

Negotiations, Security, and EU-Integration

Journal Issue**Author(s):**

Fesenko, Volodymyr; Kurnyshova, Yulia; Härtel, André

Publication date:

2024-01

Permanent link:

<https://doi.org/10.3929/ethz-b-000656671>

Rights / license:

[In Copyright - Non-Commercial Use Permitted](#)

Originally published in:

Ukrainian Analytical Digest 004



NEGOTIATIONS, SECURITY, AND EU-INTEGRATION

- ANALYSIS
Paradoxes and Prospects for Negotiations to End the War Between Russia and Ukraine 2
Volodymyr Fesenko
(Penta Centre for Political Studies, Kyiv)
- SURVEY
What Ukrainians Think about Negotiations 7
- ANALYSIS
Civilizational Security and Transformative Power: Two Facets of Ukraine's Integration
with the West 9
Yuliia Kurnyshova
(University of Copenhagen)
- ANALYSIS
Ukraine and the EU: Enlargement without Alternative? 14
André Härtel
(German Institute for International and Security Affairs (SWP), Brussels)

Paradoxes and Prospects for Negotiations to End the War Between Russia and Ukraine

Volodymyr Fesenko (Penta Centre for Political Studies, Kyiv)

DOI: 10.3929/ethz-b-000656671

Abstract

The topic of negotiations to end the war between Russia and Ukraine arose in the first days of the full-scale invasion but ended shortly after, when substantial Russian war crimes became public. At present, Ukraine and Russia see no room for negotiations to end the war, despite the prospect of a long war of attrition and growing international discussions about and pressure for negotiations. However, paradoxically, the longer this war lasts, the more difficult and problematic the possibility of negotiating its end appears. The following article reflects on the problems and prospects of negotiations in the context of the ongoing Russo-Ukrainian war.

Introduction

Negotiations to end the war between Russia and Ukraine began within days of the full-scale Russian invasion. Their active phase (direct negotiations between official representatives of Russia and Ukraine) lasted for approximately one month, until the end of March 2022. They continued inertially online until April, but without much hope for concrete results. In late March and early April 2022, both sides were close to signing a peace agreement. At the Istanbul talks, the Ukrainian side presented its proposal—the Concept of a Peace Agreement¹—in which it offered certain concessions (including not joining NATO) in exchange for Russia withdrawing its troops to the frontlines before February 24, 2022. The Russian side said it had taken these proposals under consideration, but did not give an official response at that time. Later, Putin stated that the two sides had even allegedly agreed on something; however, there was no factual evidence of any such agreement then, and there is no evidence of it now.

Why did Russia and Ukraine fail to reach an agreement at that time? First, the warring parties sought different goals in these negotiations. The Kremlin did not manage to capture Kyiv in three days, although Russian troops were standing near Kyiv, and Moscow hoped that during the negotiations it would be possible to force the Ukrainian leadership to at least conditionally surrender and fulfil most of its demands (change of power in Kyiv, the so-called “demilitarisation” and “denazification” of Ukraine, etc.). The Ukrainian army stopped the enemy near Kyiv and Kharkiv, but it lacked weapons and ammunition, and it was unclear whether it would be able to withstand the Russian invasion in the longer term. Therefore, in March 2022, the Ukrainian leadership was ready for a significant compromise, includ-

ing giving up its aspirations of NATO membership, in exchange for Russia’s cessation of hostilities and a return to the situation that existed before February 24, 2022. However, for the state leadership and the Armed Forces of Ukraine, as well as for the majority of Ukrainians, even a partial capitulation to Russia was categorically unacceptable.

There was a theoretical chance for a compromise in Istanbul. However, at that time, Russia was not ready to compromise. In general, many doubt that Russia has at any point in this conflict been ready to make mutually acceptable compromises. Both then and now, any of the occasional mentions of “negotiations” brought up by Russian officials imply Ukraine’s de facto surrender as a condition for these negotiations to begin. The Russian response to the Ukrainian proposal appeared (behind closed doors) only in the second half of April 2022, when the chance for peace had already been lost. After the tragedies in the Kyiv suburbs of Bucha and Irpin, where Russians killed hundreds of civilians, became known, the attitude of President Zelensky and most Ukrainians towards negotiations with Russia changed dramatically for the worse. The emotional and moral shock of these tragedies made Ukrainians extremely critical of the very idea of any compromise with the Russians. Moreover, at that time, it became clear that Ukraine had so far withstood the first phase of the Russian invasion, and Western partners began to help Kyiv by supplying weapons, material resources, and money. Ukraine began to have hopes of winning the war against Russian aggression.

Although the official peace talks between Russia and Ukraine stopped in May 2022, there have been periodic attempts to resume the negotiation process. Some of these attempts have brought temporary results, but not in the peace process as such, rather in resolving certain

¹ The official text of the peace agreement concept proposed by the Ukrainian side has not been published, but its content has been reported by Ukrainian negotiators. See: <https://www.bbc.com/ukrainian/news-60908356>; <https://www.euointegration.com.ua/articles/2022/03/30/7136915/>

issues related to the war between the two countries. The grain agreement (“Black Sea Grain Initiative”) and prisoner exchange were partial successes of negotiations in 2022; these are proof that it is still possible for the two countries to (successfully) negotiate.

Lessons from the Grain Agreement and Prisoner Exchange

The case of the Black Sea Grain Initiative, despite being a case of successful negotiations between Ukraine and Russia, is complicated. Its initial success was followed by failure within a year, with Russia’s withdrawal from the agreement. The short and controversial experience of the grain agreement nevertheless provides us with both positive and negative lessons for future peace negotiations.

One positive lesson is that the potential for parallel negotiations with the help of mediators and the parallel signing of agreements (separately with Russia and Ukraine) exists. It is this format that can help overcome psychological and political barriers preventing Ukrainian and Russian officials from engaging in direct negotiations. There is also a positive aspect in the fact that it is possible to reach compromise agreements between Russia and Ukraine. However, one negative lesson can also be learnt from this process: that Russia has once again confirmed its dubious reputation as an unreliable and conflictual negotiating partner that is prepared to violate any eventual agreements.

More successful, though also only relatively and temporarily, was the experience of negotiating the exchange of prisoners. The paradox of the prisoner exchange is that these were direct negotiations (mediators helped only at the beginning) which, despite the generally poorer outcomes of this form of negotiations, until autumn 2023 worked quite regularly as a well-established mechanism.

What could have facilitated the success of this negotiation channel? First, there was already an experience of such negotiations during the implementation of the Minsk agreements. Second, they were purely technical and very specific in nature (in this case, the exchange of prisoners and bodies of the dead—how many for how many, when and where); this has proven one context in which negotiation can be successful, there being a history of occasional direct contacts between the Russian and Ukrainian sides on other highly technical issues (e.g., ensuring the transit of Russian gas to EU countries in accordance with the agreement between Gazprom and Naftogaz, which was concluded in December 2019 and is valid until the end of 2024²).

In these negotiations, there is no conflict of political interest (geopolitical, domestic, personal, etc.) and no complexity in combining various topics and issues. Negotiations on the exchange of prisoners are conducted in a closed environment by representatives of the respective military intelligence services. The intelligence services of different countries have long had the ability to simultaneously fight the enemy and maintain ongoing technical contacts. The experience of prisoner exchange negotiations is, however, unlikely to be directly applicable for political communication on ending the war.

It is significant that Russia almost simultaneously suspended its participation in the Black Sea Grain Initiative and the ongoing prisoner exchanges. Perhaps this was due to the fact that in the summer of 2023, the Kremlin decided to switch to a strategy of war of attrition, and the tactical game of individual agreements in the course of the war with Ukraine lost its meaning. This has once again shown that Russia uses any agreement for purely tactical purposes, and only as long as it benefits from it. It is prepared to withdraw from any agreement and start aggressive pressure on the opposite party to these agreements the moment it believes it can gain an advantage by doing so.

Obstacles to the Peace Process

When direct peace talks between Russia and Ukraine stopped, various mediators became more active, from Turkey and the UN to China, African countries, and the Vatican. However, the large number of potential mediators and various initiatives for peace talks between Russia and Ukraine has done little to advance the negotiation process.

What exactly is preventing the resumption of peace talks and the search for a compromise to end the war between Russia and Ukraine? There are two groups of powerful obstacles to the peace process:

1. First, there is the psychological and political unwillingness of either warring party to end the war. Thus far, each side is seeking peace mainly on its own terms. Real negotiations will begin when one side is clearly winning (which seems unlikely at the moment), or it becomes obvious to both sides that there will be no victory and that some kind of compromise must be sought to end the war. However, even in the latter case, neither side wants to look like the defeated party.
2. Second, there is a fundamental and sometimes antagonistic opposition between the interests of Russia

2 In January–July 2023, Russia supplied 8.3 billion cubic metres of gas to Europe through Ukraine. Since May 2022, Russian gas has been supplied in volumes less than those stipulated in the contract. Gazprom is also paying less than the due amount for transit, in violation of the ‘pump or pay’ condition. Because of this, Naftogaz has applied to the Stockholm arbitration. See: <https://www.slovoidilo.ua/2023/11/01/infografika/ekonomika/yak-zminyuvavsya-obsyah-tranzytu-rosijskoho-hazu-cherez-ukrayinu>.

and Ukraine regarding the terms for ending the current war between them.

Let us consider the interests, official positions and willingness to end the war for each warring party.

