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Liubov Yaroshenko: Directing Political Transformations: the Evolution of the EU's Approach to the Russian Federation and Ukraine (1994–2007)

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Abstract

With the establishment of the Russian Federation and Ukraine as independent polities, the EU faced the necessity of settling diplomatic relations with these countries. The key question accompanying the recognition of the newly emerged states was: *What level of influence upon the external and internal policies of the countries would the EU prefer to exert?* The next issue was *whether this influence would ever be accepted, and if so, in what spheres of life and to what degree* if neither Russia nor Ukraine was offered full EU membership. In the absence of this kind of incentive, how amenable would Russia and Ukraine be to EU interference in their domestic affairs?

The goal of this paper is to analyse the strategies applied by the EU to transform these states' political systems. The main research question is: *'What conditions enable the EU to successfully interfere in the development of a political system in a third country that is not granted the prospect of full membership?'*

The management of political transformations in third states is a rather new concept for the EU. For the first time, the promotion of democracy along with the consolidation of democratic regimes was set as one of the EU's foreign policy goals in the Treaty on the European Union. The Copenhagen criteria, including adherence to democratic norms, rule of law and human rights, were formulated a year later in 1993 to distinguish democratic Western Europe from communist Eastern Europe.¹ Still, it seems that transforming the political system of a third state with no prospects for accession presents a real challenge for the EU. In this situation, the EU cannot link an object of its policy with the greatest 'carrot', namely full membership. For countries with membership aspirations, any substitutions for this reward appear insufficient; others, like Russia, are simply not seeking deep integration with the EU, especially at the price of specific political reforms.

Russia and Ukraine were chosen as the empirical basis for the present study of EU policies because they have always enjoyed special treatment among other FSU states. These two nations were the first to sign the PCA with the EU. Furthermore, most of the aid within the TACIS programme launched in 1991 was channeled by the EU to the Russian Federation and Ukraine.² They were also the first states on which the EU tested the Common Strategy as an instrument for realising EU Common Foreign and Security Policy.

In this study, the EU's impact on political transformations in Russia and Ukraine is considered to be part of the Europeanisation framework and is evaluated within 'the logics of consequence' (Olsen 2002³; Radaelli 2003; Schimmelfennig and Sedelmeier 2004⁴). Thus, to evaluate how the EU influences the process of democratisation in Russia and Ukraine, the following factors are assessed: 1) the determinacy and clarity of democratic conditions for the implementation; 2) the mechanisms to enforce the implementation; and 3) the feedback from the government/ruling political elite of a targeted country.

1 Ian Manners: Normative Power Europe: A Contradiction in Terms?, in *Journal of Common Market Studies*, 40, 2, 2002, pp. 235–58, p. 243.

2 Hughes, James: EU Relations with Russia: Partnership or Asymmetric Interdependency?, in *LSE Research Online*, 2006, <http://eprints.lse.ac.uk/archive/00000651> (accessed May 28, 2008).

3 Olsen, P. John: The Many Faces of Europeanization, in *Journal of Common Market Studies* 40, 5, 2002, pp. 921–51.

4 Schimmelfennig, Frank, and Ulrich Sedelmeier, Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, *Journal of European Public Policy* 11, 4, August 2004, pp. 661–679.

1. Stages of EU-Russia and EU-Ukraine Cooperation

1.1. Partnership and Cooperation Agreements

The PCAs became the first legal documents to establish the basis for the cooperation between the EU and Russia and the EU and Ukraine. These early documents shared a lot of similarities: both were legally binding and reciprocal by nature. At least de-jure the EU managed to persuade the Russian Federation and Ukraine to implement its norms and values and induced them to modify their legislation to conform to EU standards.

Article 2 (in the 'General Principles' section) obviously reflects the EU's desire to direct the development of a democratic political system in both Russia and Ukraine. EU democratisation strategies started with the inclusion of this article in initial documents.

Article 2 states that:

[R]espect for the democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy included those [...] in the documents of the CSCE Bonn Conference, underpin the internal and external policies of the Parties and constitute an essential element of the partnership of this Agreement.⁵

What consequences did the incorporation of this article into the PCAs imply for the Russian Federation and Ukraine? First of all, the EU referred to the content of the Helsinki Final Act and the Charter of Paris. Thus, the democratic conditions in Article 2 became quite clear. The Charter of Paris for a New Europe emphasised the key features of democratic governance, like free and fair elections, accountability to the electorate, and impartially administered justice.⁶ The EU intended to contribute to the transition of former communist states to 'procedural democracy'.

