant ground (Grabbe, 2014). Should the EU have been more consistent in the promise of membership, public appeal may not have fallen so drastically, and Turkey's governance and human rights issues may not continue to be so threatened.

## **Territorial Disputes**

My case study will later focus on the greater issue of territorial disputes as it is a major factor in Ukraine's ability to join the EU but will divulge preliminary findings for this chapter; As a part of the 2004 group, Cyprus' accession has created many issues and conflict of interests for the EU. It is the only member state with a disputed territory issue and one that has yet to be resolved. Cyprus continues to block Turkey's membership and progress on several occasions, the Cyprus government has interfered with EU-NATO military operations, maintained a single-issue focus, and have had to be bailed out from an economic crisis. Unfortunately, Cyprus also has questionable involvement with Russia. Approximately \$31 billions of Russian capital is hosted by Cyprus, and Cyprus also relied on Russia to help bail them out after the 2013 economic crisis. Even further, after Russia's illegal seizure of Crimea and militarized support of pro-Russian separatists in eastern Ukraine, actions condemned and sanction-inducing from nearly all EU member states, Cyprus continued to maintain the same relationship with Russia (Nikitina, et. al., 2019), going so far as to criticize EU sanctions. Cyprus' relationship with Russia evokes serious questions over Moscow's indirect influence in EU operations.

Aside from their relationship with Russia, the bigger issue of disputed territory is one the EU has not discovered how to resolve. Cyprus' single-issue focus creates discord in the EU because it is only interested in pursuing its own issues and not working on behalf of the entire EU (Grabbe, 2014). Though the Cyprus problem is well-acknowledged, it has yet to be

addressed to prevent bilateral disputes in the future. The EU has no power over a member state should they have a dispute with a candidate or possible candidate, rather, a member state can use their status in their favor, like when candidate state Croatia had to settle on their sea border with member state Slovenia. Because the EU requires a unanimous vote to accept a new member state, bilateral disputes create the opportunity for one member state to dictate enlargement. As external actors, Bulgaria has blocked North Macedonia multiple times, Greece used its veto power to leverage Cyprus, and Cyprus has blocked Turkey since its inception in 2004. It has become a prevalent issue because the war has highlighted divides within the EU, and it is a policy now on the table to be discussed.

The bilateral dispute between North Macedonia, formerly known as the “Former Yugoslav Republic of Macedonia”, has had conflict with Greece since gaining independence after the fall. The name issue with Greece sparked a nationalist movement that reduced EU influence and public support, which a prime minister can use to further their agenda even with falling standards of living. With multiple bilateral disputes in the Balkans, accessions for several existing candidate states have been vetoed, requiring resolution before being accepted. In the case of Croatia in 2013, it managed to settle a coastline dispute with Slovenia by including a settlement determined by the Hague in their accession agreement (Euractiv, 2019). However, the conflict begun again, and now that they are both member states, the EU cannot get involved, further complicating the relationship and reducing incentive to resolve the problem. Considering these cases of disputes between member and candidate states, the role of external actors in the accession process is clearly significant. In the cases of member states exerting leverage against the EU in the process, such as in the case of Cyprus, the veto power only reduces EU influence. With the possibility of amending the treaties to eliminate the veto, the EU may have greater



influence during the accession process. However, as the process is currently, external actors have extensive power to shape both internal outcomes and EU accession itself. Thus, the EU has the most influence in bilateral disputes prior to an accession date and they are easier to resolve prior to accession to maintain a cooperative EU body.

The elite-led accessions prior to 2004 and 2007 are characterized by conflicting opinions between socio-economic classes. While enlargements were known in the elite world, they were not articulated clearly and defended in the public arena, making accession a complicated question, even within one state. Migrating workers became something to fear; the idea of the “Polish plumber” seemed to threaten Europeans even though they needed his services. The idea of a “Polish plumber” became symbolic of migrants from poorer states coming to take advantage of wealthier states. This idea became an extreme exaggeration that fueled unfounded fears over migrants. 2013 saw migration become a hot topic as the Euro crisis was felt by those who lost their jobs- they did not want a foreigner to walk in and take already reduced jobs and take advantage of the social welfare system (Böröcz, Sakar, 2017). While there was no evidence to evoke such a panic, Europeans became much more aware of enlargement, especially in the media. The panic has brought about new waves of nationalism within member states. Now enlargement is largely controlled by domestic politicians and ministries over issues of security, staying firm in their decisions on the accession process. With the public opinion of enlargement resting on the views of domestic politicians, it makes it a lot more challenging to predict accession progress and lobbying within the EU- “reducing the consistency and credibility that are vital for the transformative effect to happen in the Balkans and Turkey” (Grabbe, 2014). In light of this loss of control, the EU must decide whether to prioritize keeping the peace within or being exert pressure as transformative influence.

## Corruption

As previously mentioned, Bulgaria and Romania's accession in 2007 included the option for the EU to push back their accession date by a year in case they had not met the requirements set for entry. Approaching the accession date in September 2006, the commission's monitoring report of Bulgaria was rather dismal, referring "to deficiencies in the judiciary and public administration, as well as weak progress in the fight against corruption and sluggish enforcement of certain aspects of the core EU legislation, the *acquis communautaire*" (Engelbrekt, 2007, pg.4). Within Bulgaria's government, as in many post-communist states, the internal judiciary mechanisms that promote trust in government in Western states are lacking. The Bulgarian judiciary system, according to Daniel Smilov, has fragmented accountability due to the variety of organization, where structure varies, and a coherent report could not be made (Engelbrekt, 2007). These reports, mandated in part by their accession, created an unclear image of Bulgaria's judicial independence and thus made it challenging for the Commission to make decisions and recommendations in their candidacy.

Perhaps the most notorious problem in Bulgaria is the continued corruption within the government and political society, a feature inherited from the Soviet era. Administrative corruption occurs as a tax to supplement their salary, while political corruption, though rarer, is more egregious, with "elite networks benefiting from political protection, and, not infrequently, links to organized crime" (Engelbrekt, 2007, p.7). While the public is largely aware of the corruption, they are mostly tolerant of it; the police reported 2,476 crimes related to corruption in 2005, yet only 72 were actually convicted, with an estimated 120,000-130,000 corruptive acts being committed (Engelbrekt, 2007). The public has responded to corruption with protests on several occasions, but with insubstantial results. Later in 2015, Bulgaria's corruption perception

index (CPI) was 41, far below the standard of 50, defining Bulgaria's status as highly corrupt (Laurila, 2018). The November 2021 Bulgarian elections resulted in a new anti-corruption, pro-EU party in power, but whether or not Bulgaria will be able to effectively confront corruption remains a question for time.

After receiving reports on Bulgaria's corruption, and with the difficulty of sanctioning member states on compliance, the EU established the Cooperation and Verification Mechanism (CVM), which required bi-annual reports on anti-corruption efforts, judiciary reform, and organized crime (Lacatus, et. al., 2020). Though many experts suggest their lack of effectiveness due to the permeation of culture from communist society as well as the ineffective design of the CVM, it cannot be concluded that "monitoring without enforcement cannot have an impact on domestic change" (Lacatus, et. al., 2020, p. 1237). While the mechanism does not allow material sanctions, funds may be frozen. Where the CVM lacks in actual material sanctions, which is not the case with frozen funds, the international and domestic social pressure may have an effect on compliance with CVM issues. In 2010, many states voted in approval of Bulgaria and Romania's progress toward the Schengen zone, but only if they made progress with the CVM. Though this cannot be construed as social pressure that enacted change, given the Schengen treaty has other requirements that Bulgaria and Romania had met, there are material incentives associated with progress on the CVM.

Romania's compliance on the CVM is better compared to Bulgaria, leaders such as former Prime Minister Victor Ponta and mayor of Bucharest, Sorin Oprescu, have been convicted of corruption-related crimes. Interviews suggest public opinion regarding corruption largely sees parliament as a barrier to anti-corruption measures and the CVM reflects (European Commission, 2021). Romania's compliance with the CVM is linked to "greater success in

building effective domestic anti-corruption institutions” (Lacatus, et. al., 2020, p.1252), though compliance has fallen in the past few years.

Despite Romania’s overall progress with the CVM, Bulgaria and Romania are still far behind other post-communist members. The lesson learned in these cases is a highlighted need for institution-building with a stronger infrastructure that allows the state to better control anti-corruption issues. This is a far better and easier alternative than the EU mechanisms and institutions having to come up with ways to keep states accountable, which have not been able to work yet. Though the CVM is not perfect as a mechanism, the social pressure it brings enables other member states to exert influence where the EU as an institution cannot (Lacatus, et. al., 2020).

## **Conclusion**

As this chapter has demonstrated, the EU’s major enlargements in the past 20 years have revealed many flaws in the process. In any case, the EU will always lose conditionality once an accession date has been selected, unless it chooses to employ an extension. As geopolitical tensions rise across Europe, the EU has realized and responded to rule of law violations, in the case of Hungary. Whether or not it is effective remains to be seen, especially as Orbán kindles his relationship with Russia. But Ukraine’s status as a pre-accession state makes the territorial dispute issue sharply relevant. Cyprus’ reputation within EU institutions reflects its poor behavior as a result of the territorial dispute, which it refused to resolve. We still do not know what Ukraine’s borders will look like exactly until the war is over, but unlike with Cyprus, the EU has the experience and tools to not make the same mistake twice.

## CHAPTER 4: CASE STUDY OF TERRITORIAL DISPUTES: CYPRUS

Most existing scholarship on Cyprus and the European Union tends to focus on the Turkish accession question. However, considering similarities between existing member states and Ukraine on the unique disputed territory issue with external actors, Cyprus arises as a promising case study focused on aspiring EU members with territorial challenges. Despite entering talks with the precondition of settling the territorial dispute prior to accession, Cyprus was allowed membership and entered the EU still having a bilateral dispute. This chapter will explore Cyprus' success as a member state relating to the support of the EU in addition to its external relations that oppose EU values and goals. From the Cyprus experience, I will compare Ukraine's situation to determine if similar problems would arise should it be permitted membership. Taking into account the unpredictability of the war, I begin first by acknowledging I cannot fully address the issue because the territory continues to change hands. However, I will approach the territorial dispute issue as Ukraine's borders were drawn prior to the invasion.

### History of the Conflict

Relevant in the comparison of the Ukrainian and Cypriot conflicts are the external actors, of which both Turkey and Greece play that role in Cyprus' case. This conflict traces back to the early 1900s, when the island was annexed by Britain when the Ottoman Empire joined World War I. Following the dissolution of the empire in 1922 and a decrease in the Turkish population, Greek Cypriots became vocal in their demand to self-govern and unite with Greece.