Ukraine's Position

Since 2014, Ukraine has been seeking the return of all occupied territories, including Crimea and the parts of Donbas that are de facto controlled by Russia. These are considered the only acceptable terms for peace by the country's leadership and the majority of Ukrainians, which is confirmed by opinion polls. According to a survey conducted by the Kyiv International Institute of Sociology in October 2023 (with 1,010 respondents living in all government-controlled regions of Ukraine), 80% of respondents believe that no territorial concessions are acceptable, even if this prolongs the war.

The official position of Ukraine is stated in President Zelenskyy's "Peace Formula," which consists of 10 points and, in particular, provides for the full restoration of Ukraine's territorial integrity (within its 1991 borders). Other points include the release of all prisoners and deportees, the withdrawal of Russian troops from the territory of Ukraine and the cessation of hostilities, punishment for Russian war crimes and the creation of a Special Tribunal for this purpose, compensation by Russia for all damages caused by the war, provision of international security guarantees to Ukraine, and a special treaty formalising the end of the war.

Of course, these are not proposals for peace talks with Russia. Obviously, Russia will not agree to Zelenskyy's "Peace Formula." Rather, it is a maximum agenda for Ukraine that can be implemented either in the event of a complete victory over Russia or as a political guideline for the future. As the negotiations in March 2022 showed, under difficult circumstances, Ukraine can agree to certain concessions for the sake of peace. However, today neither President Zelenskyy (and the state leadership of Ukraine as a whole), nor the vast majority of sociopolitical elites, nor even the vast majority of Ukrainian citizens are ready for this. In autumn 2022, Ukraine even adopted a ban on negotiations with Russia as long as it is led by Vladimir Putin. This ban, however, did not affect the grain agreement, as Ukraine signed this agreement with the UN and Turkey, not with Russia, nor did it affect the negotiations on the exchange of prisoners, as these were unofficial and non-public.

Does this mean that Ukraine will never negotiate with Russia? The short answer: no, it does not. Even if the ideal scenario is realised and Ukraine liberates all the occupied territories and returns to its 1991 borders, it will have to negotiate a cessation of hostilities on land, sea and in the air, as well as a full exchange of prisoners. In this scenario, Ukraine would also demand full com-

penensation from Russia for all losses caused by Russia's military actions on its territory.

Negotiations will also be inevitable in the event of a worst-case scenario (if, for instance due to changes in political circumstances in the US and/or EU, Ukraine loses most of its external resource support and is unable to withstand the Russian invasion along the entire front line). In that case, Ukraine will have to negotiate on roughly the same terms as those considered in March 2022. However, even in such a desperate situation, it is highly likely that a significant and active part of Ukrainian society would not recognise such a "peace treaty"—not to mention that such a "peace" would dramatically increase the military threat to NATO and the EU from Russia.

If the war drags on and the public realises that a complete victory over Russia is impossible, public opinion and the position of the country's leadership may change. The share of survey respondents who would accept the end of the war with Russia even if not all the occupied territories were liberated is already increasing. Currently, this is a clear minority (no more than 30% of respondents according to the survey conducted by the Sociological Group Rating in September 2023, and 32% according to another survey conducted by the Kyiv International Institute of Sociology in early December 2023), but based on comparisons with the findings of earlier studies, the number of supporters of this position is growing. The lack of resources for effective military operations may also push Ukrainians to seek a compromise for the sake of peace.

An article by Commander-in-Chief of the Armed Forces of Ukraine Valeriy Zaluzhnyi in *The Economist* actually recognised the current stalemate in the war between Russia and Ukraine. This article sparked a lively and rather constructive discussion in Ukrainian society, prompting Ukrainians to make some more realistic assessments of the future prospects of the war. If substantial positive changes in the West's military support for Ukraine do not occur, then after a while there will inevitably be a discussion of a possible agreement to end hostilities (a "frozen war"). If such an idea is at least indirectly supported by authoritative military commanders such as V. Zaluzhnyi, it will significantly affect public opinion in Ukraine regarding the allowable format and conditions for ending the war.

However, in any case, the Ukrainian government and society will not recognise Russian sovereignty over parts of Ukrainian territory, even if this territory is de facto under Russian control.

Russia's Position

The Kremlin calls the war against Ukraine a "Special Military Operation" (SMO). However, the goals of this

“operation” were not clearly defined, and have obviously changed over the course of the war. The official position of the Russian Federation on the conditions for ending the war against Ukraine has not yet been declared.

Based on the public statements of Russian President Vladimir Putin, this war was initially about “protecting” the separatist republics of the Donbas, “demilitarising” and “denazifying” Ukraine (which in practice would mean the elimination of Ukraine’s independent statehood and Ukrainian national identity), and preventing Ukraine from joining NATO. It seems that Russia’s leadership sought to change the government in Ukraine, as evidenced by the attempt to storm Kyiv, the capital, and thus restore Russia’s political control or at least claim most of the country’s territory. However, this attempt failed. Moreover, Russian troops ultimately lost control of a large part of the territories they seized in February 2022.

Gradually, in the Kremlin’s rhetoric and political actions, the position of joining (“returning”) allegedly former Russian lands to Russia has come to the fore. These territories include the “People’s Republics” of the Donbas and the Ukrainian lands that Russia occupied in 2022. The decision to annex the “new territories” in autumn 2022 formalised this agenda. There are also periodic calls in Russia to annex further Ukrainian territories to Russia.

Russian officials occasionally express their readiness for negotiations, but at the same time, they insist that Ukraine must recognise the new political and territorial “realities,” i.e., the fact that Russia has annexed parts of Ukraine’s territory. Also at the same time, Russia is trying to resume offensive actions in Ukraine and seize the strategic initiative in the war. Moscow is probably hoping for at least a limited victory before Putin’s re-election as president of the Russian Federation in March 2024. It also seems that the Kremlin is betting on a war of attrition in Ukraine and wants to drag out the hostilities at least until the US presidential election in November 2024, after which a favourable outcome for Russia could strengthen its hand in any eventual negotiations.

External Actors

Thus, neither Ukraine nor Russia is yet ready for serious peace talks. President Zelenskyy, the Ukrainian leadership, and most Ukrainians are not yet psychologically ready for a peace that does not include the liberation of at least a significant part of the territories occupied by Russia. For its part, Russia is still seeking to win the war and push Ukraine to peace on its own conditions (recognition of Russia’s annexation of the occupied Ukrainian territories, blocking Ukraine’s eventual NATO-membership, etc.), and in order to enable entry into any real peace talks in the first place, Russia will still have to

be “forced to peace.” This, in turn, would be possible only through military means (infliction of heavy military and economic losses on Russia, tangible military defeats) and effective sanctions. Any future peace talks will inevitably face a fatal problem: the impossibility of compromising on the status of the temporarily occupied territories of Ukraine. Russia will not give up the Ukrainian territories that it has incorporated over the past years; Ukraine will not give up its legal rights to these territories. This is a deadlock in the key issue of the current war and the future peace process to end it.

The further course of the war and the possibility of peace negotiations will be influenced by the key partners of the warring parties: on the part of Ukraine, the West (the US and the EU), and on the part of Russia, China. It is already clear that the longer the war lasts, the more actively these peripheral nations will push Ukraine and Russia to reach some kind of peace agreement. Both parties to this conflict are unlikely to be ready for direct negotiations in the foreseeable future; therefore, if at some point both Russia and Ukraine would psychologically and politically accept the possibility of peace talks, a mediator will be needed.

There would be many candidates for this role. However, currently Turkey seems to have the best chance of acting as a real mediator in peace talks between Russia and Ukraine. It already has relatively successful experience in such negotiations, and, most importantly, today Turkey is probably the only country that has close and friendly relations with both Russia and Ukraine. External guarantors of a possible peace agreement could be China on the part of Russia, and the EU on the part of Ukraine.

The likelihood of peace talks actually beginning will be influenced by domestic political developments in Russia and Ukraine, as well as some foreign policy developments, especially the results of the US presidential election. The chance for an end to the war will arise when both warring parties are ready for peace talks at approximately the same time. In a situation in which only one side wants peace talks, it will be difficult to start negotiations, and even more difficult to achieve a productive outcome.

The content (agenda) of possible peace talks is quite obvious. The primary goal of any talks would naturally have to be the complete cessation of hostilities on land, in the air and at sea. Particularly, mechanisms for monitoring this ceasefire would need to be defined. Second, the release (exchange) of all prisoners and deportees would be required: the release of all Ukrainians held captive by Russia is a matter of principle for President Zelenskyy and the Ukrainian society. Ukraine would also raise the issue of the withdrawal of Russian troops from the entire territory of Ukraine and the restoration of the

country's territorial integrity, as well as the fulfilment of the other conditions specified in Zelenskyy's "Peace Formula." However, it is extremely unlikely that Russia would agree to this. In turn, Russia would put forward counterdemands to Ukraine, such as ensuring the official status of the Russian language in Ukraine, an official renunciation of all efforts to join NATO, a reduction of the Armed Forces of Ukraine and the removal of certain types of Ukrainian weapons. Ukraine, in turn, would not agree to this.

Conclusion

The only realistic compromise between Russia and Ukraine at this stage would be an agreement only on a ceasefire and the release (exchange) of all prisoners. The status of currently occupied Ukrainian territories would, due to the immense distance between the two sides on this issue, have to remain open. Unfortunately, there would be no absolute guarantees that such a ceasefire agreement would be fully implemented, even if it were signed. There would also be no such guarantees if Ukraine managed to restore full sovereignty within its 1991 borders. But there are no other realistic alternatives for ending the war at the moment.

