Understanding the EU's Association Agreements and Deep and Comprehensive Free Trade Areas with Ukraine, Moldova and Georgia

Eastern Borderlands as Europe-Makers: (How) Can neighbours redefine the EU?

Andrey Makarychev

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Abstract

A general and strategic effect of EU's Association Agreements and DCFTAs with Georgia, Moldova and Ukraine has been the extension of the concept of Europe and its wider opening to neighborhoods and margins. It is on this basis that a European normative order can be differentiated from both the 'Russian world' and Eurasian geopolitical space. However this paper argues that the process of association is not a unilateral move, but a multilateral and reciprocal development; it is a way for Europe to know more about itself, and to politically redefine itself. The neighbourhood policy causes controversial effects on the EU. On the one hand, it consolidates the liberal-minded groups within European societies eager to see the EU as a promoter of values of freedom and civic liberties to be projected eastwards and defended in EU's neighborhood. On the other hand, the problems of practical implementation tend to solidify sceptical groups in both the EU and its associated neighbours that contest not only the deepening of EU's engagement with Ukraine, but EU's normative project as a whole. The implementation of the joint strategy of the EU and its close neighbours faces a challenge of finding a proper balance between two dominant – yet to a large extent contradictory – approaches. One consists of capitalizing on these countries' status as victims of Russia's policies, countries whose very existence is under threat, which implies support and help from the EU. Another, requiring much more consistent efforts, is for the associated neighbouring states to emerge as positive showcases of transition, and useful partners contributing not only to the transformation process in post-Soviet area, but also to EU's and NATO's security. The recent three years made clear that the former alone does not guarantee to Ukraine, Georgia or Moldova a fully-fledged European voice.

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Introduction

The current academic scholarship is replete with analysis of ways and means of EU policies of fostering institutional, societal, legal, economic and other changes in Eastern Partnership (EaP) countries[1]. Much less is known about whether these countries themselves may – directly or indirectly, intentionally or unintentionally – contribute to transforming the EU, and if so, in what ways? Can they assist in a better self-understanding of what the EU is and should be in future? What issues pertinent to EU's agenda do the EaP countries raise, and what policy repercussions do the ensuing debates have?

In this paper I start with the presumption that political "discourses are influential in part because they are produced in both the power centers and the power margins".[2] This is of particular relevance to communicative situations in which policy actors with unequal status are involved, which usually makes us presume that it is the stronger ones that exert influence upon their weaker partners or interlocutors. Yet this logic should be readjusted to inter-subjective interactions in which the presumably weaker actors do have a potential to affect the power holders, though not necessarily in the desired direction and with favourable upshots.

In this context, the concept of marginality can be used as an analytical tool to uncover complexities of center-periphery relations in Europe. Margins and peripheries are usually treated as dependent territories destined to resign themselves to their secondary role and status in relations of domination imposed upon them. Yet margins might be discussed as subjects of their own, possessing not only their identities, but also their ability to re-signify their geographical remoteness from power centers, produce authentic cultural messages and thus contribute to the social construction of non-binary logics of inclusion. To put it differently, non-central actors possess meaningful cultural and symbolic resources that trigger

* The author is indebted to Yulia Kurnyshova who in her capacity as an expert of Ukrainian Institute of Strategic Studies and then as program coordinator at 'Pact', Inc., from Odessa in 2012 to Kyiv in 2017, has qualitatively improved my understanding of Ukrainian politics.

[1] Gustav Gressel. Keeping Up Appearances: How Europe Is Supporting Ukraine's Transformation. European Council on Foreign Relations, October 5, 2016 (http://www.ecfr.eu/publications/summary/16616).

[2] Merje Kuus. *Geopolitics Reframed. Security and Identity in Europe's Eastern Enlargement*. Palgrave Macmillan 2007, p. 8.

concomitant intense political dynamics on the margins that might be reluctant to accept the core speaking for them; moreover, they may try to define the nature of the core itself[3].

As the historical experiences of some borderlands – for example, the Baltic states - demonstrates, they might "not simply adopt and learn, but also strategically appropriate Western narratives"[4], and this perspective can be projected to other margins, through in a different way. In this sense, being a geographical periphery for the EU, Ukraine can in some respects be viewed as a central issue for European normative and security orders: "Ukraine has become a key country in the security architecture of modern Europe"[5]. Ukraine, as many believe, is a frontline in the new confrontation between Russia and the West, "literally it is an incubator of the future for the West. Without Ukraine, the West will lose its historical borders. The heart of Europe is beating in Ukraine today".[6] However, Ukraine's geopolitical position giving it "a pivotal role in determining the contours of Europe and Eurasia"[7] turned into a tragic loss of territory and lives for Ukraine whose very integrity is at stake.