The crusade for uniting with Greece, called *enosis*, snowballed into an Orthodox Church-backed campaign during WWII, though the Turkish government did not recognize the issue until 1953 (Kadioğlu, et. al., 2020). Until that point, Turkey was struggling to mitigate problems at

home and abroad, but once Cyprus applied for UN membership, Turkey began to defend British colonization of the island. Later during the 1950s facing *enosis* and in light of casualties of Turkish Cypriots, Turkey demanded the partition of Cyprus, saying that resolution in a joint state was impossible. However, both NATO members Greece and Turkey abandoned *enosis* and the partition demand once NATO was involved in negotiations (Buhari Gulmez, 2020). Though representatives from Britain, Greece, and Turkey agreed on the structure of Cyprus' governance in the London-Zurich Agreements of 1959, the conflict was never resolved given the almost immediate breakdown of the agreement (Kadioğlu, et. al, 2020).

Cyprus was unified in 1960 as the Republic of Cyprus (RoC), but Greek Cypriots were unhappy to relinquish any power to the Turkish minority, resulting in attempts to change the constitution and the following violence in response (Atasoy, 2003). In 1963 already in the midst of ethnic conflict, disputes amongst parliamentarians on the budget and constitutional amendments resulted in an escalated conflict that killed 200 Turkish Cypriots (Demetriou, 2008). Following the conflict, the UN stepped in to facilitate negotiations and cooperation, which was relatively effective in de-escalating the conflict, but ineffective against the coup in 1974. The UN had established peacekeeping forces on the island in 1964 and their efforts ramped up after the coup, but even today they still have not left, the UN's longest-standing blue helmet engagement. Notably, the coup was a result of conflict within the Greek Cypriot community and not targeting Turkish Cypriots as in previous attacks (Demetriou, 2008). On July 15, 1974, the Greek National Guard invaded the presidential palace in the RoC. President Makarios was able to escape, but the coup was effective, establishing an extremist Greek junta regime. Taking advantage of the situation, Turkey sent military forces and seized over 30% of the territory in the northeast part of the island five days later. Makarios was able to come back once the regime fell and resumed

power at the end of 1974. Eventually Turkish Cypriots moved to that part of the island, began to self-govern and eventually developed into the Turkish Republic of Northern Cyprus (TRNC) in 1983, recognized internationally only by Turkey (Atasoy, 2003).

Cyprus' accession to the EU formally began when it applied for membership in 1990, specifically citing a desire to find a solution to the territory problem (Vassiliou, 2003). The EU originally began negotiations with the precondition that the territory problem had to be resolved before accession. The idea that membership would act as a catalyst to conflict resolution is based on the idea that conditional gains for the TRNC would cause a change in the leadership's position (Tocci, 2005). In 1995 at the Madrid Conclusions, Turkey was listed as a European neighbor since it had a Customs Union with the EU, and the EU emphasized the need for the TRNC to recognize the benefits of joining. For Turkish Cypriots, accession to the EU required the application for membership as one country, since the TRNC was not recognized by any member state and it could not apply alone or with Turkey. The EU expected Ankara to compromise on the settlement because of Cyprus' accession, but TRNC "leadership preferred the options of international recognition followed by EU membership or of economic integration with Turkey, to EU membership with the Greek Cypriots as a subordinate community in a unified state" (Tocci, 2004, p.104). Additionally, EU member Greece saw potential candidate Turkey as an enemy, not a neighbor, which led it to vetoing aid payments due to Turkey and a Customs Union agreement (Brewin, 2000). Greece continued to exploit their position as a member state to support Greek Cyprus by threatening to veto any candidate states in the Balkans, effectively stopping EU enlargement in the region.

The emerging problem in the territory issue is that "Greek Cypriots want a bi-zonal, bi-communal federation with broad powers for the federal government... the Turkish Cypriots, by

contrast, have pressed for a confederation with weak federal powers based on the recognition of two separate and equal states (Larabee, et. al., 2003, p.81). Importantly, there has been little willingness to compromise from either position; negotiations have led to no solutions of the problem, forcing the EU's hand. By the 1999 Helsinki Summit, the EU had formally accepted that if settlement efforts failed during the talks, then a decision would be made without a precondition of territorial resolution (Vassiliou, 2003). The statement also said that Turkey would remain an EU candidate country, but at this point Turkish membership became, to a degree, reliant on resolution of the conflict, which it was not willing to do (Attalides, 2010).

The conclusions made at the Helsinki European Council were realized in 2002 when the Copenhagen European Council decided Cyprus would sign the treaty for accession in 2004 (Attalides, 2010). At this time Turkish Cypriots also began to realize that their leadership's refusal to resolve the problem effectively blocked their breakaway region from full EU membership, leading to mass protests. Technically EU membership applies to the entire island, so Turkish Cypriots who qualify for EU travel documents are EU citizens, though the TRNC is not an EU member. These demonstrations were a product of the Copenhagen European Council and resulted in the election of a new leader for the TRNC, recognized as a successful catalytic effect of EU policy instruments. However, unsuccessful use of EU policy tools, or rather, missed opportunities to develop a reunified Turkish Cyprus and Greek Cyprus state, was also a trend once accession was guaranteed (Demetriou, 2008). The EU has continued to make efforts to build a better relationship with Turkey, but these "missed opportunities", such as making Turkish an EU language, can contribute to more divide rather than resolution (Demetriou, 2008).

Before Cyprus was granted an accession date, at which point the EU effectively lost all negotiating power, scholarship largely agreed that Cyprus membership would jeopardize EU



relations with Turkey (Larabee, et. al. 2003). Indeed, looking back at the EU's relationship with Turkey since 2004 one sees only a deterioration of the relationship, although for additional reasons besides the Cyprus issue. After Cyprus became a member state, it began to block Turkish-EU negotiations, which it still does to this day. Holding a veto on new members, Cyprus' membership granted them the chance to end Turkey's hopes for Europe without consequence, allowing it to determine EU policy single-handedly.

### **Disputed Territory Parallel**

The two most obvious parallels between Ukraine and Cyprus prior to Cyprus' accession are first the dispute between Greek Cypriots and second, the roles of external actors. Throughout the application process, Greece remained Cyprus' biggest advocate for membership. As aforementioned, the EU went into talks with the requirement of settling the dispute before being allowed in, but the requirement was eliminated during negotiations thanks to Greek pressure. In agreement with the Greek Cypriots, Greece leveraged its veto power to prevent any Balkan enlargement if Cyprus was not allowed in as part of the Big Bang enlargement of 2004. Without setting any additional requirements such as in the case of the 2007 accessions, Cyprus has had no reason to resolve the dispute and instead exploits it to pursue national interests. EU. Since becoming a member state, Cyprus has largely been an uncooperative member, using its status to pursue only national Greek Cypriot interests. It has created barriers and blocks in EU negotiations for Turkey and "hindered EU-NATO cooperation to the extent that it disrupted communication on EU military and civilian missions" (Grabbe, 2014, p.50) and then required hefty economic assistance after a crisis in 2013. Because of its unique security threat, it does not function similarly to other EU member states in operating beyond its single issue. Cyprus'

performance as a member state makes a strong case for not accepting candidates with disputed territories. The EU is not eager to accept conflict, thus requiring resolution, even enforcing it, prior to accession has become a growing trend. In this situation, Cyprus does not help Ukraine's case.

### **Identity Parallel**

The Cyprus conflict is ultimately rooted in ethno-nationalist opposition between Greek and Turkish Cypriots. The Greek Cypriot campaign of *enosis* is based on their identity as Greeks and thus a part of Greece, while the Turkish Cypriot community most commonly identifies as descendants from the Ottoman Empire. The ethno-nationalistic principle in the conflict is solidified as the main cause in the fact that the Republic of Cyprus as a union of both communities could not last longer than three years (Akçali, 2011). A new constitution in 1960 further divided the Cypriot identity as it prohibited mixed marriage and designated separate times for Greek and Turkish broadcasts (Demetriou, 2008).

Nevertheless, the Turkish Cypriot identity is different than Turkish; Turkish Cypriots felt different to the Turkish settlers arriving from rural parts of Turkey, who were more conservative. Turkish Cypriots have also expressed feelings of colonialism from Turkish settlers, claiming that the Cypriot culture is threatened, especially with the presence of Turkish soldiers (Akçali, 2011). Some even go so far as to indicate nostalgia for earlier times when they were more integrated in Greek-Cypriot communities or differentiate from the Ottoman lineage (Akçali, 2011). This divergence in identity is called Cypriotism, based on the middle-class Turkish Cypriot reaction to nationalist Turkish-Cypriot parties. Typically, the middle-class felt controlled by Turkey vis-à-vis the ethno-nationalist party that often dominated in the TRNC, whose policies became less

and less aligned with the sentiments of the Turkish Cypriots. In the early 2000s when the Annan Plan was proposed, the Turkish Cypriot identity was characterized by a desire to connect with the world and move away from “Turkishness” (Akçali, 2011).

Another identity divergence is also distinguished by pro-reunification and pro-Europeanization, which became common themes in education and the media. Non-profit organizations and civic organizations connected with prominent supporters of the opposition in hopes of challenging the nationalist party. Pro-European sentiment was at an all-time high before in 1997 with 94.5% of Turkish Cypriots voting for membership with a settlement prior or together with Turkey (Tocci, 2005). Unfortunately, when the Annan Plan was rejected, in conjunction with growing EU hesitation, Turkey began to focus on the domestic agenda without the inclusion of a unified Cyprus (Akçali, 2008). At that point, in 2009, institutional support of a pro-European agenda was lacking to the extent that it could not sustain the identity and once again, nationalism became the more prominent feature in the Turkish-Cypriot identity. However, some scholarship suggests that elements of a hybrid Cypriot remain among the youth on both sides of the island, stunted by the lack of contact and interaction with their counterparts (Leonard, 2012).

Another indicator that the Cypriot identity is growing independently of Greece and Turkey is the politicized protests during the economic crisis in 2013. Social media posts reveal a strong sense of identity as Cypriots, not Greeks or Turks, which is threatened by EU assistance because of its perception as colonization (Triga, et. al., 2015). Some posts had correlating feelings of the poor being held financially responsible for bailing out the wealthy who had caused the collapse (Triga, et. al., 2015). Analyzing Facebook posts regarding the economic crisis, this person identifies three forms of collective identity in Cyprus. The first is based around

nationalism, not Greeks versus Turks, but Cyprus against colonizers and the EU. The Cyprus issue plays a role in the ideology behind these posts, yet conflict of the Cypriot identity versus Greek identity is more heavily emphasized (Triga, et. al., 2015). The other type of collective identity is politically idealized against the president and the government, who are characterized as enemies of the people of Cyprus (Triga, et. al., 2015). Such an identity is not exclusive to Cyprus; from similar situations in other countries, crises tend to strengthen anti-president sentiment, though the identity itself remains a feature of opposition parties alone (Triga, et. al., 2015).