Such an agreement could be signed by authorised representatives of the warring countries or by authorised representatives of the military command of both countries. This would allow the Ukrainian leadership to bypass the official ban on negotiations and agreements with Russian President Vladimir Putin and to overcome the current political and psychological barriers to top-level negotiations between Russia and Ukraine. This type of peace agreement could suit the political leadership of both countries, as they would not bear direct political responsibility for the agreement. A ceasefire agreement can be prepared and even signed through parallel negotiations with the help of intermediaries, without direct contact between the warring parties.

About the Author

Dr. *Volodymyr Fesenko* is a political scientist and Director of the Penta Centre for Political Studies in Kyiv. His research focuses on Ukrainian politics, Ukraine-Russia relations, political parties, and political elites.

The main drawback of such an agreement on the cessation of hostilities is that it would not be a true "peace" agreement, but in fact would only freeze the current war. Since the systemic contradictions that existed before this war (which have only intensified over its course) would not be overcome, the war could restart at any time. As the sad experience of the Minsk agreements has shown, a broad political agreement does not guarantee peace. The main problem is the aggressiveness of Putin's regime and its tendency to violate any agreements.

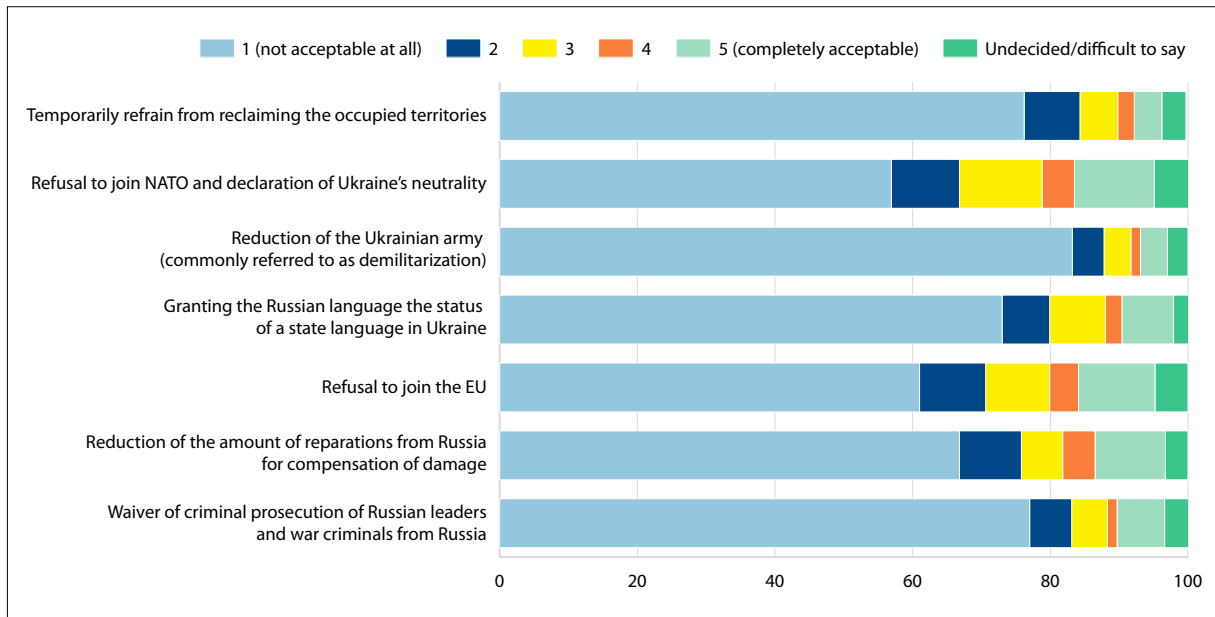
Therefore, it is not enough to agree on a cessation of hostilities, or even peace. To prevent Russia from starting the war again after an eventual deal is made, Ukraine must receive strong and effective international security guarantees, and the Kremlin must understand the enormous risks that would be associated with new attacks on Ukraine. These could take the form of treaty-based security guarantees for Ukraine at the intergovernmental level from its partners; however, Ukraine is convinced that the most effective security guarantee for Ukraine is NATO membership. Political reality shows that, despite its anti-Western rhetoric, the Putin regime does not dare to engage in a direct military conflict with NATO members. A future democratic political transformation in Russia could reduce the risks of a new war between Russia and Ukraine, but thus far, this appears to be a hypothetical scenario.

Ukraine will be able to become a NATO member only after the end of hostilities. Accordingly, from the point of view of Ukraine's strategic interests, NATO membership cannot be used as a bargaining chip in peace negotiations with Russia, which would only concern the cessation of hostilities. Undoubtedly, Ukraine's accession to NATO will depend on the readiness of the alliance and its individual members to make such a responsible decision. If there is no such readiness, there will always be a risk of new aggressive actions by Russia against Ukraine.

SURVEY

What Ukrainians Think about Negotiations

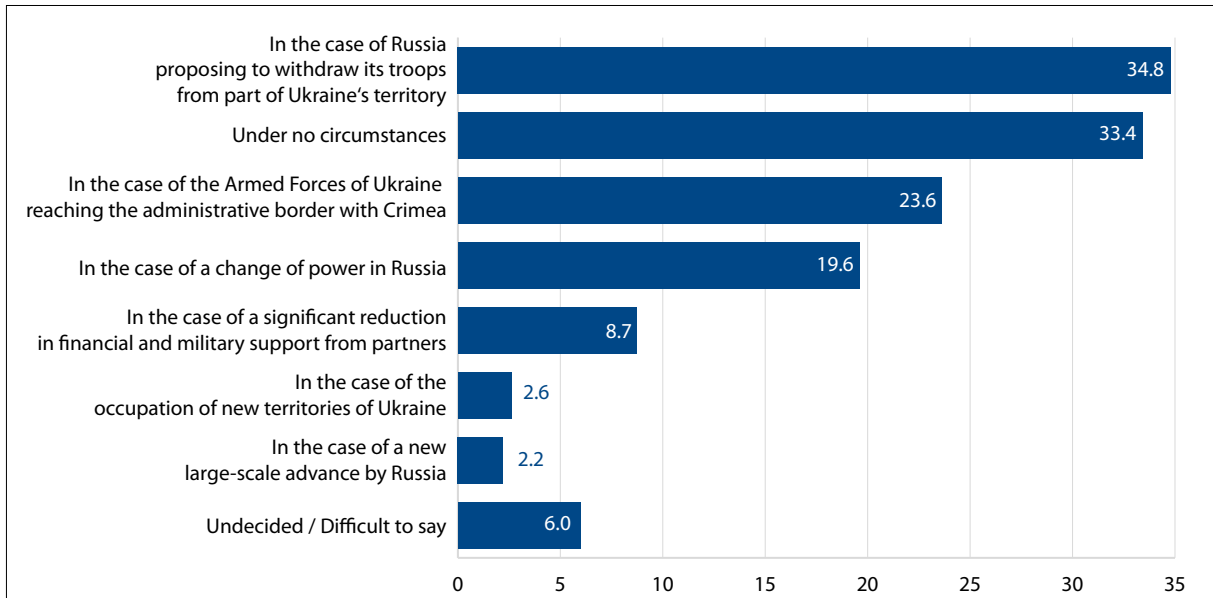
Figure 1: In Peaceful Negotiations with Russia, What Actions Do You Consider Acceptable? (evaluate each proposal on a 5-point scale, where 1 is not at all acceptable, and 5 is completely acceptable, in %)



	1 (not acceptable at all)	2	3	4	5 (completely acceptable)	Undecided/difficult to say
Temporarily refrain from reclaiming the occupied territories	76.2	8.1	5.5	2.4	4	3.5
Refusal to join NATO and declaration of Ukraine's neutrality	56.9	9.9	12	4.7	11.6	5
Reduction of the Ukrainian army (commonly referred to as demilitarization)	83.2	4.6	3.9	1.4	3.9	3
Granting the Russian language the status of a state language in Ukraine	73	6.9	8.1	2.4	7.5	2.2
Refusal to join the EU	61	9.6	9.3	4.2	11.1	4.8
Reduction of the amount of reparations from Russia for compensation of damage	66.8	9	6	4.7	10.2	3.3
Waiver of criminal prosecution of Russian leaders and war criminals from Russia	77	6.1	5.2	1.4	6.9	3.5