As the scholar Rolf Schuette has argued, '[I]t is [...] fair to say that the E.U. expected all post-Soviet states, including Russian Federation, to develop into full-fledged democracies and market economies with the assistance of the E.U.'⁷ Still, Article 2 was more re-active than pro-active. It gave neither Russia nor Ukraine specific guidelines on how to ensure judicial accountability or transparency of elections. The '*democratic conditionality*' set forth in the PCAs therefore *lacked determinacy*.

Secondly, EU-Russia and EU-Ukraine relations at the time were accompanied by *negative 'democratic conditionality'*. Being 'the essential element of a partnership', Article 2 stipulated that certain democratic principles had to be upheld as a condition for the preservation of the PCA. As Hillion has asserted,

[T]he concept of 'essential element' implies that its violation by any of the Parties constitutes a 'case of material breach of the Agreement' and in turn a 'case of special urgency' [...] allows the Party injured to suspend unilaterally the implementation of the Agreement.⁸

One wonders, however, whether this threat of PCA suspension could ever have been regarded by the Russian Federation or Ukraine as truly credible. As Schimmelfennig has argued, the mechanism of Europeani-

5 Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine, 16 June 1994. http://ec.europa.eu/external_relations/ceeca/pca/pca_ukraine.pdf (accessed May 31, 2007).

6 Conference on Security and Cooperation in Europe, 'Charter of Paris,' Paris, 19–21 November 1990, <http://www.hri.org/docs/Paris90.html#Sec1.1.1> (accessed May 31, 2007).

7 Schuette, Rolf.: E.U.-Russia Relations: Interests and Values – European Perspective, in: Carnegie Papers, December 2004, 54, pp. 13–14.

8 Hillion, Christophe: 'Common Strategies and the Interface Between E.C. External Relations and the CFSP: Lessons of the Partnership Between the EU and Russia', p. 290–291.

sation, namely conditionality, will work only if the provider of the conditions is able to reward or withhold benefits according to the quality of the implementation of the suggested conditions.⁹

Regarding the scope and essence of the 'positive' rewards provided, no differentiation was implied between the Russian Federation and Ukraine. The rewards varied from technical and financial aid to the possibility of creating a Free Trade Area conditioned upon the accession of Russia and Ukraine to the WTO.

Therefore, EU democratisation strategies towards the Russian Federation and Ukraine were truly a reflection of the EU itself and its policies towards states of the former Soviet Union at the time. The PCA was focused on economic provisions and a limited amount of financial and technical assistance through the TACIS programme.¹⁰ Thus, the PCA truly reflected the first pillar of the EU; the second and third pillars were still in the design phase then. As for the incorporation of Article 2 into the PCA, it was an alternative to the Copenhagen criteria applied to Central European states that sought full EU membership. The reason for the substitution was that the EU did not plan to offer prospective membership to either Ukraine or Russia at that point in time. Therefore, it did not bother to provide detailed, step-by-step guidelines on how to construct a liberal democratic state and then monitor the progress achieved by the countries. In addition, the EU lacked expertise in the state of affairs in Russia and Ukraine and needed time to acquire it.

The political elites of both countries accepted the fact that their internal policies had become the objects of EU interference. It was quite a bold decision if one considers that the true adoption of liberal democratic rules might have threatened 'the bases of political power' and aroused 'the government's [frequent] fear that it will lead to a loss of office.'¹¹

The elites' choice proved to be absolutely pragmatic for both Russia and Ukraine and advantageous for the exertion of EU impact. In the early 1990s, Russian foreign policy thinking was dominated by two ideas: fostering 'the solidarity among democratic states' with which Russia desired to integrate, and 'the creation of favorable international conditions for the building of democracy inside the country.'¹² By signing the PCA, Russia was able to present the image of a 'European country'.¹³ As for Ukraine, the second parliamentary elections were held in March–April 1994 at a time of deep economic crisis. The period was characterised by an 80 percent decline in living standards since the country had achieved independence and an unemployment rate of 40 percent (or higher with the inclusion of those on unpaid leave).¹⁴ Ukraine also hoped that the EU would help it to integrate into the world economy and break with the former command administrative economic system in the most painless way possible. It was rather obvious that Russia and Ukraine, like many other former communist states, would try to reap as many benefits as possible from their relations with the EU.