Similar to the TRNC, Russia has exploited Donbass for its own agenda. Regional leaders are pro-Russian separatists, just as the TRNC leaders tends to have a pro-Turkey, rather than Turkish Cypriot position. While it is true that the ethnic and linguistic identities of eastern Ukraine are complex and usually lean towards Russian, the economic disparity felt because of their self-declared independence has led to a shifting attitude. In 2019, more Donbass residents self-identified as Ukrainian than any other category, indicating growing dissent from pro-Russian leaders (Sasse, et. al., 2019). Since the proposal of the Annan Plan in 2004, Turkish Cypriots expressed the desire to reunite with the RoC, but the support has begun to decline, as 2021 elections reveal a prioritization of a relationship with Turkey (Presidency of the Turkish Republic of Northern Cyprus, 2022). It is important to recognize the challenging nature of the relationship between the TRNC and Turkey. The Turkish Cypriot identity is largely refused and unrecognized, which the EU has not attempted to resolve. As a result of only being recognized by Turkey, it is reasonable to assume that the recognition the EU has denied them would lead to greater popularity with Turkey. In sharp contrast, in Donbass nearly half of the respondents did not identify as Ukrainian citizens in comparison with 2016, suggesting a sense of being left

behind by the Ukrainian government (Sasse, et. al., 2019). Considering the importance of identity, particularly how it fuels both of these territorial disputes, recognition of identity is absolutely crucial to create the incentive to reunite. Cyprus has been divided for nearly 50 years, while the modern Ukrainian territorial dispute has been going on for eight. Learning from the Cyprus case, the opportunity to reunite when the majority of the Donbass wants to do so and most identifies with Ukrainians is the most advantageous to prevent further propagation of Russian control. The war certainly complicates a settlement in contrast to Cyprus, but the conditions for appealing to the residents of Donbass are ideal.




### **Problematic Relationship with Russia**

The beginning of the good relationship between Cyprus and Russia started during the Soviet period, when *enosis* grew popular, and the Soviet Union supported the movement. Russia's influence on the conflict in Cyprus is evidenced in the 2004 Annan Plan, which sought to unify Cyprus under one republic as a federation of two states (Erler Bayir, 2014). The Greek Cypriots voted heavily against it at 75.38%, while the Turkish Cypriots voted in favor at 64.91% (Deloy, 2004). Since the Annan Plan stemmed from the United Nations (UN), Russia was able to axe a secondary proposal to enable the logistical support of the Annan Plan, effectively vetoing it (Erler Bayir, 2014).

Cyprus has only become a bigger problem for the EU. Besides its problematic single-issue focus, Cyprus maintains a cooperative relationship with Russia, whose relationship with the EU has largely deteriorated. Historically friendly relations between Russia and Cyprus continued after the fall of the Soviet Union and grew in contrast to Russia's overall diverging relationship with the EU. In its pursuit of regional dominance in the Mediterranean and Black Sea, Russia

maintained relations with both Turkey and Greece by rejecting one-sided proposals to the Cyprus issue. Russia's political support of the Cyprus issue has guaranteed Russia a spot in the Mediterranean economically and militarily (Nikitina, et. al., 2019). Though the EU-enforced sanctions after the illegal Crimean annexation resulted in a decrease in trade, Cyprus permitted Russian use of naval base near Limassol and airbase Andreas Papandreou, the latter only for delivering humanitarian aid (Atlantic Council, 2014). The deliverance of humanitarian aid is especially appealing considering the decrease in trade and considering effects from the Syrian civil war (Nikitina, et. al., 2019).

The Cyprus-Russian alliance serves more than a political purpose. As a smaller and weaker EU state, Cyprus relies mainly on its relationship with Russia and Greece, especially after losing favor amongst the broader EU. Cyprus and the included use of its naval bases offers Russia a strategic geopolitical position in the Mediterranean, made even more important considering its proximity to the Middle East. Similar to Crimea in its military capabilities, Cyprus is also a popular tourist destination for Russians, supporting the 11% tourism share of Cyprus' economy (Nikitina, et. al., 2019). It is also a well-known site for offshore Russian capital (see Figure 2), which further underscores the importance of preserving this relationship for both Cyprus and Russia (Repousis, et. al., 2022).

Russia's FDI (USD millions)*			
	Total	Shares	Debt instruments
Overall	382,278	365,239	17,039
 Cyprus	177,407	136,767	40,640
 Netherlands	48,453	42,914	5,539
 British Virgin Islands	41,658	41,060	598
 Austria	30,944	31,160	-216
 Switzerland	20,142	14,657	5,485
 Turkey	9,490	9,428	62
 United Kingdom	9,080	7,814	1,266
 Germany	8,394	7,466	929
 United States	7,065	6,066	999
 Spain	6,382	6,185	196
 Bahamas	5,166	5,148	18
 Belarus	4,025	3,484	540
 Ukraine	3,666	3,009	657
 Bulgaria	3,351	3,256	95
 Kazakhstan	3,212	1,245	1,967

**Figure 2:** “Russia’s Foreign Direct Investments”. Gadomski, Witold. Obserwatorfinansowy.pl, 2018.

Cyprus’ relationship with Russia has made it susceptible to the financial opportunities it offers. The president of the Republic of Cyprus, Nicos Anastasiades, was named in the Pandora Papers, a massive leak of documents regarding assets of prominent world leaders. The Pandora Papers named a law firm, of which Anastasiades was the founder, as the key offshore intermediary for Russian capital (Dallison, 2021). Cyprus also maintains a passport investment program, where if one invests at least €2 million in Cyprus, they can receive an EU passport, even guaranteed with anonymity (Smith, 2019). This “golden passport” scheme has allowed Russians with questionable ties essentially buy a passport that guarantees all the privileges and rights of being an EU citizen. While Cyprus was not the only member state with such a scheme, it has yet to fully comply with EU orders to stop, even in consideration of sanctions as a result of the war. Though Cyprus is now labeled “unfriendly” by Russia, it is only because Cyprus is in the EU. The loss of reliable tourism can certainly exacerbate resentment for EU sanctions, and Cyprus is

paying the cost of doing business with an unpredictable state. Should it decide to show any support for Russia or circumvention of sanctions, its favor in the EU will not improve.

### **External Actors**

To better understand the territorial disputes in Ukraine and Cyprus, evaluating the external actors who played key roles in the disputes and who exert power and influence is important to understanding how they affected the EU. Since the beginning of the conflict, Greece has been a strong advocate within the EU for the Greek Cypriots and RoC. In the other corner, candidate state Turkey supported the TRNC and also simultaneously tried to deepen their relationship with the EU and apply for membership.

From the process of Cyprus' accession, it is evident that Greece exploited its status as a member state to leverage Cyprus above any Balkan enlargement. In this case, being a member state allowed Greece to control EU enlargement policy single-handedly, especially regarding Turkey. Throughout the 1980s under the leadership of Andreas Papandreu and his party PASOK, the Greek position was anti-Western and unamenable, and sought to use internationalism to denounce Turkey as an illegal occupier (Tocci, 2005). Papandreu argued from the beginning that Cyprus should become a member state regardless of a resolution, since that was the most effective way to internationalize the problem. Though the PASOK position publicly changed with the death of Andreas Papandreu and position on Turkish membership reversed, there is little evidence that Greece supports Turkish membership. Moreover, Cyprus has continued to block negotiations with Turkey for over twenty years, maintaining the same position and controlling EU policy towards Turkey.



The most obvious error on the EU's behalf was the loss of negotiation power once the requirement to resolve the territorial dispute was removed and an accession date was set (Grabbe, 2014). While relying on Ankara to change its position, the EU did not make enough effort to inspire Greek Cypriots toward resolution, giving them significant leverage over the TRNC and Turkey. However, once the condition was removed and an accession date set in Helsinki, the EU lost any leverage over Cyprus. The conditional gains offered to Turkish Cypriots did not fulfill their identity and security needs, yet the conditional gains offered to Greek Cypriots became unconditional, decreasing their desire to resolve the conflict (Tocci, 2005). While the EU is not the sole party responsible for the failure, it played a strong role externally that in part determined the attitudes of Greek and Turkish leadership.

The EU's catalytic plan in solving the issue primarily relied on a change in Turkey's position and did not include adequate foreign policy to incentivize such a change. When the Turkish Cypriots were displeased with their prime minister in 2002, protested, and elected a new candidate the following year, they were motivated by a relationship with the EU (Demetriou, 2008). While the EU helped to improve the economic situation in the TRNC, it was ultimately the failure to make Turkish an EU language that resulted in the lack of access to EU jobs- seen as a negotiation failure during the accession process (Demetriou, 2008). The EU's failure to acknowledge Turkish Cypriots ethnically contributed to their perception of bias toward RoC, which made the TRNC less compelled to reach a settlement. EU association and integration often induces long-term structural change via incentives to change the status quo (Tocci, 2005). The most successful way to incentivize candidates, as seen in the eastern enlargement, is by promising full membership, not merely association (Grabbe, 2014). With both the EU and the UN taking on mediation roles, rather than just the EU acting to incentivize the TRNC and RoC,

the catalytic effect was not realized, not because of a lack of EU tools, but missed opportunities to use them in their full capacity (Tocci, 2005).

Its performance as a member of the EU has been poor, focusing only on its problem, not contributing toward EU operations, and requiring an economic bail-out in 2013. As a result, Cyprus is not viewed positively within EU institutions as it does not function multilaterally in the EU and act in the greater European interest (Kyris, 2011). Once Cyprus became a member state, it was also granted permission to use EU instruments to effectively determine Turkey's relationship with the EU. Unfortunately, the EU has also not discovered how to prevent another such situation, and, in the eighteen years since Cyprus acceded, is still dealing with issues of conditionality and bilateral disputes with candidate states.

### **Dissimilarities in the case study**

Despite commonalities in the disputed territory issues, there are significant features that distinguish the case of Ukraine from the case of Cyprus. Most obviously, the attitude towards Russia in relation to the overall EU attitude toward Russia. In this situation, Cyprus has only supported Russian interests and goals in the region, especially since the fall of the Soviet Union. On the other hand, Ukraine has made clear strides in separating from Russia's sphere of influence and eliminating Russian claims to Ukraine, most notably since 2014. While Cyprus entered the EU with an already friendly relationship with Russia, both Ukraine's public and government has been overtly clear in their pursuit of European integration over remaining in Russia's sphere of influence. Especially now that Ukraine is fighting its security issue on its own in the war, the territorial dispute could be resolved, but such a solution is quite unpredictable.

Nonetheless, Ukraine's relationship with Russia is not comparable to Cyprus and its dependence on Russia economically, which diminishes the effect it has on Ukraine's accession.