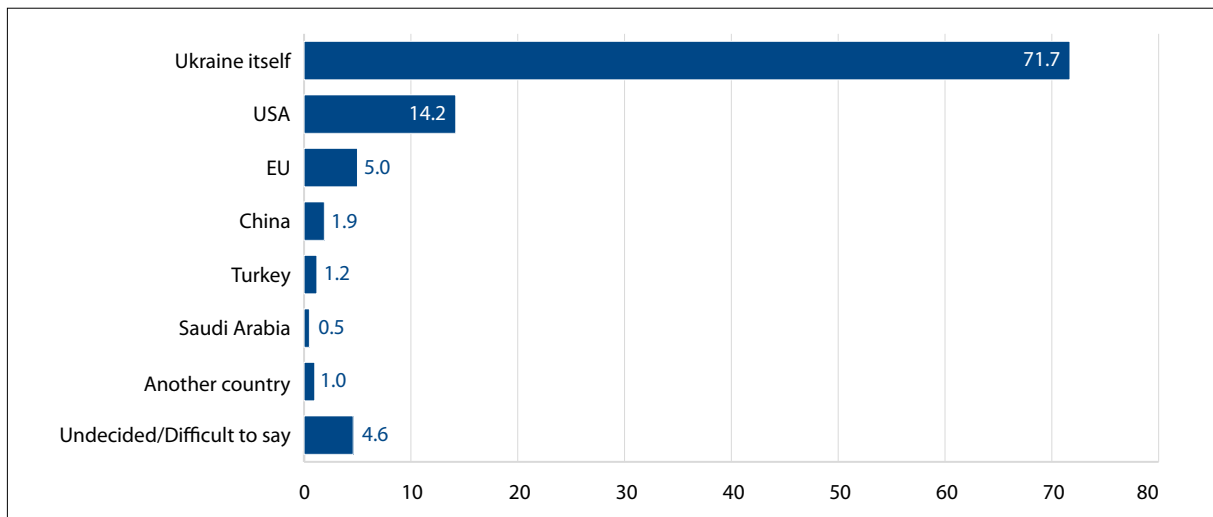
Source: New Europe Center: Preconditions for Negotiations, "Security Guarantees", and Trust in Foreign Leaders, December 2023, http://neweurope.org.ua/wp-content/uploads/2023/12/Pro-peredumovy_eng-2.pdf

Figure 2: Under What Circumstances Should Ukraine Engage in Negotiations with Russia? (Choose up to 3 options, in %)



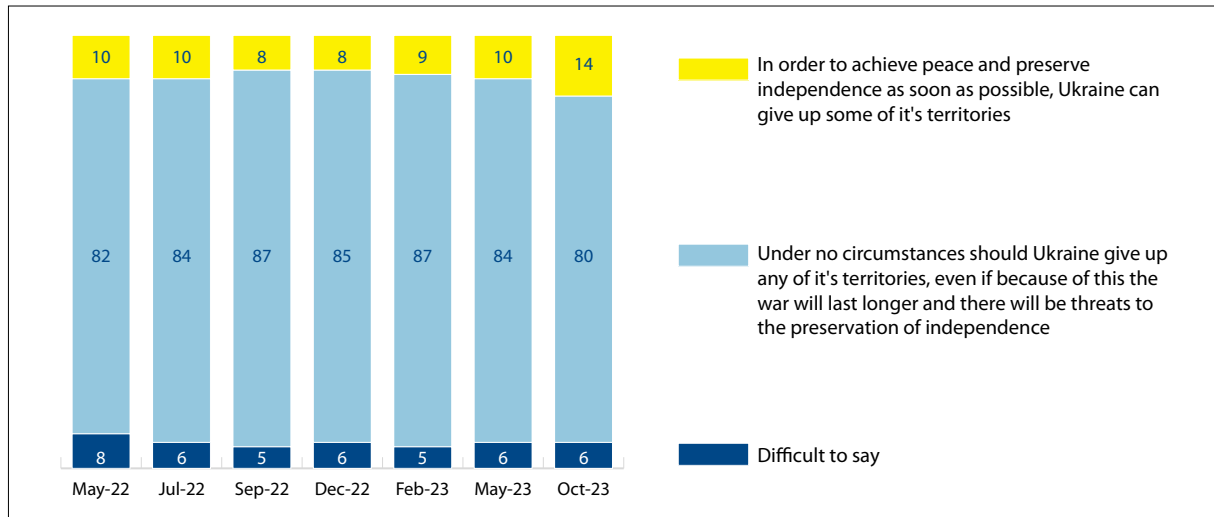
Source: New Europe Center: *Preconditions for Negotiations, "Security Guarantees", and Trust in Foreign Leaders*, December 2023, http://neweurope.org.ua/wp-content/uploads/2023/12/Pro-peredumovy_eng-2.pdf

Figure 3: Who Could Negotiate with Russia on Behalf of Ukraine to End the War? (in %)



Source: New Europe Center: *Preconditions for Negotiations, "Security Guarantees", and Trust in Foreign Leaders*, December 2023, http://neweurope.org.ua/wp-content/uploads/2023/12/Pro-peredumovy_eng-2.pdf

Figure 4:: With Which of These Statements Regarding Possible Compromises to Achieve Peace with Russia Do You Agree to a Greater Extent? (in %)



Source: Kyiv International Institute of Sociology: *Dynamics of Readiness for Territorial Concessions to End the War*, 13 October 2023, <https://www.kiis.com.ua/?lang=eng&cat=reports&id=1301&page=2>

ANALYSIS

Civilizational Security and Transformative Power: Two Facets of Ukraine's Integration with the West

Yuliia Kurnyshova (University of Copenhagen)

DOI: 10.3929/ethz-b-000656671

Abstract

This paper seeks to explore whether shared threat perceptions between Ukraine and the West accelerate Ukraine's integration into the European Union (EU) and the North Atlantic Treaty Organization (NATO). The arguments are built based on concepts of civilizational security and the transformative power of Euro-Atlantic institutions. The paper finds that the growing traction of civilizational framing, along with Ukraine's contribution to European security, provides a favourable environment for Ukraine's race for membership in the Euro-Atlantic security community. However, the primary obstacle encountered on this path is less about EU's self-perception as a transformative power, and more about the political resolve of NATO's member states.

Introduction

Russia's aggression against Ukraine diminished the level of safety for every European nation and put under question the basics of European security: inviolability of post-1991 borders, protected sovereignty and non-use of violence. Though obviously affected to different degrees, both Ukraine and the EU found themselves bound by insecurities created by Russia, and thus on the same side of the conflict. The support received by Ukraine from

its Euro-Atlantic partners is a strong signal of similar threat perceptions in the West and in Ukraine.

Apart from the immediate assistance crucial for defending itself, Ukraine is seeking long-term, solid and formal guarantees of its sovereignty and security which would differ from such previous non-binding "assurances" as the 1994 Budapest Memorandum. Against this backdrop, Ukraine's bid for EU and NATO membership was defined as the most indis-

pensable instrument to ensure the nation's long-term strategic security.

Yet, are common threat perceptions and ad-hoc support of Ukraine enough to make the Ukrainian accession to the EU and NATO happen through accelerated procedures? Is there a unique moment for rapid integration into the Euro-Atlantic international society? In this short paper, I approach these questions through two different yet mutually reinforcing concepts, civilizational security and transformative power, which can facilitate and enhance Ukraine's prospects for membership in both institutions.

The Civilizational Security Nexus

The idea of civilizational security (Adler 2010; Bowden 2020; Lewicki 2023) presumes that nations derive part of their security from belonging to a (geo)cultural zone with shared embedded norms and values. This civilizational thesis was a central concept in the EU and NATO enlargement discourse for many years. It allowed for defining NATO enlargement not only in a pure military sense, but as an extension of the Western cultural realm (Kuus 2007). In case of the EU, the concept of "normative power" is discussed as a new type of "civilising mission" as well (Zielonka 2013). The growing traction of civilizational framing of the international roles of NATO and the EU constitutes a good background for Ukraine's race for membership in the Euro-Atlantic international society in harmony with Western normative standards. But the issue extends beyond mere narrative construction. A potential Russian victory—which could occur, for instance, if the West were to reduce its support for Ukraine—would result in dire repercussions, not only for the NATO, but also for the broader European continent (Kagan 2023).

Ukraine demonstrates the ability to defend its civilizational commitments in practice against the common enemy and robust compliance with European values on the battlefield, defending with its full strength its choice of independence, democracy and freedom. This also explains the emphasis on Ukraine's contribution to safeguarding Europe from further Russian encroachments: in the words of Foreign Minister Dmytro Kuleba, "Ukraine is Europe's defender." In a similar vein, President Zelenskiy underlined that Ukrainians are struggling "against the most anti-European force of the modern world."

The vision of the EU and NATO as sources of civilizational power implies geocultural distancing from—and rivalry with—Russia, which has positioned itself as a country whose "civilizational standards" (Stivachtis 2010) drastically differ from those of Western democracies. In this respect, the same discourse common in the aftermath of the 9/11 attacks was given new life by

the Russian aggression against Ukraine: "the attempt to unite Europe, the United States and other allies behind the banner of civilization is bolstered by the construction of the enemy as barbarian, and therefore a pure threat which must be annihilated" (Henry 2010, 271). Western consolidation became a reaction to Russia's attempts to persuade the global community that democracy, the rule of law, and human rights hold no validity, as they fail to play a protective role for weaker members of international society.

Russia's understanding of security as the imposition of its own power upon the international realm through military might entirely contradicts the norms of European civilization. By labelling Russia as a state sponsor of terrorism, the European Parliament recognized Russian aggression as a contemporary version of "civilizational" war encroaching upon basic individual and social values. The same goes for the inclusion of Russia in comments about the new "the axis of evil" by U.S. Senate Republican Leader Mitch McConnell. Consequently, the prevailing Western perception of the Russian military intervention as an existential threat enables shared civilizational identity between Ukraine and Euro-Atlantic international society.