1.2. Common Strategy on Russia and Ukraine (1999)

The next stage in the elaboration of the EU's democratising strategy was connected with the testing of EU Common Foreign and Security Policy. The Amsterdam Treaty envisaged a new instrument, the 'common strategy', which was supposed to define the EU's overall policy guidelines toward a particular third coun-

9 Schimmelfennig, Frank and Sedelmeyer, Ulrich: Introduction: Conceptualizing the Europeanization of Central and Eastern Europe, in *Europeanization of Central and Eastern Europe*, ed. Frank Schimmelfennig and Ulrich Sedelmeyer (Ithaca, NY: Cornell University Press, 2005), p. 10.

10 Vahl, Marius: Just Good Friends: The EU-Russian 'Strategic Partnership' and the Northern Dimension, in CEPS Policy Brief, p. 9.

11 Schimmelfennig, Frank and Sedelmeier, Ulrich: Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, in *Journal of European Public Policy* 11, no.4 (August 2004), p. 663.

12 Bogaturov, Alexei: Three Generations of Foreign policy Doctrines of Russian Federation, in *International Trends*, <http://www.intertrends.ru/thirteen/005.htm> (accessed on the 28th of May, 2008), article is in the Russian language.

13 Tsygankov, Andrei P.: From International Institutionalism to Revolutionary Expansionism: The Foreign Policy Discourse of Contemporary Russia, in *Mershon International Studies Review* Vol. 41, No. 2 (Nov., 1997), p. 253.

14 In 'Ukraine on the Road to Europe' Lutz Hoffmann, Felicitas Moullers, pp. 25–137, op. cit.

try.¹⁵ It was quite logical of the EU to insert democratic priorities into this document as a means of adding credibility to its democratising approach.

Again, the two documents shared many similarities. Firstly, the regulations of the Common Strategies were not enforceable for either Russia or Ukraine. They merely reflected the EU's expectations and obligations with respect to these states. Moreover, the principles and instruments of democracy promotion outlined in the documents appeared to be nearly identical for both countries. For the first time, the EU's top strategic goal concerned the transformation of Russia's and Ukraine's political systems into stable, open and pluralistic democratic regimes.¹⁶

As Smith has argued, the 'priorities moved away from more traditional Cold War concerns about military security and nuclear weapons, with the limited aim of rudimentary political and economic stability, towards establishing the rule of law.'¹⁷

However, the meaning of the second strategic goal with respect to Russia and Ukraine implied that both countries were considered to be essential elements in providing security for Europe and fighting common threats on the whole continent.¹⁸

One can see a real duality in the EU's overall approach to Russia and Ukraine. On the one hand, the Common Strategies were meant to promote the adherence to democratic values that guide the internal politics of EU member states. On the other hand, they emphasised the mutual necessity of addressing common challenges on the continent. Moreover, the EU intended to build and strengthen its strategic partnership with both countries. The essence of the concept was not elaborated very much, but again, the importance of democratic values as the basis of the partnership was reaffirmed. However, the fact that the concept of strategic partnership was present in both Common Strategies implied that no preferential treatment was suggested for Russia at the expense of Ukraine.

In the end, the Common Strategies partially proved the expectations of Russian and Ukrainian political elites regarding the assessment of the cooperation.

With respect to Russia, the EU 'welcome[d] its return to its rightful place in the European family in a spirit of friendship, cooperation, fair accommodation of interests and on the foundations of shared values enshrined in the common heritage of European civilization.'¹⁹ It seemed that the EU accepted the changes that were going on in Russian foreign policy thinking at the end of the 1990s, when the country tried to continue along its course of selective partnership. The Common Strategy on Russia said that the EU 'recognize[s] that the main responsibility for Russia's future lies with Russia itself,' though '[t]he Union remains firmly committed to working with Russia, at federal, regional and local levels, to support a successful political and economic transformation in Russia.'²⁰

Ukraine also finally received a similar and hoped-for confirmation of its European ambitions. For the first time, '[T]he EU acknowledge[d] Ukraine's European aspirations and welcome[d] Ukraine's pro-European

15 Schuette, Rolf.: E.U.-Russia Relations: Interests and Values – European Perspective, in: Carnegie Papers, December 2004, No. 54, op. cit.