In terms of external leverage, Russia has historically exerted more influence than it does now. Before the war, Russia as a major power intimidated the EU, evident in Russia's annexation of Crimea, which resulted only in minor sanctions. As a major exporter of oil and natural gas, many EU countries have established an energy dependence on Russia, making them less able to punish Russia. However, the war has initiated EU efforts to fully move away from Russian dependency, relying on its transatlantic partnership with the US and other alternatives to replace the supply. Moreover, now that Russia has invaded, most of the EU has fully supported Ukraine's efforts to defend itself. Some countries, like Germany, have shown a dramatic change in attitude towards Ukraine in light of Russia's aggression and the EU sanctions are far more severe and widespread than ever before. Thus, while the EU draws a line at direct military intervention, Russia exerts far less influence in the situation as Western partners respond with greater measures.

The EU as an external actor has increased its leverage through integration efforts and now during the war. In the past eight years since the annexation of Crimea, the EU had implemented some sanctions against Russia that were not sufficient enough to stave off full-fledged aggression. However, before the war, Donbass was never integrated or given status under Russia. Under Russian control, the region has suffered critical losses in infrastructure and poor socio-economic conditions. Polling data starting in 2016 revealed a much stronger inclination to rejoin Ukraine and increased rates of identifying as Ukrainian, or mixed Ukrainian-Russian (Sasse, et. al., 2019). Because of the economic disparity and consistent uncertainty over its status, the EU is very appealing as it maintains a relationship with Ukraine that would recover

its economy. Meanwhile, under Russian control, the situation has only deteriorated, making reintegration a more possible solution.

By far, more than ever, the territorial dispute issue in Ukraine is more possible, yet more uncertain. As Ukraine fights for current and lost territory in the war, its case is developing far differently than Cyprus. Ukraine could effectively regain its territory and resolve the dispute altogether, but it is impossible to determine the likelihood at this point. The EU has also encouraged Ukraine to pursue candidacy even in the time of war, which shows stronger support for membership despite the ongoing territorial dispute, raising questions over EU-wide support for membership. While Ukraine was voted in by all twenty-seven EU member states as a candidate, any member state could veto actual membership in the future. Given the lack of veto leverage as in the case of Greece and Cyprus, the EU can work to Europeanize and integrate Ukraine under the Association Agreement without the pressure of time. On the other hand, the required unanimous vote could also pose a similar threat. Austria and Hungary have both publicly declared their opposition to Ukraine's membership in the EU, but the veto power is soon to be tabled in the EU, which means that barrier could be entirely eliminated. In light of Russia's war in Ukraine, the EU has had some difficulty forming an effective response that is approved by all member states. Changing the veto power comes from concerns over the bloc's reactivity, but is a highly disputed issue because it reduces an individual state's power in EU decisions. Due to varying relationships with Russia across the EU, some feel that they would pay too large a price by adhering to EU sanctions on essential resources, such as gas. The war seems to be just the tipping point, as EU operations have slowed in other areas, such as the budget, prior to the war due to Hungary's veto power (Tidey, 2022). Though the process to change the treaties has been initiated, it will require a unanimous vote of the European Council. Because of the

controversy and the prominent critique over how fast the decision is being made, convincing every state to agree will require additional effort and time. In the meanwhile, should Ukraine attempt to become a member state before the veto is altered, it is likely that Hungary and Austria would vote against it.

In comparison to Cyprus, the territorial dispute problem the EU has more leverage in Ukraine's territorial dispute. EU member states have already pledged support to Ukraine's sovereignty in military support, which Ukraine may now use to take back lost territory. While the situation remains extremely unpredictable, the door to resolving the territorial dispute is still open, unlike in Cyprus. Most importantly, the EU's change in internal policies as a result of the war signal even greater support for Ukraine's independence and sovereignty. The EU's widespread move toward alternative energy sources indicates the recognized severity of Russia's unprovoked war, the realization Russia may turn off gas to Europe, and the EU's dependency on Russian energy funds this war. In just a few months, Europe's energy direction has taken a sharp turn in supporting Ukraine in the fight for its land.

## CHAPTER 5: DIVIDED EUROPE

Before the Russian invasion of Ukraine, Europe appeared quite divided, particularly in the energy sector. Since Germany's Nord Stream 2 project finished construction in September 2021, the eastern flank of the EU was more worried than ever about energy security, bringing about multiple debates on the EU's energy policies and unity in the face of Russian aggression. With varying energy mixes across the EU, some countries are more threatened than others based off of their individual energy dependence. While states like Germany have totally eliminated domestic nuclear reactors and turned to Russia for oil and gas, other states such as France have found safety in nuclear power plants, prompting a larger debate on renewable and green energy. The EU has struggled to transition to meet its lofty goals because of divided energy opinions, but with Russia's invasion of Ukraine, has united against a common enemy to stop dependence on Russia for oil and gas. Though opinions on certain energy sources still fluctuate across the continent, the EU is more determined than ever to be independent and accelerate towards their goals as a movement away from Russia. In this chapter, I will discuss the EU's historical and current perspectives on energy policy and what role Russia has played a role in it. To understand the effects of the war, I will explore the EU's changing policies and their efficacy. Finally, I will look at the EU energy situation in war to see if it is effective in influencing Russia.

### **Nord Stream**

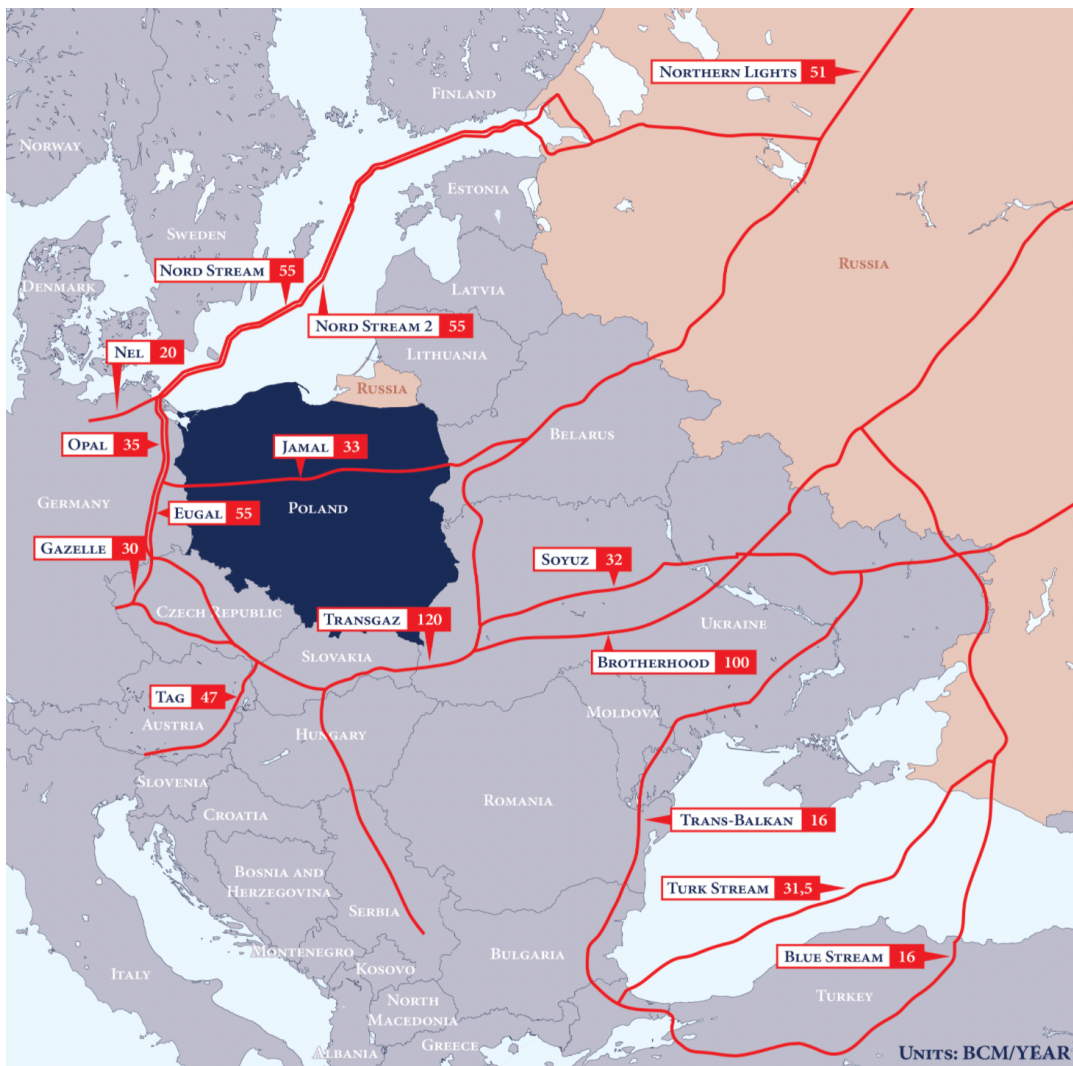
With Europe's historic dependency on Russian oil and gas, the Nord Stream 2 project with Gazprom created divisions across the EU. During the Soviet era and for some time after, European Union countries imported Russian gas through pipelines in Eastern Europe, including Poland and Ukraine. From the Russian point of view, this posed several problems. For example,

during a gas financing dispute with Ukraine, Russia cut off the pipeline for 13 days. But that meant also cutting of many other European customers. Subsequently, Russia pushed hard for energy delivery routes direct to western Europe, bypassing the need to go through Eastern Europe. Nord Stream 1 under the Baltic Sea from Russia to Germany opened in 2011. Nord Stream 2 is finished and runs parallel pipelines across the Baltic Sea to Germany. The project divides Europe into two groups, those who want the project and are typically reliant on Russian gas, and those who perceive it as a threat to their energy security sector.

Nord Stream 1 established the initial divide on energy in the EU. Leading the EU parties in favor of the project had been Germany and Austria, citing increased energy stability and security for the EU (Congressional Digest, 2021). Supporters argue that the project will ensure supply meets growing demand in the next years since the pipeline will more than double the volume of natural gas imports (Schoen, et. al., 2019). Supporters of Nord Stream 2 have also made claims for over a decade that the Ukrainian pipelines are becoming too old or damaged to continue to be reliable. However, as more and more gas is successfully transited through these lines, the more these claims appear to be rumors, since according to those claims, the lines should have been unusable at this point (Umland, 2022). With a subsequent decrease of the importance of Ukrainian pipelines, Germany gains direct access to Russian gas (see Figure 3), and it becomes the main distributor for the majority of Europe (Sziklai, et. al., 2020).