Transformative Power

Ukraine's integration into the Euro-Atlantic security order might also be facilitated by the role of the EU as a "transformative power" which was traditionally understood as having the ability to foster domestic changes in applicant countries. Transformative power has been widely acknowledged as a major normative instrument of the EU's neighbourhood policy operated through democracy promotion, modernization and diffusion of good governance practices (Börzel 2009) with the ensuing accession procedures. Yet in such highly securitized situations as war, transformative power acquires meanings different from those in times of peace: apart from fostering domestic reforms, it implies transformations of conflicts through the internalization of EU norms and the resulting "reduction of securitization" (Diez et al. 2006). A much-discussed greater geopolitical emphasis in the EU's foreign strategy shifts the idea of transformative power in the direction of boosting the bloc's defence capabilities (Costa and Barbe 2023) and on this basis molding platforms for EU-Ukraine and NATO-Ukraine partnership.

Russian aggression has produced far-reaching spillovers into the entire European space: the energy, refugee, food and environmental policy domains have all become highly weaponized (Fiott 2023, 449). By and large, Ukraine is showing up strong in these respective areas: it has remained capable of delivering agricultural products to the international markets; the financial and

logistics systems have remained operational, and critical stockpiles have been maintained at sufficient levels amid Russian attacks; and by disabling the Russian Black Sea fleet, Ukraine re-entered the food market swiftly after the beginning of the full-scale invasion. Ukraine has also demonstrated institutional resilience (Kurnyshova 2023), being recognised by the European Commission for its “remarkable level of institutional strength, determination and ability to function.”

Amid the initial successes of the Ukrainian military in the northern and northeastern parts of the country, the EU raised the issue of reconstruction, followed by the idea of cooperation between the Ukrainian government and the EU bodies and member-states within the context of Ukrainian integration. Later, the European Council introduced more comprehensive joint enterprises with the government of Ukraine to fight the issue of food shortages. Many of these efforts, including “solidarity lanes” that help Ukraine export its goods, were pursued on the basis of common policy approaches; Ukraine was integrated into the measures as a full-fledged party, thus expanding its de-facto integration into the EU security efforts.

Unlike many other EU measures, the “solidarity lanes” are not a mere means to support Ukraine, but rather a common institutional practice integrating both sides into the joint security-driven enterprise. Its framework spans from production, to logistics, to sales of agricultural and food products, and involves export and import of machinery, technologies, materials, mineral fertilisers and fuel. The EU and Ukraine established a new logistical platform, serving best interests of both sides, though stopping short of formal introduction of Ukraine into the mechanisms of the EU common policies. As Ukrainian Deputy Minister of Economy Taras Kachka put it, “the only issue for us is to ensure the interoperability of the system, some types of swaps” (Bukhta 2022). For the EU, both the scale and the depth of integration efforts went beyond typical cooperation with third parties, being much closer to the internal interaction between member states.

There are other examples as well. By providing military support to Ukraine, the EU, for the first time in its history, began financing the purchase and delivery of weapons and other military equipment to a non-member state. Those initiatives are not necessarily success stories of material value, but rather serve as examples of how insecurities produce new reasoning for Ukraine’s engagement with European institutions.

For its part, NATO’s Annual National Program, agreed upon at its summit in Vilnius in July 2023, is considered as a roadmap for reforms on the path to joining the alliance. It has replaced the earlier Membership Action Plan, and can also be regarded as a unique

expedited mechanism for Ukraine’s accession to membership. However, unlike the advancement of integration with the EU, Euro-Atlantic convergence has a significant additional restraining factor—the ongoing war with Russia. In the summit’s final communique, NATO member countries once again emphasized that they consider Russia to be the most significant and direct threat today, but did not eliminate the uncertainty and vagueness of formulations regarding Ukraine’s perspective, reflecting NATO’s fear of escalation with Russia.

Synthesising the Two Approaches

The two narratives discussed above—civilizational security and the (related) understanding of the West as a norms-based security community with the ability to substantially shape conflict transformations—create a synergistic effect and bring Ukraine closer to full integration with the Euro-Atlantic institutions. The five major landmarks of cooperation outlined in the joint declaration of the 2023 EU-Ukraine summit (accession process, joint response to Russian aggression, joint contributions to food security, further development of the European political community and strengthening regional cooperation through the Eastern Partnership) reflect the transformation of the EU’s Ukraine policy in the direction of multifaceted and inclusive security governance.

In fact, drastic changes in EU policies already provide Ukraine with a level of integration never seen before. On 14 December, the European Council approved the start of accession negotiations with Ukraine, marking a significant tightening of relations. Despite the EU’s insistence that Ukraine will be treated as any other candidate country and not benefit from any shortcuts, the fact that negotiations have gotten the green light in the first place is a result of the realization within Europe that Ukraine’s membership would strengthen its security against the threat posed by Russia, as well as the potential unpredictability of the United States as a guarantor of European security. The scaling down of the possible timeline of accession is on the way, standing in stark contrast to pre-war discussions, when Ukrainian EU membership was viewed as theoretical at best. As the EU Ambassador to Ukraine put it, the war created an opportunity for consensus on issues on which agreement within the EU would have been impossible before (New Europe 2023).

Similarly, Ukrainian policies towards the insecurities produced by Russia’s aggression are in line with baseline NATO resilience requirements (as agreed upon at the NATO Warsaw Summit in 2016): continuity of government and critical government services; assured supplies of food resources; resilient energy supplies; resilient transport systems; resilient civil communications

systems; ability to deal with mass casualties; and ability to deal effectively with the uncontrolled movement of people.

Ultimately, the emerging insecurities of human migration, food, energy and other fields have been rapidly securitised by the West and Ukraine, which made possible swift institutional changes on the EU side regarding Ukrainian involvement in EU transformative policies, and much less drastic but symbolically significant changes on the side of NATO. The steps to overcoming insecurities from the start had a pronounced normative value, and strengthened the narrative of civilizational security which has so far surpassed the material outcomes of the undertaken efforts.

Conclusion: Any Room for Exceptional Measures?

The logic behind Ukraine's appeals to unity and claims for membership is meant to underscore that due to its unique security role in and for Europe, this country deserves a place in the EU and NATO. Apparently, not all governments agree that expanding the Euro-Atlantic institutions to Ukraine is a geopolitical necessity. However, this transformation is taking place along with the significant new common security challenges. The war has already given rise to new formats and instruments of cooperation. Some of these have begun to evolve from crisis response mechanisms (for instance, the EU's) into long-term and ambitious frameworks for Ukraine's European integration; NATO, for example, agreed to skip the Membership Action Plan procedure for new candidates. Several exceptional moves have been already made regarding Russia (travel bans, sanctions, freezing

of assets), as well as Ukraine itself (Temporary Protection Directive for Ukrainian refugees and suspension of EU import duties, among other measures). The question is how far the two major institutions of the Euro-Atlantic West are going to proceed with further extension of these exceptional practices and their normalization.

This would be possible if and when the current war pushes the EU and NATO to realise their role as a security community with a strong civilizational background and ability to transform crises into areas for security governance. This implies the recognition of Ukraine's role in the post-war architecture of European security as a significant provider of defence capabilities within the Euro-Atlantic security order, but also, to some extent, as a shaper of the future of the transatlantic partnership.

Today's discourse around Ukraine admits that, despite a consensus on Ukraine's EU prospects among the Europeans and the unique contribution to European security currently being provided by Ukraine, no major steps were made to speed up the country's NATO accession process. Against this backdrop, it would be legitimate to say that Ukraine needs to put forth additional arguments for more productively using the current ad-hoc alliance with the West as a vehicle for fast-track accession to the alliance. After all, this war won't eliminate the source of common threats to the Euro-Atlantic security order. As today's group of temporary allies might become permanent due to these continuing external threats, Kyiv can expect the West to be willing to solidify wartime cooperation and to transform it into full membership in Euro-Atlantic institutions for Ukraine.

About the Author

Yuliia Kurnyshova, Ph.D., is a Postdoctoral Research Fellow at the University of Copenhagen. Her current research project explores the political and security implications of Russia's war against Ukraine. A historian by training, she uses interdisciplinary approaches to analyze the political discourse of the war.

References

- Adler, E. (2010) Europe as a civilizational community of practice, in Peter Katzenstein (ed.) *Civilizations in World Politics: Plural and Pluralist Perspectives*. London and New York: Routledge, 67–90
- Börzel, T., Risse, T. (2009) The transformative power of Europe: The European Union and the diffusion of ideas. KFG Working Paper Series, 1. Berlin: Freie Universität Berlin. Accessed online: <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-364733>
- Bowden, B. (2010) Civilizational Security. In: J. Peter Burgess (ed.) *The Routledge Handbook of New Security Studies*. Routledge, 7–16
- Bukhta, Y. (2022) Commission opens 'solidarity lanes' to strengthen EU-Ukraine food export. Euroactiv. May 12. Accessed online: <https://www.euractiv.com/section/agriculture-food/news/commission-opens-solidarity-lanes-to-strengthen-eu-ukraine-food-export/>
- Coker, C. (2019) *The Rise of the Civilizational State*. [online] Google Books. John Wiley & Sons. Accessed online: https://books.google.ee/books?id=gOaLDwAAQBAJ&dq=EU+civilizational&lr=&source=gbs_navlinks_s
- Costa, O., Barbé E. (2023) A moving target. EU actorness and the Russian invasion of Ukraine, *Journal of European Integration*, 45:3, 431–446