16 European Council: Common Strategy of 4 June 1999 on Russia 1999/414/CFSP, 24.6.1999 and European Council: Common Strategy of 11 December 1999 on Ukraine, 1999/877/CFSP. http://ec.europa.eu/external_relations/ceeca/com_strat/ukraine_99.pdf (accessed on 31 May, 2007)

17 Smith, Hazel: European Union Foreign Policy – What it is and what it does, Pluto Press, 2002, p. 232.

18 European Council: Common Strategy of 4 June 1999 on Russia 1999/414/CFSP, 24.6.1999 and European Council: Common Strategy of 11 December 1999 on Ukraine, 1999/877/CFSP. http://ec.europa.eu/external_relations/ceeca/com_strat/ukraine_99.pdf (accessed on 31 May, 2007).

19 European Council: Common Strategy of 4 June 1999 on Russia 1999/414/CFSP, 24.6.1999

20 Ibid.

choice.²¹ But the document also noted that '[T]he full implementation of the PCA is a pre-requisite for Ukraine's successful integration.'²²

Real differentiation in the EU's approach to democratising can be seen in terms of how specifically it developed steps that had to be undertaken by the governments of Russia and Ukraine to foster democracy.

In Russia's case, it seemed that the determinacy of specific measures to establish a liberal democratic regime was still vague and incoherent, especially in comparison with the Common Strategy on Ukraine. The EU distinguished several areas in the Russian political system that needed development and improvement, such as public institutions, police work, and regional and local administrations. Still, the mechanisms and instruments of the implementation of strategic goals and principal objectives were not identified. As Rolf Schuette has argued, '[T]he whole CS was turned into a collection of more or less specific goals and objectives, codified in a largely incoherent nine-page document.'²³

In terms of guidelines to promote democracy, the EU's approach towards Ukraine seemed to be different. The EU did not explicitly make reference to 'democratic conditionality' itself in the document. Instead, it linked work with Ukraine to the democratic conditions of the other European institutions to which Ukraine was already bound. The EU 'urge[d] Ukraine to fulfill its commitments to adapt its legislation to meet the norms and standards of the Council of Europe, in particular its obligations to which Ukraine signed up on its accession to the Council of Europe in 1995.'²⁴ In addition, the EU called on Ukraine 'to implement the second Optional Protocol of the United Nations Convention on Civil and Political Rights and the sixth Additional Protocol of the European Convention on Human Rights as well as the United Nations Convention on the Status of Refugees.'²⁵ Kubicek has argued that 'While the document is often high on rhetoric and short on detail, it does list some specific democratization efforts, including supporting Ukraine's efforts to sign and observe international human rights obligations, encouraging an ombudsman-institution in Ukraine, and contributing to the development of free media in the country'.²⁶

Still, the main drawback of the Common Strategies on both Russia and Ukraine was their recommendatory nature; the fulfilment of the stated provisions was absolutely at the discretion of governing elites in both countries.

1.3. Russia's Medium-Term Strategy for Relations with the EU and the Ukrainian approach to cooperation with the EU

The elites' reaction to the Common Strategies followed immediately. Especially interesting was Russia's Medium-Term Strategy for Relations with the European Union. The document constituted a dividing line in the relationship between the Russian Federation and the European Union. In it, the Russian Federation firmly stated that it would reject any approach dictating the implementation of certain recommendations in its internal and external policies. The concept of 'strategic partnership' was defined by Russia through 'equality of both sides' and the 'existence of common interests'. The sphere of 'common interests' was restricted to the issues of trade intensification, economic cooperation and an effective system of collective security. No references were made to the ideas of 'shared values' conceptualised by the EU in terms of adherence to democracy, rule of law, good governance and human rights protection. Moreover, it was only in the sphere of economic cooperation that Russia hinted at the possibility of approximating EU eco-

21 European Council: Common Strategy of 11 December 1999 on Ukraine, 1999/877/CFSP, 2. http://ec.europa.eu/external_relations/ceeca/com_strat/ukraine_99.pdf (accessed on 31 May, 2007)

22 Ibid.

23 Schuette, Rolf: E.U.-Russia Relations: Interests and Values – European Perspective, in: *Carnegie Papers*, December 2004, 54, pp. 13–14.

24 European Council Common Strategy of 11 December 1999 on Ukraine (1999/877/CFSP), p. 3.

25 Ibid, p. 6.

26 Paul Kubicek: The European Union and Democratization in Ukraine, in *Communist and Post-Communist Studies* 38, 2005, p. 279.

conomic legislation and technical standards, but it was emphasised that '*convergence cannot be a one-sided process*'.²⁷ The Medium-Term Strategy marked the end of favourable conditions for the EU to exercise influence on both political and economic dimensions de jure. Russia declared that it would not accept the EU approach of the early 1990s.