Central European countries argue that reliance on the Nord Stream pipelines interferes with diversification efforts and guarantees Russian dominance in the market (European Political Strategy Centre, 2017). The problem with the project is that Poland, Czechia, Ukraine, and Slovakia not only lose money from gas transit costs, but also guaranteed access to gas (Sziklai, et. al., 2020).

Giving Russia this kind of power has raised serious concerns across the EU’s eastern flank. In 2016, eight EU leaders from the Baltics to the Balkans cowrote a letter attributing their concerns over Nord Stream 2 to potentially severe geopolitical consequences. These concerns were further justified by the European Policy Strategy Centre, which found no political or economic reasoning that backed up the project from a wholistic EU perspective (Sziklai, et. al. 2020). Fears over domestic energy security first began with Nord Stream 1, as it was proven that Gazprom abused its position and attempted to fragment the Central and Eastern European gas markets (European Commission, 2018).



**Figure 3:** “Selected gas pipelines used to transport Russian gas to Europe”. Zaniwicz, Maciej. Warsaw Institute, 2019.



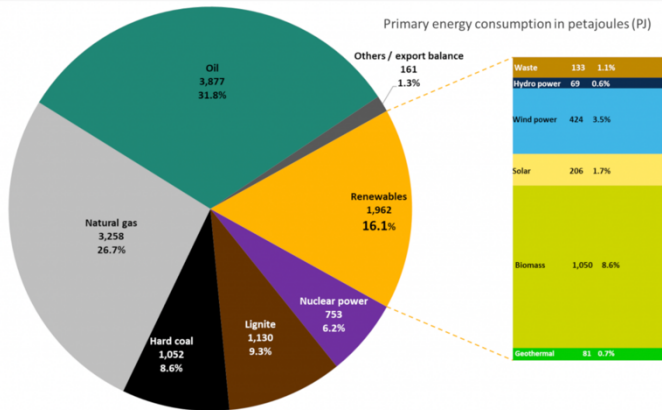
Gazprom, as a state-controlled company, is motivated not only by monetary gain, but also political advantages. Nord Stream 2 thus must be, to some degree, politically motivated and advantageous to Moscow, as well as other Russian oligarchs and elites (Kardaś, 2019). In any case, whether Russia would ever shut off gas transit lines through Ukraine or not, Western Europe is the clear winner, while Eastern Europe suffers a loss of revenue and energy which they rely on heavily (Sziklai, et. al., 2020). Though Angela Merkel as a proponent of the project advocated for its labelling as a commercial project, the leverage gained by Russia over multiple EU countries creates a clear political incentive beyond just business (Schoen, et. al., 2019). Given the EU's preexisting reliance on Russian gas, Nord Stream 2 expands Russia's ability to influence the EU and weaken unity, particularly in energy goals and policies (Kardaś, 2019).

There is good reason to question Russia's reputation as an energy supplier. In 2009, Russia and Ukraine could not agree on a gas supply price and tariff price for transiting gas to Europe before the contract ended, resulting in a gas cut off to Ukraine. Sixteen EU states and Moldova were significantly affected and completely cut off a week after Ukraine, and the supply was not restored until almost three weeks after the contract expired (Pirani, Stern, Yafimava, 2009). Even more challenging, these countries were left without gas in the middle of winter. The initial gas cut off was largely due to an ongoing argument between gas companies in Russia and Ukraine, Gazprom and Naftogaz, which had to be resolved by the prime ministers of both countries at the time, Vladimir Putin and Yulia Timoshenko. The long-term consequences of the conflict were predicted to be the loss of reputation for Russia and Gazprom and an acceleration of alternative pipelines of Russian gas without going through Ukraine (Pirani, Stern, Yafimava, 2009). Indeed, the Nord Stream project has proven the latter entirely correct. However, this consequence is attributed to the perception that Ukraine is the problem, or the Russian-Ukrainian

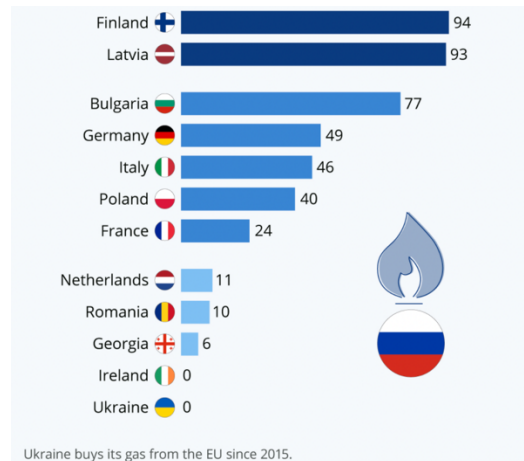
relationship, and not Russia by itself (Pirani, Stern, Yafimava, 2009). Thus, when Germany went ahead with Nord Stream, knowing Gazprom had questionable motives beyond capitalistic goals, Russia gained further leverage over Ukraine (Wolczuk, 2016). Until 2013 and the ousting of Yanukovich, Ukraine was one of the biggest consumers of Russian gas, until it switched to buying significantly smaller volumes of gas from Europe (Statista, 2021). Ukraine likely switched not only because Russia had too much control over the gas supply, but also because Yanukovich, famous for his corruptive practices, made concessions for “reduced prices” that were still higher than for other European countries (Wolczuk, 2016). While the gas Ukraine imports still likely originates in Russia, Russia is no longer able to turn off Ukraine’s gas and have direct control over its energy, unlike proponents and benefactors of Nord Stream.

The EU proponents of Nord Stream 2 have tended to be states with heavy reliance on Russian gas and oil (see Figures 4 and 5). Germany alone is the largest EU recipient of Russian gas, accounting for almost a third of the total gas imports, and though Austria is much smaller, its gas imports from Russia have tripled since 2014 (Kardaś, 2019). Beyond just gas, Russian oil is also imported by Germany, accounting for 54.7% of their crude oil imports in 2019, significantly less than normal due to a pipeline disruption (Energy Information Administration, 2020). While Germany is certainly the largest consumer of Russian gas and oil, Finland, Latvia, and Bulgaria are also extremely reliant on Russia when it comes to gas (Appunn, et.al., 2021). The difference between the Germany and the other states, though all reliant on Russia for gas, is that Germany needs Russian gas in order to keep up with domestic energy demands, especially since it is getting rid of its nuclear power plants.

**German energy mix 2021: Energy sources' share in primary energy consumption.**  
 Data: AG Energiebilanzen 2021, preliminary.



**Figure 4:** “German energy mix 2021: Energy sources’ share in primary energy consumption”. Appunn, Kerstine. Clean Energy Wire, 2021.



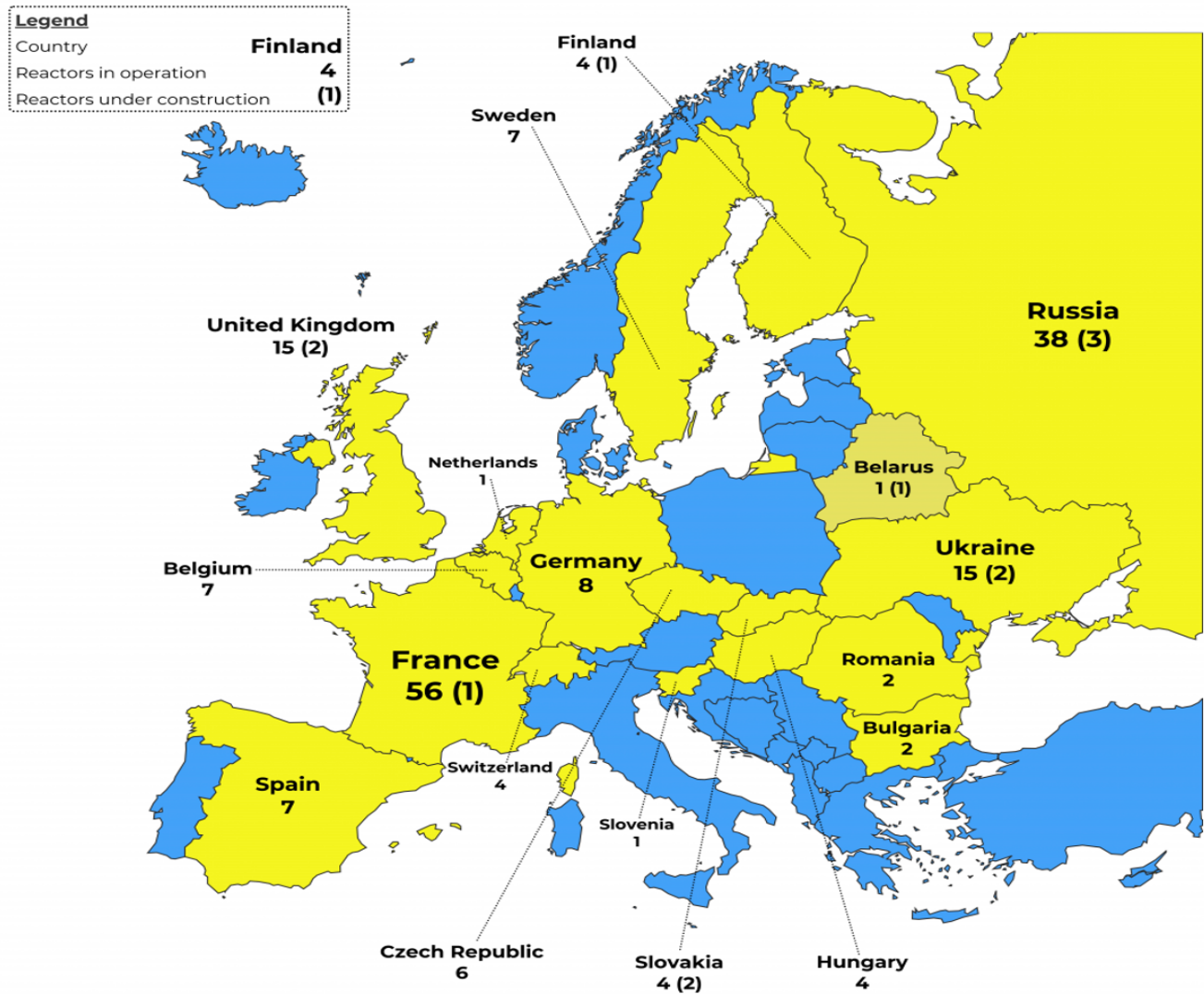
**Figure 5:** “Percent share of gas supply from Russia in selected European countries”. Buchholz, Katharina. Statista.com, 2022.