- Diez, T., Stetter, S. and Albert, M. (2006). The European Union and Border Conflicts: The Transformative Power of Integration. *International Organization*, [online] 60(03). doi: <https://doi.org/10.1017/s0020818306060218>
- Fiott, D. (2023) In every crisis an opportunity? European Union integration in defence and the War on Ukraine, *Journal of European Integration*, 45:3, 447–462
- Henry, N. (2010) Politics beyond the State: Europe as Civilization and as Empire, *Comparative European Politics* 8 (2), 262–280
- Kagan, F. (2023) If the West Cuts Aid to Ukraine, Russia Will Win. If the West Leans in, Ukraine Can Win. Institute for the Study of War. Accessed online: https://understandingwar.org/sites/default/files/If%20the%20West%20Cuts%20Aid%20to%20Ukraine%20PDF_0.pdf
- Kurnyshova, Y. (2023) Ukraine at War: Resilience and Normative Agency. *Central European Journal of International and Security Studies*, 17(2), pp.80–110. doi: <https://doi.org/10.51870/UXXZ5757>
- Lewicki, G. (2023) Civilizational Security: Why the Russian Invasion of Ukraine Shows that ‘National Security’ is Not Enough to Understand Geopolitics. *Comparative Civilizations Review* [online] 89(89), Accessed online: <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=2284&context=ccr> [Accessed 5 Nov. 2023]
- Mauer, H., Whitman R., Wright R. (2023) The EU and the Invasion of Ukraine: a Collective Responsibility to Act? *International Affairs* 99, 209–238
- New Europe Center (2023). Key messages by Katarina Maternova during the 2nd EU Accession Exchange Forum. Accessed online: <http://neweurope.org.ua/en/klyuchovi-mesedzhi-katariny-maternovoyi-pid-chas-drugogo-eu-accession-exchange-forum/> [Accessed 5 Nov. 2023]
- Official website of the President of Ukraine. (2023) President on the occasion of the Day of Ukrainian Statehood: Our statehood is our response to the need for security and peace for Ukraine — Official website of the President of Ukraine. [online] Accessed online: <https://www.president.gov.ua/en/news/nasha-derzhavnist-ce-nasha-vidpovid-na-potrebu-v-bezpeci-ta-84565> [Accessed 5 Nov. 2023]
- Rieker, P. (2016) Introduction: The European Neighbourhood Policy: An Instrument for Security Community-Building, in: Pernille Rieker (ed.) *External Governance as Security Community Building The Limits and Potential of the European Neighbourhood Policy*. London: Palgrave Macmillan, 1–18
- Stivachtis, Y. (2010) ‘Civilizing’ the Post-Soviet / Socialist Space’: An English School Approach to State Socialization in Europe. The Cases of NATO and the Council of Europe. *Perspectives: Review of International Affairs* 18 (2), 5–32
- Zielonka, J. (2013). Europe’s new civilising missions: the EU’s normative power discourse. *Journal of Political Ideologies*, 18(1), pp.35–55. doi: <https://doi.org/10.1080/13569317.2013.750172>

Ukraine and the EU: Enlargement without Alternative?

André Härtel (German Institute for International and Security Affairs (SWP), Brussels)

DOI: 10.3929/ethz-b-000656671

Abstract

In June 2022, the EU granted candidate status to Ukraine. In December 2023, after a respective Commission recommendation, the Council voted to start accession negotiations with Ukraine. This rapid turn in EU-Ukraine relations is mostly a result of Russia's full-scale invasion of Ukraine in February 2022 and of the subsequent, so far successful fight of Ukrainians for their freedom. On what assumptions does the Union's (re)turn to enlargement as an instrument ultimately rest? How does the realistic prospect of enlargement help Ukraine? Are the EU and Ukraine prepared to start and finalize what many see as a speedy "geopolitical enlargement"? This article argues that neither the EU nor Ukraine are currently prepared for an accession process of this magnitude, and that especially the "geopolitical" argument is thin at best. Yet, in terms of policy options for the Union, enlargement seems to be without alternative.

The EU and Ukraine before February 2022

Directly before Russia's full-scale invasion of the country on 24 February 2022, Ukraine's relationship with the European Union had reached a difficult phase. In Kyiv, the political elite was unsatisfied with what it perceived as a lack of progress towards a genuine membership perspective, despite its considerable reform record. The background for the Union's reservations was obvious: among the member states, enthusiasm for even a debate on enlargement was low, and Ukraine was seen as a neighbour by most of them for the foreseeable future. Just weeks before the attack, Brussels did not react to the regional initiative of the so-called "Associated Trio." With it, Ukraine, Georgia and Moldova wanted to speed up their integration and membership aspirations based on their more serious reform credentials and general commitment to the EU in comparison to other countries of the neighbourhood. At the same time, Ukraine, which had already been confronted with significant Russian troop buildups at its borders for over a year, was unsuccessful in convincing bigger member states, such as Germany, to invest themselves more into the country's security, for example via training missions for Ukrainian soldiers (Schiltz, 2021).

It is worthy to note here, however, that inside Ukraine a serious change of attitude towards EU integration had occurred since 2014, when the country expressed its unequivocal desire to become member of both the EU and NATO instead of its previous "multi-vector" foreign policy. While a certain form of public romanticism and elite window-dressing had characterized the domestic EU discourse since the 2004 "Orange Revolution", the conclusion of the Association Agreement and Ukraine's domestic changes after the 2014 Euromaidan movement led to an increasingly sober and methodical approach in its dealings with the EU. Instead of just emphasiz-

ing membership, connected with a mostly normative-inspired emphasis on Ukraine's general "Europeanness" and its successive revolutionary achievements, a professional and largely effective step-by-step approach focusing on the technical harmonization process took root among Ukraine's political leaders, bureaucratic elites and civil society.

Sea Change Candidate Status?

After Russia's full-scale invasion, and especially after the Ukrainian army's successes in the Battle of Kyiv, the country's relationship towards the EU took a significant turn in spring 2022. The defense of Ukraine was increasingly interpreted by European elites and publics as a fight for democracy and freedom against a revanchist and repressive Russian regime – Europe's values were at stake. Moreover, European strategic interests were in danger. Whereas Russia's seizure of Crimea and parts of Eastern Ukraine in 2014 had already shattered Europe's post-Cold War security architecture, the fall of Ukraine would have led to a thousand-mile-long border with an aggressive Russia, which would seriously weaken trust in both the EU's and NATO's ability to defend a strategic balance on the continent. Still, when Commission President von der Leyen announced the granting of candidate status to both Ukraine and Moldova on 24 June 2022, many observers were surprised.

Obviously, the EU institutions and member states saw the granting of candidate status as a necessary gesture most of all to Ukraine, which "was fighting for European values" (von der Leyen, 2022). A debate on the feasibility of "enlargement at war" and on the serious potential consequences of Ukraine's membership for the EU as a polity was pushed to the future. Especially many of the older EU member states remained skeptical even after June 2022. For many of their representa-

tives, the granting of candidate status was largely a “symbolic step” without much material significance or even commitment from the EU’s side. After all, enlargement candidates such as Albania (candidate since 2014, negotiations only since 2022) had already been left in the “waiting room” for a long time, and the de-facto aborted accession process of Turkey (candidate since 1999, negotiations since 2005) demonstrated that no linear road nor guarantee of a positive outcome existed for candidate countries. As an official candidate, Ukraine had now already opened a door it might have had to wait for another decade to pass through if it had not been for the war, but even so, no “sea change” had occurred in EU-Ukraine relations.

In Kyiv, however, candidate status only enhanced the new self-confidence of the government in regard to the outside world, and especially towards its Western partners. The war was obviously understood by President Zelensky and his team as a historical window of opportunity to join Euro-Atlantic organizations, and do so in accelerated fashion. Kyiv had the moral high ground, and was going to use it. Therefore, Ukrainian representatives doubled down on their efforts to emphasize both the geopolitical significance of the country’s EU membership for the West and its self-perceived role as a “reform avant-garde” (Stefanishyna, 2022) in the Eastern neighbourhood. The message was clear: Ukraine already deserved membership due to its impressive reform achievements and defense of European freedom. In such an emotional, war-driven atmosphere, the critical question arose of whether the EU could go on applying conditionality politics to Ukraine at all, or if the logic of the relationship had already been fundamentally changed.

Since granting candidate status to Ukraine, a more substantial debate has begun inside the Union on what another “big bang enlargement” would mean for the EU and the acceding countries themselves. Three strings of the debate are apparent, although not equally prominent. The first is around the idea of “geopolitical enlargement” as a new core rationale for accession to the Union. A second debate is taking place regarding the EU’s preparedness for enlargement and the urgency of reforming the Union. A third, less prominent debate asks for Ukraine’s readiness to start accession negotiations and implement the *acquis*.

The Security Question: Is “Geopolitical Enlargement” Feasible?

Not surprisingly, those most in favour of Ukraine’s membership, such as representatives of the Baltic and some CEE countries, are arguing for an “accelerated” accession process of only a couple of years. Their argument is that the Russian war is an existential geopolitical threat

to the European project, and that therefore the very logic of enlargement would have to be changed. By incorporating Ukraine, so the argument, the EU would close the most critical part of Europe’s geopolitical “grey zone”, setting clear limits to Russian imperialism and thereby enhancing the Union’s own security.