The Ukrainian case was a little bit different. If the Russian political elite simply did not want to be integrated under the unilateral conditions suggested by the EU and lose the sovereign right to define the type of political and economic system in its country, the governing elite in Ukraine was not ready to pay the price for the proclaimed European aspirations. The whole political regime seemed to oppose the consolidation of liberal democracy. All of the political power was vested in the executive branch, consisting of President Kuchma and his administration²⁸. As Sherr has asserted, 'Ukraine's political leaders have sometimes acted as if they could achieve integration by declaration, or simply by joining and participating in international organizational and political clubs rather than by undertaking concrete structural changes'.²⁹

1.4. The European Neighbourhood Policy for Ukraine and 'Four Common Spaces' for Russia

The last phase in the development of EU democratisation strategies aimed at non-member states was marked by the design of the European Neighbourhood Policy. This stage represented an actual differentiation in EU 'democracy-promotion' policies towards the two countries. For Ukraine, 'the transportation of EU legislation into domestic law, the restructuring of domestic institutions according to EU rules, or the change of domestic political practices according to EU standards'³⁰ were emphasised. The EU's democratic conditionality was clearly reflected in the ENP Action Plan for Ukraine. Russia withdrew from the European Neighbourhood Policy since it did not want to enjoy the status of an 'equal among others'.

Russia coherently continued the approach taken towards the EU at the end of the 1990s, namely the demand to be treated as an equal by the EU. As James Hughes has argued in one of his papers, current interactions focus more on the management of economic cooperation at the expense of normative issues.³¹ Russia's 'Four Common Spaces', adopted in 2005, became an alternative to the ENP approach. There is no trace of democratic conditionality in any of the Four Common Spaces. There are, however, several references to the idea that the EU and Russia already share 'common values' or 'democratic norms' in the Common Spaces of Freedom, Justice and Security, External Security and Education and Research. Naturally, there are no specific recommendations on how to conduct State Duma elections in 2006 or presidential elections in 2007 that would at least ensure the functioning of 'procedural democracy'. It seems that in terms of adherence to 'common values' and democracy promotion, the Four Common Spaces is an absolute antipode of the Action Plans created by the EU for the countries within the ENP. Currently, the debate about what role 'common values' should play in any new document regulating EU-Russia relations dominates the agenda of both Russian and EU epistemic communities. The PCA expired in 2007, and the time to reconsider and update the legal basis of the cooperation in a way that is respectful of the evolution of both Russia and the EU has come.

Contrary to the Four Common Spaces, the ENP Action Plan for Ukraine prioritised political objectives, most notably including respect for 'human rights and democratic principles'.³² Thus, promoting democracy in

27 Barysch, Katinka: 'The EU and Russia. Strategic partners or squabbling neighbours?', Centre for European Reform, London, 2004.

28 Wolczuk, Kataryna: Integration without Europeanization. Ukraine and its Policy towards the European Union, in EUI Working Papers, RSCAS No. 2004/15, p. 5

29 Sherr, James. (1998) Ukraine's New Time of Troubles (Camberly: Conflict Studies Research Center), p. 12.

30 Schimmelfennig, Frank and Sedelmeier, Ulrich: Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, in Journal of European Public Policy 11, no. 4 (August 2004), p. 662

31 Hughes, James: EU Relations with Russia: Partnership or Asymmetric Interdependency?, in LSE Research Online, 2006, <http://eprints.lse.ac.uk/archive/00000651> (accessed on the 28th of May, 2008)

32 Smith, Karen: The Outsiders: the European Neighborhood Policy, in International Affairs 81, no. 4 (2005), p. 765.

Ukraine appeared in the top three of the 14 key 'priorities for action' enumerated at the very beginning of the ENP Action Plan. In comparison with the PCA, the 'democratic conditionality' of the ENP Action Plan presented itself as a qualitative shift in the interests of the EU with respect to democratic performance in Ukraine. It proved that the EU is eager to exert influence not only upon the establishment of the 'formal democracy' in Ukraine but also upon the country's democratic consolidation.