In light of the Russian invasion of Ukraine at the end of February 2022, Germany has since stopped the certification process of Nord Stream 2. In July 2021, Angela Merkel made the promise to take action if Russia used energy as a weapon against other countries, which her successor, Olaf Scholz, fulfilled (Lewis, et. al., 2021). In October 2021 Scholz withdrew “a binding opinion... that stated the pipeline posed no security-of-supply threats” (Weise, 2022). While the pipeline remains unused for now, Germany has not closed the door on pursuing the project later, though the EU has set new goals for ending dependence on Russian gas by the end of 2022 and other energy sources in the next decade (Congressional Research Service, 2022).

## Nuclear Energy

An increasingly more relevant factor to the energy divide in Europe is the debate over renewable sources, which is largely focused on nuclear power. Though the EU as a whole designates the movement toward gas away from nuclear and coal as an energy goal, individual

member states still operate and rely on nuclear power (see Figure 6). Germany itself prioritized phasing out nuclear energy by 2022 and coal by 2038 (Ratner, et. al., 2021). The general anti-nuclear power stance became prominent after the Fukushima reactor accident in 2011, though Germany alone remains the only EU country to entirely plan to phase out nuclear power plants (Appunn, 2021). While nuclear energy is not technically a renewable energy source, it is considered clean because it does not give off emissions, making it an attractive source economically, politically, and environmentally.



**Figure 6:** “Nuclear Power Plants in Europe”, European Nuclear Society, 2022.

As one of the biggest producers of nuclear energy in the EU, France derives 70% of its power from domestic production and still has enough to export as the world's largest net exporter of electricity (World Nuclear Association, 2022). In stark contrast to Germany, the French government prioritized nuclear power over natural gas in the 1990s, discerning no economic advantage for gas (World Nuclear Association, 2022). And though France enjoys low-cost, reliable electricity from domestic production, other EU countries are still hesitant to pursue nuclear energy solutions. As a result, despite some efforts to build more reactors in Finland, Slovakia, and France, the number of closing reactors has a greater impact on energy production than those being built.

Labelling nuclear power as renewable has been debated in the EU for decades. Though Germany's movement away from nuclear energy production was influenced by the Fukushima accident in 2011, the EU historically has not been fond of nuclear power plants. As a newer member of the EU, Lithuania was pressured to closing its last nuclear reactor in 2009, which until then had been producing 70% of its electricity (World Nuclear Association, 2021). The Chernobyl accident in 1986 had raised long-lasting concerns over the safety of Soviet era reactors, prompting the forced closure of nuclear reactors certain candidates states as a requirement for EU membership (World Nuclear Association, 2019). This requirement was established in 1997 and only applied to two models of reactors, found in Lithuania, Bulgaria, and Slovakia. Toward the end of decommissioning the power plants, with monetary aid from the EU, the process was found to cost more than expected. Ironically, these three countries have also expressed concerns over the Nord Stream project and concern over the potential weaponization of energy, a concern only exacerbated without nuclear power to rely on. Since the decommissioning of the unsafe reactors, Lithuania has not built any new power plants, but

Slovakia and Bulgaria have established four and two new reactors of western design, respectively, with a strong government commitment to nuclear energy in the future (World Nuclear Association, 2019).

As the EU strives toward climate neutrality by 2050, the definition becomes much more highly debated. While gas demand is expected to increase in the next few decades, the demand for nuclear is also increasing, and especially in times when energy security is wavering, states tend to lean toward conservative measures. France was supposed to decline its nuclear energy reliance over the past decade but had to revert due to concerns over meeting demands. France remains the most successful case in nuclear energy production in the EU despite the controversy and manages to curtail energy security concerns in relying on it. Nuclear energy is not renewable, but for the time being, remains a domestic solution with low costs and high rewards, economically, politically, and environmentally.

## **Renewable Energy**

While the debate on nuclear energy thrives among EU members, the goals of cutting greenhouse gas emissions, shifting to renewable energy, and improving energy efficiency are unanimous across the EU. Though the EU had initially committed to climate and energy goals in the early 2000s, the recent 2030 climate package revealed an even stricter goal in reducing emissions by at least 55% compared to the 1990 levels (European Commission). However, the new climate package also allowed for flexibility for individual member states to choose how they define low-carbon transitions and keep costs low (World Nuclear Association, 2022). This flexibility in EU policy does not leave room for error in the case of an energy security crisis, but the Energy Security Strategy in 2014 strictly dictates the need for more renewable energy

(Kardaś, 2019). Though renewable energy reliance is expected to increase in the future, it was projected to account for only 25% of the EU's energy mix in 2035, which is insufficient for energy independence (Schoen, et. al., 2019). However, the EU has since passed a new Renewable Energy Directive, which has set the target for renewable energy at 40% of the energy mix by 2030 (Ciucci, 2021).

While the EU certainly has planned to move towards carbon neutrality, the already stringent goals that have been set continue to become more stringent. Considering the current energy sources for individual countries across the EU, such as Germany and France, the move to renewable energy is considerably easier for some than others. The debate over the transitional energy sources comes from both ends of the spectrum: Germany and Austria argued for gas to be labeled green and condemned nuclear energy, while France and Finland advocate for nuclear energy and condemned coal power (Cohen, 2022). Generally speaking, the EU tends to agree that coal is worse for the environment than gas, oil, and nuclear, and that gas is not ideal, but a relatively eco-friendly transition to renewable energy. However, whether to stick the green label on gas and/or nuclear brought about a massive debate in the EU that was only resolved in February 2022 with the European Commission labelling both as green (Strauss, 2022). What this means is that the EU has established specific technical requirements for energy plants to be considered green, usually that lead to being replaced with renewable energy plants (Strauss, 2022). Despite being globally considered the leader on environmental policy, the EU has faced much backlash over the decision and now the debate has grown beyond EU borders. And since February 24<sup>th</sup>, 2022, the EU has had to make even tougher choices about its energy sources and plans for the future.

Since Russia's invasion of Ukraine, the EU has realized the significant effect the war has on its energy, and how unreliable and unpredictable Russia is as an energy supplier. The EU has outlined a new plan to accelerate diversification efforts and renewable gas production to "reduce EU demand for Russian gas by two thirds before the end of the year" (European Commission, 2022). Acknowledging the struggle of high gas prices since late 2021, the EU plans to require gas storage in every state to be at least 90% full by October of each year and to assess the optimization of the electricity market design (European Commission, 2022). Perhaps the most urgent goal is moving away from dependence on Russian fossil fuels, which is supposed to happen before 2030 with the substitution of pipeline imports from other countries and increased liquified natural gas imports (European Commission, 2022). While it is yet to be seen how successful the EU will be in meeting these goals, the added pressure of Putin's unpredictability, coupled with Gazprom's questionable practices, make the move to renewable more important than ever before.

As Russia has continued its campaign in Ukraine, EU measures to move away from energy dependency have only increased. A previously divided Europe is now far more united in the face of Russian aggression and more capable of realizing its new energy goals. Previous debates on nuclear versus natural gas have diminished in consideration of short-term emergency goals, as Russia has now acted on its threat and cut off gas to Poland and Bulgaria. Energy progress is remarkably advancing during the war. The EU has renewed its partnership with the US to support European energy independence, Ukraine has officially joined the European electricity grid, and the EU is actively responding to the crisis with effective sanctions. Nevertheless, the success of implementing these policies has yet to be determined. Over the course of the war, even with sanctions, the EU has paid \$46 billion to Russia in energy costs



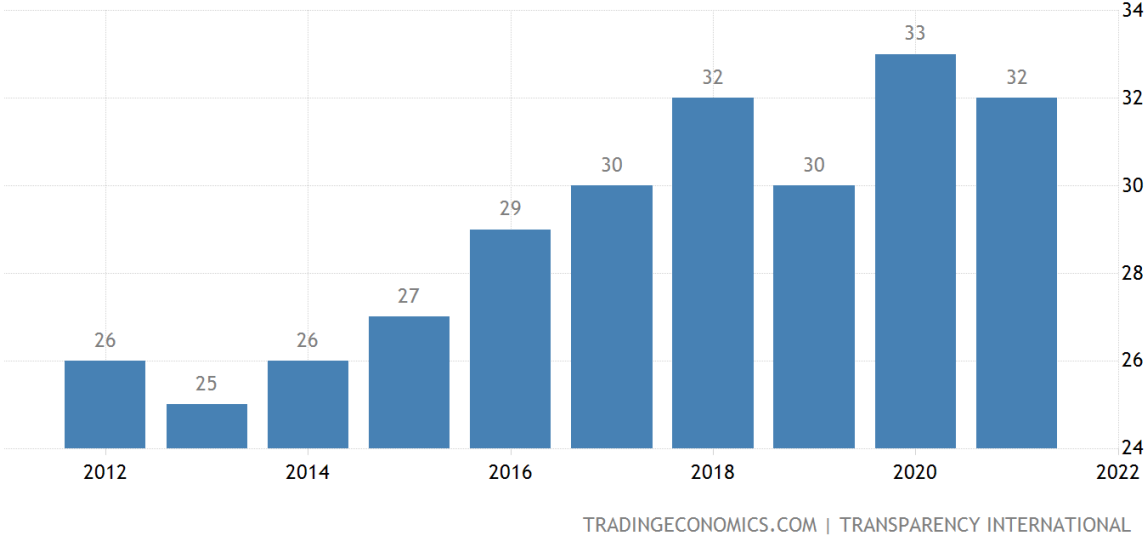
(Guy, 2022). The EU is definitely committed towards moving away from Russia's energy but making that happen may be difficult for some member states, especially those that have relied on Russian energy for a long time, such as Bulgaria and Slovakia. Similar in many post-Soviet states, energy is just one part of the pattern that affects some EU member states. On another level, states with historic ties to Russia must also prioritize moving away from energy reliance to prevent Russian influence from permeating the EU.

## CHAPTER 6: CORRUPTION AS A BARRIER TO ACCESSION

With heavy influence from the Soviet system, corruption has followed many former Communist countries even in the years since gaining independence. As some of these countries have become EU member states, corruption has become a larger concern that affects future enlargements and is a major concern for Ukraine. Still struggling with corruption issues in Bulgaria and Romania, most notably, the EU has taken some steps to mitigate these issues in aspects of the integration process with Ukraine. However, Ukraine's extensive history with Russia has worsened Europeans' fear of foreign influence and undemocratic practices spreading into EU institutions. In this chapter, I aim to evaluate the levels of corruption in Ukraine's government, and how they have changed over time. In consideration of the Association Agreement, I will explore how the EU as an external actor has influenced corruption in Ukraine, and under what conditions domestic corruption is eliminated. I will also discuss Ukraine's overall trajectory and how it compares to current EU member states in which corruption has been identified as a problem.