This assumption is at least questionable from several perspectives. One concerns the Union’s own geopolitical actorness: how does the accession of countries with weak or war-ridden economies, embattled democratic institutions, high rates of corruption, and/or ongoing military conflicts within their borders strengthen any entity’s geopolitical profile? One still needs to assume that the geopolitical strength of the EU rests upon general domestic stability, political unity and prosperity, after all. Furthermore, the EU had at the beginning of von der Leyen’s term just announced its will to establish “a geopolitical commission” (von der Leyen, 2019). For now, the EU, for all its recent actions to support Ukraine security-wise, is lagging behind in terms of geopolitical actorness regarding both capacities and decision-making structures. The Union does not have an integrated command structure such as NATO for national armies, and cooperation in the production and procurement of military equipment is restricted to a handful of projects.

Furthermore, as weapons deliveries to Ukraine by individual EU countries have demonstrated, the member states – unlike other important actors such as the US or the UK – possess neither sufficient weapons stocks nor the necessary industrial capacity to militarily support third countries in the long-term. Another risk of such a geopolitical approach to enlargement is apparent: Could it be used as an instrument by Euroskeptics and opponents of reform inside the Union to obstruct its functioning and any further political deepening? For example, member states such as Hungary could follow the example of the United Kingdom, which as a member championed enlargement to make political integration more difficult.

Another dimension concerns the geopolitical effect (and effectiveness) of such an enlargement approach. How would an enlargement process, and even the “accelerated” granting of membership, help Ukraine solve its biggest problem – winning, or at least not losing, its war against Russia? The EU, despite the solidarity clause, is no defensive alliance and only a non-mature security institution. Enlargement, however, needs a security dimension in order to avoid importing Ukraine’s insecurity vis-à-vis Russia into the Union. As for alternative solutions, the debate on bilateral security guarantees has made some progress since Kyiv’s quest for the Kyiv Security Compact (Fogh Rasmussen and Yermak, 2022). The United Kingdom has signed a bilateral document with Ukraine in January 2024,

and France and Germany want to follow up in February. However, what is proposed in these documents are rather “security commitments” such as “financial help, military-industrial cooperation and sustained military support (weapons deliveries)” than actual guarantees.¹ Therefore, NATO membership remains the only viable option for now. Enlargement of that alliance is, however, nothing that EU member states can ultimately decide, or even themselves currently agree on. The bottom line would be as follows: with what degree of “rest-uncertainty” can a Union incorporating Ukraine live after having exhausted its own, limited capacities to invest in the country’s security and to strengthen its Common Security and Defence Policy?

Ultimately, there is the war itself and its unforeseeable end: What if it ends while the accession process is just in its early phase or has become messy for some reason? Will the Union suddenly lose its enthusiasm for enlargement? What if Russia offers a ceasefire or peace deal dependent on Ukraine not joining NATO, or even the EU? One should not forget that for the Russian side, Kyiv’s NATO bid as of 2019 and ever-tighter NATO-Ukraine relations have been cited as a cause of the current war.

How Much EU Reform is Necessary for Ukraine’s Accession?

During the last months, the debate on the connection between enlargement and EU internal reforms has become much more dynamic. There is agreement that successive enlargement by an additional up to eight states – and even the accession of Ukraine alone – would be transformative for the Union in many regards. Current net receivers would become net payers into the EU budget, Council voting at 35 members would make the (obstructive) use of vetoes much more likely, and at least one policy field, the Common Agricultural Policy, would have to be completely revised. Without reform, enlargement could exacerbate the EU’s current governance problems, especially in the realm of the Common Foreign and Security Policy, where decision-making by unanimity is still the rule.

However, while there is at least superficial agreement on enlargement between the member states, there is currently no agreement whatsoever on how the enlargement-reform challenge shall be handled. Most member states do not want to change the relevant treaties, preferring to avoid any significant structural changes. Some of the biggest supporters of Ukraine’s EU-bid – such as Poland – have in the past been very critical of EU reforms and a further deepening of integration. On the other

side, within the EU institutions, there seems to be the hope that enlargement itself will be the driving force for reforms “on the way” to accession. A minority faction even believes that the Union could enlarge without reforms or with changes to the budget only. The enlargement debate, as before, seems to be driven mostly by more abstract ideational and historical forces than by a serious discussion about material pros and cons, political and technical conditions, and the state of the EU itself.

In the likely case only half-hearted or cosmetic reforms to EU decision-making are implemented, the situation of 2004 could repeat itself, when “big bang enlargement” happened despite an aborted constitutional process. The consequences – looking at the EU’s already considerable governance problems, as well as the state of democracy and the rule of law in some newer member states – can be felt to this day. And there is an additional problem: In 2030 – as Council president Charles Michel and other EU representatives now imagine the timeline for enlargement (Bayer, 2023) – post-Soviet and possibly post-Yugoslav states with very different economic and political trajectories from the 2004 tranche of accession countries, and a much shorter adjustment period, would join the Union.

Is Ukraine Prepared for Accelerated Accession?

Finally, there is the debate around Ukraine’s preparedness for opening accession negotiations and for further systematic reforms enabling it to join the Union within the next seven years, generally seen as a relatively short time span. Most observers argue that a mechanism has to be found to reach two aims at once: to integrate Ukraine in this ambitious time frame, and to keep the EU as strong as possible by ensuring a full *acquis* transfer by the country.

Different opinions exist on the feasibility of squaring the circle here. Some argue that Ukraine and Moldova are already more advanced than their Central and East European EU neighbours were at this stage due to their substantial harmonization experience through the implementation of the Association Agreements (Wolczuk, 2023). Others, such as representatives of older EU member states, warn about the unprecedented nature of this enlargement round, with countries sharing high levels of corruption, an overrated democratic transition, and open territorial conflicts. They are also concerned about a “bias” among the supranational EU institutions: especially the enlargement-friendly Commission and the European Parliament are seen as tending toward a rather optimistic assessment of Ukraine’s reform efforts.

¹ <https://kyivindependent.com/germany-france-ukraine-security-guarantees/>; <https://www.pism.pl/publications/uk-signs-security-agreement-with-ukraine>

It remains difficult to say where Ukraine stands in terms of its preparedness to open accession negotiations and to implement the *acquis* in an ambitious time frame. In general, Ukraine has accomplished a significant degree of harmonization with the EU's *acquis* since the 2014 Euromaidan movement and was – before the full-scale invasion – indeed a frontrunner among the reform-minded Eastern Partnership countries. With its receipt of candidate status in June 2022, the government was handed a list of seven additional, more concrete reform tasks, which it responded to by (at a minimum) adopting the necessary laws (New Europe Center, 2023). Since then, significant progress has also been made in the critical sphere of the fight against corruption, where substantially more high-profile proceedings and convictions could be observed. Some experts now even claim the existence of “institutionalised anti-corruption” in Ukraine (Huss, 2023).

Still, there are some significant caveats. First of all, the genuine test for reforms in Ukraine is the implementation stage, especially since state-building only began in earnest here in 2014. Even the process of decentralization, usually seen as a main success story, is not complete, with administrative reforms still very much underway. Another, more abstract problem is which reference point to use. Ukraine was rightfully named a reform frontrunner in the EaP before 2022. Yet, the example of Georgia – which has just recently experienced a serious democratic rollback after being perceived as *avant-garde* in terms of reform in the Saakashvili years – is demonstrative of the fragile transition context in even the more progressive countries of the Eastern Partnership (de Waal, 2023). In reality, only a comparison with former accession candidates makes genuine sense. Is Ukraine where Poland was in 1998, when the latter opened accession negotiations with the EU? Poland, in comparison with Ukraine, had undergone shock-therapy towards a market economy in the early 1990s – oligarchic-patrimonial structures never took root there – and a functioning state structure had existed throughout the communist period. Here, it needs to be remembered that anti-oligarchic reform is one of the still-pending processes in Ukraine. Therefore, even without the war in the background, Ukraine will present a unique case in its accession process.

Finally, the war context needs to be mentioned. Does Ukraine have the resources to implement the *acquis* while fighting for its very existence? The accession-war nexus still seems to be completely ignored by Brussels. Due to the state of war and the likely subsequent elite continuity, accession negotiations will be a huge bet on President Volodymyr Zelensky by the EU. Before the full-scale invasion, both his selective and very much controlled reform record and his lack of skills to run a com-

plex state apparatus were looked at rather skeptically by experts (Haran, 2021). A wartime trend towards more centralization, populist measures such as the announcement of a radical downsizing of the state bureaucracy (Zerkalo Nedeli, 2022), and the silent, mostly unintended disempowerment of the parliament will also constitute challenges for an effective accession process (Vedernikova, 2022).

Conclusion: Ukraine's De Facto Integration and the Question of Alternatives

All three current strings of the debate around Ukraine's envisaged EU accession leave us with a bevy of open questions. For now, the EU is prepared neither domestically nor in terms of its geopolitical actorness for an accession process of this magnitude. The level of debate on major questions and dilemmas such as the “accession-war”-nexus is still superficial, the lack of strategy for any case other than Ukrainian victory obvious. In terms of Ukraine and its own preparedness to start and successfully finish a demanding accession procedure, it also looks as if the level of knowledge about the country's political system and state capacities, as well as of the way reforms are handled in the country, is much lower in Brussels than in some member states.

On the other hand, it truly looks as if alternatives to enlargement as a fundamental new approach to EU-Ukraine relations are scarce and mostly non-convincing. One of the reasons for the EU's newfound enthusiasm for EU enlargement is the simple fact that the war in Ukraine had finally demonstrated that neither the Eastern Neighbourhood Policy (ENP, 2004) nor the sharpened Eastern Partnership (EaP, 2009) has accomplished the peaceful and prosperous neighbourhood once imagined.