The problem was that even though the content of 'democratic conditionality' was broader than in the previous legal document, it still failed to fulfill the criteria of preciseness. Rather than putting forth concrete suggestions, the ENP Action Plan left to further elaboration the various steps that could be undertaken to attain the suggested democratic conditions. The vagueness of the priorities for action together with the amorphous contours of a future enhanced cooperation agreement (as an incentive to implement political reforms) may actually become one of the best strategic ways for the EU to keep Ukraine in the European orbit without 'full membership'. Scholars in the field of 'democratisation' and 'Europeanisation' like Michael McFaul³³, Antoaneta Dimitrova and Geoffrey Pridham³⁴ agree that the credible promise of full EU membership has accelerated the process of democratic transition and consolidation in many cases, and has thus become an effective tool for democracy promotion. Unfortunately, this was not the case in Ukraine.

2. Conclusions

The goal of this research was to assess the content and effectiveness of EU strategies to transform the political systems of Russia and Ukraine during the period of 1994 to 2007. The main question was to distinguish the conditions under which the EU could successfully interfere in the formation of a political regime in a country with long-term aspirations to become a full EU member vs. a country without any desire for membership. The findings show that at least in the very beginning, no differentiation was applied by the EU in terms of content, mechanisms of influence and overall approach to Russia and Ukraine. In political spheres, both states became the objects of a limited Europeanisation model.

The EU tried to apply an alternative version of the Copenhagen criteria to Russia and Ukraine. The main drawback of this approach was that the EU offered the states rather meagre rewards in exchange for a wide and rather vague list of political reforms. The insufficiency of incentives made the process of reform implementation too costly for the one state that at least rhetorically claimed to aspire to join the EU, Ukraine. The overly strict democratic conditionality became an irritating burden for the other state, Russia, which was more interested in settling the issues of 'hard' and 'soft security': free-visa travel regime or deeper economic cooperation, etc.

The conditions for the implementation of the limited Europeanisation scheme were favourable only in the very beginning of the EU-Russia and EU-Ukraine relationships. At the time, both states and the EU had high and unbiased expectations about the cooperation, and Russia and Ukraine sought recognition from the West.

Both empirical cases prove that there are at least three factors that determine the successfulness of EU interference policies. Firstly, the declared expectations of political elites should be considered. It seems irrational to suggest legally binding and obligatory 'democratic conditionality' for a state that constantly reaffirms its sovereignty in internal policies and has enough resources to carry out an independent diversified external policy. Demanding the inclusion of any sort of 'democratic conditionality' in the agreement with such a state may only hinder cooperation in other spheres.

33 Michael McFaul: Democracy Promotion as a World Value, in *The Washington Quarterly* 24, no. 1, Winter 2004–05, p. 157.

34 Dimitrova, Antoaneta and Pridham, Geoffrey: International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits, in *Democratization* 11, no. 5, December 2004, p. 95.

On the contrary, if a state firmly intends to become a full member of the EU and full membership is truly its top foreign policy goal, there is a chance for the EU to successfully impact on political transformations in this country. In this case there are two other variables that shape the degree and quality of EU influence: (1) the constellation of domestic political forces and (2) the political will of the EU to provide better incentives (rewards) if a country adheres to a democratic course or to withhold rewards as punishment for a state that fails to fulfil its political obligations.

The case of Ukraine proved these assumptions. The EU's strategic interests towards Ukraine always shaped the character of the democratic conditions it set as well as determined the size of the rewards. The fact that the EU is not yet ready to integrate Ukraine into its institutions explains the relative vagueness of suggested democratic conditions and the meagre scope of political incentives. Nevertheless, even providing 'negative' democratic conditionality for Ukraine in the early stages of the relationship, the EU hardly intended to dissolve the cooperation and leave Ukraine out of the European orbit even if Ukraine violates democratic provisions. If this had been the case, the EU would have paid more serious attention to the murder of journalist Gyorgy Gongadze.

The Gongadze case could have become a real precedent for punishing states that publicly aspire to join the EU but at the same time seriously violate human rights. Secondly, after the Orange Revolution of December 2004, the shift in political regime in Ukraine proved that a more pro-democratic government truly desirous of joining the EU could start implementing political reforms of the ENP Action Plan even under imprecise conditions and despite insufficient rewards from the EU's side. In this case, integration incentives might have contributed to the stability of the new Ukrainian government's democratic initiatives. Does the Ukrainian situation show that there are no channels through which the EU can exert influence on a state that rejects the very idea of being the object of EU policies, if even a state striving for EU membership makes very slow progress in political reforms? The current debates on the future of the legal basis of Russia-EU relations aim at answering this question. The dilemma for the EU is whether it is really ready to stress the normative dimension in future agreements and to present a coordinated approach towards Russia even at the expense of the economic interests of some member states.