Corruption remains a feature of Ukrainian government, but there are several factors that have contributed to eliminating it. In recent years, the most corrupt sectors and institutions have been judicial, law enforcement, taxation, public procurement, energy, and transport infrastructure (Durman, et al, 2021). The severity of the list makes sense of Ukraine's corruption perception index, ranking 122<sup>nd</sup> out of 179 with a score of 32 out of 100 in 2020 (Transparency International, 2021). Considering the transformation of Ukraine's government in leadership, reform, legislation, and prosecution, an evaluation of its current status best serves as an indicator of change and future trajectory. Looking at progress in the last 10 years, Ukraine has made some

generally positive progress toward improving corruption perception, but still remains low in comparison globally (see Figure 7).



**Figure 7:** “Ukraine’s corruption perception score since 2012”. Tradingeconomics.com, 2021.

**Definition of Corruption**

First, what is corruption, and how does it appear in Ukraine? Corruption is a broad term to describe “the abuse of entrusted power for private gain” (Transparency International, n.d.). This definition can be ascribed to a wide variety of illicit activities, such as embezzlement, money laundering, fraud, arbitrage, bribery, favors, and many others. The result of such behavior by government officials is the dissolution of trust, exacerbation of poverty, creation of socio-economic division, unequal power distribution, and weakening of democracy (Transparency International, n.d.). Corruption also tends to be a feature of stereotypical portrayals of Eastern Europe and Russia. This kind of characterization is not unfounded, though it does not account for change in progress since gaining independence, but relies on the Soviet Union as the basis for corruption.

## **History of Corruption in Post-Communist Ukraine**

Modern corruption practices in Ukraine trace back to the multi-level corruptive system that was an institutional part of the structure of the Soviet Union (Massaro, 2017). In all elements of governance, from the very bottom to the top, corrupt practices were commonly encountered, ranging anywhere from bribes to smuggling to embezzlement (Klymenko, 2016). Peaks in corrupt practices and leaders often led to large public demonstrations, such as the Orange Revolution in 2004 and the Revolution of Dignity in 2014.

Under Leonid Kuchma, corruption was identified as an internal enemy that needed to be defeated to fulfill Ukraine's legacy for freedom and democracy. While some efforts initially seemed to move toward those goals, they were reversed, and corruption instead became a favorite tool for oligarchs to gain power (Massaro, 2017). Over the course of his two presidential terms, Kuchma grew increasingly comfortable with corruption and his desperate attempt to ensure power after his term was over resulted in the Orange Revolution. It is important to note that this revolution was a clear statement from the Ukrainian people that corruption and undemocratic practices are strictly undesirable. This is a shift from the generally positive attitude in Soviet times that corruption was unavoidable and actually created opportunities for ordinary citizens to get around difficult institutions (Ledeneva, 1998).

Though Kuchma's attempt to insert his chosen replacement, Viktor Yanukovich, in 2004 was thwarted, Yanukovich would go on to win the election in 2010 and continue Kuchma's legacy. Kuchma had paved the way for oligarchs to gain power, and Yanukovich was instrumental in developing the methods of exploiting the system. Especially since Orange Revolution leaders had not managed to make progress on oligarchic control and corruption,

Yanukovych had an opportunity to take full advantage. Prior to his election, oligarchical power was based on informal regional networks, of which only one remained when he was elected: Donetsk, his home region (Bader, Huss, Meleshevych, Nesterenko, 2020). The network of oligarchs under Yanukovych did not share wealth with new oligarchs, but made Yanukovych and his network, or “family” wealthier. Ultimately Yanukovych’s most corrupt action was retracting from the EU Association Agreement at the behest of Russian pressure.

Yanukovych’s extensive network of corruption became clear once ousted. He lucratively exploited the natural gas market, dishonestly awarded infrastructure projects, and flat out stole from the government (Aslund, 2014). The estimated losses due to Yanukovych’s corruption between the three above forms are eight to ten billion dollars, resulting in stagnant economic growth (Aslund, 2014). Even during his presidency as the Verkhovna Rada passed legislation to bar some corrupt actions, Yanukovych managed to get around it because he had redistributed so much power to the president. Once he was gone, the new government passed constitutional reforms that reallocated power to the Rada, which brought Ukraine back to democracy (Pleines, 2016). Nevertheless, corruption had become so rampant under Yanukovych that reforming the system he had created not to make the state operate, but to fill his pockets, will take much more time.

## **Judicial Reform**

Unfortunately, fighting the battle against corruption in Ukraine remains an incredible challenge. Under President Zelenskyy, some progress has been made, but the push for reform has challenged the opposers and many are extremely determined to resist. One significant reason Zelenskyy is trying to enact reforms is because they are often tied to grants or loans from the EU

or the IMF, creating internal controversy and division. Since 2020, he has had an ongoing public battle with the Constitutional Court. In the summer of 2020, the National Anti-Corruption Bureau (NABU) attempted to open investigations into some judges. In the process, Kyiv's District Administrative Court were caught on tape saying, "we are unique. We are the only court that has survived all of them for five years. Unliquidated, unreformed, unassessed", even referring to their own "political prostitution" (Wilson, 2020). With that information came backlash from the public exposure, as the court dismantled reforms that had been established since Revolution of Dignity, in the banking sector, and that required officials to electronically report their assets (Wilson, 2020).

### **Russian Influence in Corruption**

Emanating a similar sentiment toward Russia since the Cold War, Western institutions and countries have been careful in dealings with Russia to avoid influence within their governments, policies, and legislation. Though Russia has historically exerted influence great levels of influence in Ukraine, the sentiment toward Russia has largely changed. Ukrainians have identified and linked corrupt practices and oligarchs to Russia, and with Russia's documented oppression of its neighbor, the connection between the two has changed drastically. Another aspect that contributed to the revolutions in Ukraine was that corruption not only kept Ukrainians in a substandard economy, but it also kept it reliant on Russia (Reisinger, et. al., 2020).

After the Revolution of Dignity ended in 2014 and Yanukovych's illicit dealings came to light, it became clear that Russia was essentially granted access to sensitive information within Ukraine's defense and security sector. As a part of Russia's multi-pronged campaign to weaken Ukraine, it was granted access to daily information flows within the security sector, including

compromising information on high-level officials<sup>6</sup> (Klymenko, 2016). Beyond just information, Russia interfered with the basic operations of the military, having a voice in decisions on financial, management, and political decisions in the defense sector (Klymenko, 2016). To add insult to injury, Ukraine's defense ministers under Yanukovich were Russian citizens (Klymenko, 2016).

Yanukovich's regime was integral in allowing Russia to permeate all aspects of Ukraine's government. Conveniently, Putin and Yanukovich's goals aligned in 2013, as Putin sought to keep Ukraine unaligned to the West and within Russia's control, and Yanukovich pursued wealth through corruption and power accumulation (Klymenko, 2016). One especially reliable method of keeping Ukraine tied to Russia through corruption was through the gas market. Though Russia's state-controlled gas company, Gazprom, had twice turned off gas to Ukraine (and Europe) in 2006 and 2009, Ukraine was still reliant on Russia gas, likely due to the exorbitant money made from corruption in the gas sector. With Yanukovich out of power in 2014 and having turned off gas to Ukraine once again later that year, Ukraine stopped buying gas directly from Russia and instead from the EU.

### **Corruption in Energy**

Historically, a major sector for corruption has been localized in energy and extractive industries in Ukraine. In part, this is because "countries with weak institutional structures and governance, corruption and extractive resource energy frequently reinforce one another" due to complementary interests (Teichmann, Falker, Sergi, 2020). The major reason for the continued

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<sup>6</sup> Compromising information gained as a method of blackmail has historically been used in the Soviet Union and Russia for decades, called *kompromat*.

corruption in the energy sector after the Soviet era is the inherited Soviet energy system, in which corruption is institutionally ingrained (Commission on Security and Cooperation in Europe, 2019). This also bolstered Russia's ability to control Ukraine's energy system and the corruption, especially because Ukraine was reliant on Russia for gas, though it is no longer as of 2015 (Massaro, 2017).

The primary method of corruption within the energy sector was gas arbitrage, conducted by oligarchs or other politically affiliated individuals and Russian gas companies. Naftogaz, Ukraine's national gas company, would buy cheaply produced gas from domestic companies, sell it at the inflated Russian price, and pocket the difference. To put it into numbers, Naftogaz bought 18 billion cubic meters (mcm) of gas in a year at the price of \$53 for one thousand mcm, and then sell it for \$410 per mcm, equating to \$3.15 billion (Aslund, 2014). This scheme enabled Russia to have direct influence "over and corrupt Ukrainian officials so as to affect the direction of Ukrainian development" and keep Ukraine reliant on Russia for gas (Helsinki Commission, 2017, p. 34). The International Monetary Fund (IMF) estimates that 7.5% of Ukraine's GDP was dedicated to energy subsidies of "the family's" businessmen (Aslund, 2014). Fortunately, Ukraine was able to eliminate the problem of gas arbitration in the energy sector by removing hidden energy subsidies, significantly reducing gas consumption, and changing suppliers. The latter is also due to Russia turning off the gas supply to Ukraine on multiple occasions, resulting in the EU becoming the new gas supplier for Ukraine.

With the culminating events of 2014, including the ousting of Viktor Yanukovich and Russia's illegal annexation of Crimea, anger at rampant corruption had once again as in the Orange Revolution mobilized Ukrainians. The Euromaidan protests established the people's consensus toward a European future, requiring the reform of institutions and policies, especially



those with corrupt roots. Thus began Ukraine's gas market and energy reforms, starting with solving the energy subsidy problem, which enabled corruption and did little towards its intended purpose- to help impoverished people (Saha, et. al., 2018). The Ukrainian government also passed legislation to introduce competitive royalties and a reduction on rent to attract more investors, since Ukraine is a resource-rich land (Commission on Security and Cooperation in Europe, 2019). In alignment with the EU's Third Energy Package, President Petro Poroshenko reestablished the National Energy and Utilities Regulatory Commission (NEURC), appointing the ability to investigate and impose penalties (Saha, et. al., 2018). However, NEURC's ability to publish and enforce its decision has been hampered by the Cabinet of Ministers, so the government still retains some control over the market (Saha, et. al., 2018).

As an integral partner for the EU, Ukraine's energy reform has been externally supported through the EU4Energy program focusing on modernizing and increasing the efficiency of energy production (Terzyan, 2020). Because of the older Soviet energy production systems that have been used since before 1991, the energy sector has been in significant need of reform. In addition, Ukraine has established carbon neutrality and renewable energy sources as priorities in the reform process of the energy sector, in adherence with EU standards and goals (Kaduk, 2021). Rebuilding Ukraine's energy sector in line with EU policies only eliminates the opportunity for corruption and prepares Ukraine for further integration with the EU. Though the reform process is not done, based on the given trajectory, there are no obvious obstacles that would prevent further corruption from being eliminated within the energy sphere.