It is also an undeniable fact that Ukraine's integration into the EU has already begun. With the significant military investments of the member states through the European Peace Facility, the budget support delivered and announced via the new Ukraine Facility, and the level of reconstruction efforts under way and envisaged, the Union has committed itself to Ukraine and its future existence. After all, European weapons and money are part of why Ukrainians can go on fighting and dying – it is therefore hard to imagine that the EU will be politically able to leave a future Ukraine out in the cold, even in some outer “concentric circle” (Group of Twelve, 2023) of its reformed version. Brussels will also have to control both the unprecedented money flows to Ukraine and the political development of a postwar Ukraine somehow – and it is hard to find a better framework than enlargement for that.

Finally, what the current focus of the EU on enlargement and on Ukraine overshadows is the much larger strategic question of how best to make the Union resilient in light of a possibly decades-long confrontation with

Russia for continental pre-eminence, especially in light of a potentially less engaged United States. The obvious answer is that the Union has to grow up as a political entity, and especially as an actor in the security field. If those

conditions are met, enlargement can add another dimension to the EU's resilience – otherwise, it can become obstructive.

About the Author

Dr. *André Härtel* is currently Head of the Brussels Office of the German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP). He previously worked as an Associate Fellow of the SWP's research group on Eastern Europe and Eurasia, Guest Researcher at the Centre for OSCE Research at IFSH, DAAD Lecturer in European Studies at the Kyiv-Mohyla Academy, Political Advisor at the Council of Europe, and as Lecturer in International Relations at Friedrich-Schiller-University Jena. His main research topics are Ukraine's domestic and foreign policy, EU foreign policy and the future of international organizations.

References

- Bayer, L. (2023) 'Charles Michel: Get ready by 2030 to enlarge EU', *Politico*, 28 August.
- Von der Leyen, U. (2019), Speech by President-elect Ursula von der Leyen at the 2019 Paris Peace Forum, Speech, Paris Peace Forum, Paris, 12 November.
- Von der Leyen, U. (2022), Speech by President von der Leyen at the European Parliament Plenary on the Russian aggression against Ukraine, Brussels, 1 March.
- Fogh Rassmussen, A. and Yermak, A. (2022), The Kyiv Security Compact: International Security Guarantees for Ukraine, Available at: https://www.president.gov.ua/storage/j-files-storage/01/15/89/41fd0ec2d72259a561313370cee1be6e_1663050954.pdf (Accessed: 25 October 2023).
- Group of Twelve (2023), Report of the Franco-German Working Group on EU Institutional Reform. Sailing on High Seas: Reforming and Enlarging the EU for the 21st century, Available at: <https://www.auswaertiges-amt.de/blob/2617206/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf>, p. 36.
- Haran, O. (2021), The Danger of Populist Authoritarianism is increasing (transl.), Available at: <https://dif.org.ua/en/article/v-ukraini-vinikla-zagroza-populistskogo-avtoritarizmu-oleksiy-garan> (Accessed: 25 October 2023).
- Huss, O. (2023) 'Corruption and Anti-Corruption in Ukraine: Continuity and Change', in Alesina, M. (ed.), *Designed in Brussels, Made in Ukraine. Future of EU-Ukraine Relations*, ELF Study 5, p. 27.
- New Europe Center (2023), Candidate Check-5: Where Ukraine is in the implementation of 7 EU recommendations, Available at: <http://neweurope.org.ua/en/analytics/kandydat-check-5-de-ukrayina-perebuyave-u-vykonanni-7-rekomendatsij-yes/> (Accessed: 28 October 2023).
- Schiltz, C. (2021) 'EU erwägt militärische Mission in der Ukraine', *Die Welt*, 3 October.
- Stefanishyna, O. (2022) 'Ukraine on the way to the EU: state of play and next steps', *Zerkalo Nedeli*, 7 September.
- Vedernikova, I. (2022), 'Mayor of Dnipro, Boris Filatov: I so far have not met one mayor, who was satisfied with his communication with the central authorities', *Zerkalo Nedeli*, 25 November.
- De Waal, T. (2023), The Orbanizing of Georgia, Available at: <https://carnegieeurope.eu/strategieurope/90465> (Accessed: 27 October 2023).
- Wolczuk, K. (2023), Overcoming Accession Challenges in Eastern Europe: Avoiding Purgatory. Available at: <https://carnegieeurope.eu/2023/06/28/overcoming-eu-accession-challenges-in-eastern-europe-avoiding-purgatory-pub-90039> (Accessed: 27 October 2023).
- Zerkalo Nedli (2022), The government wants to reduce state bureaucracy by three times. Experts name the risks. Available at: <https://zn.ua/POLITICS/vlasti-sobirajutsja-sokratit-hosapparat-v-tri-raza-eksperty-nazvali-riski.html> (Accessed 30 October 2023).

ABOUT THE UKRAINIAN ANALYTICAL DIGEST**Editorial Board**

Fabian Burkhardt (Leibniz Institute for East and Southeast European Studies), Ksenia Gatskova (Institute for Employment Research – IAB), Ivan Gomza (Kyiv School of Economics), Guido Hausmann (Leibniz Institute for East and Southeast European Studies), Tetiana Kostiuhenko (National University of “Kyiv-Mohyla Academy”), Tetiana Kyselova (National University of “Kyiv-Mohyla Academy” / swisspeace), Serhiy Kudelia (Baylor University), Yulia Kurnyshova (University of Copenhagen), Jeronim Perović (University of Zurich), Ilona Solohub (Vox Ukraine)

Corresponding Editors

Eduard Klein (eklein@uni-bremen.de), Heiko Pleines (pleines@uni-bremen.de) (both Research Centre for East European Studies at the University of Bremen)

Layout

Marin Dziallas, Matthias Neumann (fsopr@uni-bremen.de) (Research Centre for East European Studies at the University of Bremen)

About the Ukrainian Analytical Digest

The Ukrainian Analytical Digest (UAD) is a bimonthly internet publication jointly produced by the Research Centre for East European Studies at the University of Bremen (www.forschungsstelle.uni-bremen.de), the Center for Security Studies (CSS) at ETH Zurich (www.css.ethz.ch), the Center for Eastern European Studies (CEES) at the University of Zurich (www.cees.uzh.ch), and the German Association for East European Studies (DGO). The Ukrainian Analytical Digest analyzes the political, economic, and social situation in Ukraine within the context of international and security dimensions of this country’s development. All contributions to the Ukrainian Analytical Digest undergo a fast-track peer review.

To subscribe or unsubscribe to the Ukrainian Analytical Digest, please visit our web page at <https://css.ethz.ch/publikationen/uad.html>
An online archive with indices (topics, countries, authors) is available at www.laender-analysen.de/uad

Participating Institutions**Center for Security Studies (CSS) at ETH Zurich**

The Center for Security Studies (CSS) at ETH Zurich is a center of competence for Swiss and international security policy. It offers security policy expertise in research, teaching, and consultancy. The CSS promotes understanding of security policy challenges as a contribution to a more peaceful world. Its work is independent, practice-relevant, and based on a sound academic footing.

The CSS combines research and policy consultancy and, as such, functions as a bridge between academia and practice. It trains highly qualified junior researchers and serves as a point of contact and information for the interested public.

Research Centre for East European Studies at the University of Bremen

Founded in 1982, the Research Centre for East European Studies (Forschungsstelle Osteuropa) at the University of Bremen is dedicated to the interdisciplinary analysis of socialist and post-socialist developments in the countries of Central and Eastern Europe. The major focus is on the role of dissent, opposition and civil society in their historic, political, sociological and cultural dimensions.

With a unique archive on dissident culture under socialism and with an extensive collection of publications on Central and Eastern Europe, the Research Centre regularly hosts visiting scholars from all over the world.

One of the core missions of the institute is the dissemination of academic knowledge to the interested public. This includes regular e-mail newsletters covering current developments in Central and Eastern Europe.

Center for Eastern European Studies (CEES) at the University of Zurich

The Center for Eastern European Studies (CEES) at the University of Zurich is a center of excellence for Russian, Eastern European and Eurasian studies. It offers expertise in research, teaching and consultancy. The CEES is the University’s hub for interdisciplinary and contemporary studies of a vast region, comprising the former socialist states of Eastern Europe and the countries of the post-Soviet space. As an independent academic institution, the CEES provides expertise for decision makers in politics and in the field of the economy. It serves as a link between academia and practitioners and as a point of contact and reference for the media and the wider public.

Any opinions expressed in the Ukrainian Analytical Digest are exclusively those of the authors.

Reprint possible with permission by the editors.

Responsible editor for this issue: Dr. Eduard Klein

Language editing: Nathanael Brown

Layout: Marin Dziallas, Cengiz Kibaroglu, Matthias Neumann, and Michael Clemens

ISSN 2941-7139 © 2024 by Forschungsstelle Osteuropa, Bremen and Center for Security Studies, Zürich

Research Centre for East European Studies • Country Analytical Digests • Klagenfurter Str. 8 • 28359 Bremen • Germany

Phone: +49 421-218-69600 • Telefax: +49 421-218-69607 • e-mail: fsopr@uni-bremen.de • Internet: www.laender-analysen.de/uad/