## **Oligarchs**

Major opponents to Europeanization and reforms are oligarchs, who have historically taken advantage of a post-Soviet system to line their pockets. Notable Ukrainian oligarchs Yulia Tymoshenko and Petro Poroshenko have historically sided with protesters, so oligarchs can fall anywhere along the political spectrum. The Euromaidan Revolution in 2014 marked a significant change in the general attitude towards corruption, which have had an effect on oligarchic power, yet some opportunity still exists (Teryzan, 2020). Oligarchs played a major role in the gas industry previously, and since anti-corruption laws have passed, their ability to intervene is much less, albeit still present.

As discussed previously, a major sector in which oligarchs exerted control was in the energy sector, particularly in the natural gas industry. However, since eliminating gas arbitrage by buying gas from the EU, the remaining corruption in the energy industry come from a link to fertilizer. Dmytro Firtash, who had been arrested in 2014 and later acquitted, was linked to nitrogen fertilizer plants since it is used as a raw material. Since he owns four out of six fertilizer plants, effectively a monopoly, domestic gas prices were related to fertilizer production, especially how it relates to Russia's interest (Zubytska, 2019).

## **Anti-Corruption Measures**

Since 2014, Ukraine has been able to make modest progress in eliminating corruption at all levels. While there was some disappointment in President Zelenskyy's attempts to make reform reality, eradicating corruption relies on multiple actors, some of whom do not want a uncorrupt Ukraine. This disappointment is all too familiar amongst Ukrainians, as anti-corruption candidates have consistently failed to pass effective reforms. Zelenskyy has faced strong opposition since 2020 from the Constitutional Court, with the conflict erupting into the

dismissal of head of the Constitutional Court in 2021, citing national security concerns (Agrawal, 2021). Beyond Zelenskyy, a Public Integrity Council was established in 2016 along with the High Qualification Commission for Judges (HQCJ) that promote transparency and accountability amongst their peers (Popova, 2020). Membership requires a review of cases to determine their agenda is anti-corruption. In 2018, the Rada adopted the High Anti-Corruption Court solely to focus on political corruption cases and an Anti-Corruption chamber in the Supreme Court for appeals. The seats on the HQCJ are appointed with the majority of an international panel of experts, on which Ukrainians are allowed to serve (Popova, 2020).

Considering the extensive institutions and policies established to promote transparency and anti-corruption in the judiciary, it is reasonable to question whether it is actually working. Perhaps unsurprisingly, some elites in power are unwilling, or not entirely convinced, to change. Looking at Ukraine's history of promising presidential candidates who have led mostly to extreme disappointment, or in some cases, the ultimate betrayal, it may be intimidating for some to attempt to shake up a system that is already reliable for them. A major contribution is a weak framework for enacting reform and progress under the judiciary. A judiciary that is resistant to reform, as seen in Ukraine's Constitutional Court, will act to prevent change (Popova, 2020). And the question to under what conditions will they enact change is still unanswered, but clearly is the key to enacting reform (Popova, 2020).

Interviews with Ukrainian governmental officials and non-governmental officials reveal a strong desire for a corruption-free country, due to the potential economic success, democratization, and capacity to stand on its own independent from Russian influence. Some respondents attribute Russian corruption as the reason for their economic strife and Russia's control over Ukraine. Respondents and political analysts report that intergovernmental conflict

comes from their desire to protect their economic interests and those of their oligarchic friends. The informal buddy system they form creates the conflict domestically, and that systematically undermines anti-corruption efforts.

Notably, local anti-corruption organizations operate differently than anti-corruption non-profit organizations (NGO) like Transparency International. Local groups and journalists prioritize first finding and punishing those who commit corruption, especially high-ranking officials. NGOs tend to prefer the systematic route and working with incumbents to gain reform. Local groups remarkably seek to punish traitors, while the NGOs treat it as a systematic problem. Some respondents indicate that the Ukraine's NGO sector bends to the will of whoever is donating the money. A member of parliament described: "Either, it is financed by foreign grants, which clearly changes its orientations, or it is financed by local oligarchs [who] can be very selective in pursuing their mission" (Reisinger, et. al., 2020, p. 93). Later in the interview, he characterized civil society activists as "people who [...] have never worked in government," with "proposals that are often quite detached from reality, impossible to implement" (Reisinger, et. al., 2020, p.93).

Reform progress in Ukraine is not limited by adoption of framework, but its implementation due to unwilling and unconvinced domestic actors (Kralikova, 2021). While Zelenskyy has been publicly criticized for not enacting all the reforms he promised in his campaign, the reforms were refused by other actors. Despite EU strategies and normative efforts to encourage reform, actors within the government still resist and prevent change. Some efforts have resulted in the elimination of areas of corruption, like the gas sector, but implementing reforms on larger sectors such as the judiciary require alternative solutions. Considering notable cases of corruption in EU member states, corruption is an issue the EU can work towards

resolving when considering the internal actors who block them. Possible further research should include internal motivations for these actors, and under what conditions is reform incentivized. On another note, since the Ukrainian public has demonstrated its ability to oppose peaks of corruption, what factors make elites enact change (Popova, et. al., 2020). Unfortunately, corruption remains a barrier to EU membership for Ukraine for now, but it is not a permanent problem. The EU can still have a larger impact on Ukraine's corruption problem, when considering how to motivate and incentivize change in previous cases.

## CHAPTER 7: CONCLUSION

Throughout this thesis, I have examined Ukraine's ability to join the EU as a member state. Ukraine's case for membership is unique to past accessions, even those that bear significant similarities, such as the territorial dispute based on an ethnonationalist conflict. Even in a time of war, Ukraine is still advancing toward Europe, and Europe is responding with affirmation. In consideration of how the war has changed the trilateral relationship between the EU-Ukraine-Russia, some previous barriers to entry have been reduced or eliminated, such as the concern of Russian influence. Ukraine is clearly no longer kindling that friendship as it once had under Yanukovich, but Russia could still wage war throughout Ukraine and exert influence through appointing heads of power. However, I am limited in my ability to determine what the outcome of the war will be and what effect that will have on membership. Nevertheless, in an unfortunate way, Ukraine has the opportunity to eliminate many of the barriers preventing it from reaching the EU. Not only is Ukraine fighting to reclaim Donbass and Crimea, but it is even fighting for Europe, as EU leaders have iterated. Based on Ukraine's push for candidacy and the EU response, the typical accession process has already been altered, which could lead to other major changes. The mere fact that the standard processes in the EU have even been open to debate and vote signals an unprecedented change in EU tides.

I have explored Ukraine's history and how its relationship with the EU has transformed dramatically since 1991. Though inheriting a broken Soviet system, Ukraine has managed to make considerable improvement and shows willingness to continue changing its policies toward European standards. It has successfully established anti-corruption institutions, eliminated dependency on Russia, and adopted EU policies, like the European Charter for Regional and Minority Languages. Adhering the nation-building agenda with EU standards to balance the

promotion of Ukrainian and the preservation of minority and regional languages is crucial to unite those living in Ukraine. Considering membership in the EU requires the respect and protection of minorities for membership, establishing and implementing more ECRML recommendations will certainly make Ukraine a better EU candidate. Given the past century's tensions over ethnolinguistic rights in Ukraine, enacting linguistic freedom builds trust and respect to heritage, promoting a sense of community that overcomes language and ethnic differences.

Keeping in mind the deep rootedness of corruption merely eight years ago, Ukraine has made significant and permanent strides toward a European future- as the public as demanded. Though the corruption within its system is still substantial, progress can still be made. A pertinent avenue of research to help eradicate corruption in Ukraine is exploring incentives that drive internal actors towards implementing change. As in previous accessions, corruption can be improved upon, and now mechanisms are in place to respond to uncompliant states. Because countries like Bulgaria and Romania have been member states for 15 years, the EU has much to draw on going forward in helping Ukraine successfully reform its judicial sector.

The EU's problem of energy dependency is also a problem that can be eliminated. Considering the EU's distinct strong response in altering its previous path but maintaining the same environmental goals, it is feasible to find alternative sources in both the short and long term. Acknowledging the dependency during war highlights how the EU is indirectly funding the war, making the short term move away from Russian energy crucial. While the EU is working toward it, that goal has yet to be fully realized. However, with Russia already cutting gas off to Poland and Bulgaria, the EU has responded favorably without too much strain, effectively

avoiding a crisis. It is vital that the EU remains united on energy policy, as fractures give Russia greater leverage over the EU's ability to respond to the war.

The EU has learned quite a bit from its previous accessions. By adopting new mechanisms, it can respond to rule of law violations and is willing to do so. While Cyprus' reputation within the EU is still unfavorable, Ukraine differs from Cyprus in multiple regards. Cyprus' friendly relationship with Russia is not mirrored in Ukraine, Ukraine may solve its security issue through the war, and there has yet to be an external actor to leverage membership, like Greece did for Cyprus. Public opinion data in the separatists' regions reveal an increase in the desire to reunify with Ukraine, while Cyprus has always been divided. Unlike in the case of Cyprus, the EU can still act as an external actor with substantial leverage in the accession process. Whether or not Ukraine will solve its security issue is a question that cannot be answered until the war is over, but with strong Western military, economic, and humanitarian support, Ukraine is in a far better position to win the war than anyone could have ever predicted. Nonetheless, the war reinforces the importance of external actors in framing access to EU membership, as this thesis has argued.

Ukraine's relationship with the EU has changed over the years, in good and bad ways, but now is considerably stronger than ever before. Integration efforts beginning with the Association Agreement have enacted effective change in Ukraine. Even should Ukraine become a candidate state, the EU is able to still work on Europeanizing Ukraine's policies to ensure it can stand on its own. Continuing the process of establishing self-sustaining reforms and infrastructure will assist a smooth transition into membership someday. Adapting the EU's approach to Ukrainian corruption to one that induces an ideational shift beyond just the established framework would help resolve the judicial reform problem.



In short, could Ukraine become an EU member state? Yes, but not yet. Applying for and gaining candidacy during war has effectively declared Ukraine as a part of Europe. Given the barriers to entry as they stand currently, being corruption, war, the veto power, and the territorial dispute, Ukraine would not be accepted as a full member right now. But the EU could be moving in a direction that eliminates and reduces those barriers, and so could Ukraine. Ukraine's ability to join the EU is dependent on the outcome of the war, so it is impossible to say if it will or what its borders may look like. Regardless, Russia's unprovoked invasion and inflammatory narratives have put most of the EU firmly on Ukraine's side, with many showing military support. The EU believes Ukraine is fighting for more than just itself, but for the EU as well. With the recent successful vote to make Ukraine a candidate state, the relationship has made a tremendous step that was not foreseeable before the war. Russia's war in Ukraine has changed Europe indefinitely. Though it may be years before Ukraine becomes a member state, it is entirely possible and supported by current EU countries more than ever before.

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