From the perspective of this analysis, the story of the Association Agreements (AA) is a story about the EU itself that to a large extent is affected by its own creatures – the EaP and its long-term regional reverberations. As seen from this angle, the process of association is not a unilateral move, but multilateral and reciprocal development; it is an opportunity for Europe to know more about itself, and to politically redefine itself. To put it simply, a successful experience of AAs would ultimately be a great boost to EU normative identity that otherwise might be in decline due to many factors. Under this scenario, AA countries might be one of few sources of inspiration for the idea of Europe that is heavily challenged from within the EU, with *Brexit* and the rise of right-wing parties all across the continent as major landmarks of these appeals to the "good old times of nation states". In the meantime, a failure of the AAs would augment Eurosceptic attitudes within the EU and give more reasons/grounds to 'Putin understanders' who simply don't believe in the utility of politically or financially investing into Ukraine, as well as Moldova and Georgia.

In this paper I mostly focus on the case of Ukraine, though I discuss it in a wider context of EaP that includes other AA countries. I distinguish between two possible ways of researching the effects of EU neighbours' impact upon the EU. There is, firstly, a structural type of influence that basically can be approached from a geopolitical perspective and includes

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[3] Noel Parker. A Theoretical Introduction: Spaces, Centers, and Margins, in Noel Parker (ed.) *The Geopolitics of European Identity: Centers, Boundaries, and Margins.* Palgrave Macmillan, 2008, pp. 3-23.

[4] Merje Kuus. Op.cit. p.113.

[5] Oleksandr Tytarchuk et al. Ukraine as a Battleground for the Future of Europe. East European Security Research Initiative, August 22, 2016 (http://eesri.org/2016/08/ukraine-as-a-battleground-for-the-future-of-europe/).

[6] Global Ukrainians plan to introduce Ukraine as a modern country. Renaissance Foundation, July 14, 2015, http://www.irf.ua/en/allevents/news/global_ukrainians_predstavit_ukrainu_svitovi_yak_modernu_krainu/

[7] Catherine Wanner. 'Fraternal nations' and challenges to sovereignty in Ukraine: The politics of linguistic and religious ties, *American Ethnologist. Journal of the American Ethnological Society*, 41 (3), August 2014, p. 437.

systemic implications of the conflict in Russia-Ukraine relations for the EU. In this respect the Russia-inspired hostilities in Ukraine, being intrinsic elements in the structure of European security, inevitably affect EU's international subjectivity. Secondly, within this structural logic of security interdependence Ukraine has space for enacting its own European subjectivity and, consequently, exerting some influence upon the EU. Evidently, this influence is not automatic, depends on Ukraine's communicative and soft power resources and may cause controversial effects. In my analysis I focus only on public and thus visible forms of influence, leaving aside diplomatic activity that undoubtedly constitutes an important, yet much less observable, channel in Ukraine-EU communication.

1. Structural Features: Can Margins Be Central?

The conflict between Ukraine and Russia has shifted EU's international role identity from a model of "good governance" to securitization of a plethora of domestic and external issues. The crisis that erupted in 2014 has significantly contributed to – though, of course, was not the sole cause for – a gradual transition from a Europe of post-political / technocratic "escape from history" to an EU where security policies and concerns dominate its policy agenda. In this sense, events in Ukraine, being part of a wider set of conflictual developments at EU's eastern borders, have seriously questioned the most important characteristics of EU project as *expansionist* (if not imperial[8]), highly *normative*[9] (even value-laden), and grounded in the logic of *governmentality*[10] (a concept developed by the French political philosopher Michel Foucault to denote a managerial type of power that does not impose itself but rather creates conditions for development[11]).

Nowadays, with the current conflict heavily affecting Ukraine, as well as all the EaP area, none of these characteristics should be taken for granted. Enlargement is out of question for the foreseeable future; liberal norms are often under question, and good governance, being an effective tool in peaceful times, does not bring expected results in situations of military confrontation. Moreover, the increased securitization of the EU foreign policy agenda does not necessarily pave the way for a better understanding of Ukraine's insecurities: in the security area the EU and Ukraine often speak different languages. Ukraine's extension of the definition of terrorism to pro-Russian separatists in Donbas does not resonate in the EU: the EU 2016 report mentioned only North Africa, the Middle East, the Western Balkans and

[8] Angelos Sepos. Imperial power Europe? The EU's relations with the ACP countries, *Journal of Political Power* 6 (2), 2013, pp. 261-287.

[9] Tobias Lenz. EU normative power and regionalism: Ideational diffusion and its limits, *Cooperation and Conflict* 48 (2), 2013, pp. 211-228.

[10] Jason Weidner. Governmentality, Capitalism, and Subjectivity, *Global Society* 23 (4), October 2009, pp. 387-411.

[11] Wanda Vrasti. Universal but not truly 'global': governmentality, economic liberalism, and the international, *Review of International Studies* 39, 2013, p.52.

Turkey as EU partners around the world with whom Brussels intends "to share best practices and develop joint programmes on countering violent extremism and radicalization"[12].

Therefore, the results so far of the securitizing momentum in the EU are far from Ukraine's expectations. Securitization led to a further *fragmentation* within the EU, a process rooted in a bunch of factors beyond Ukraine, yet to a large extent stimulated by the crisis in Moscow-Kyiv relations. The most visible manifestation of this fragmentation was the Dutch referendum of 2016 that challenged the very idea of EU-based consolidated policy towards Ukraine. There were other symptoms of Ukraine-wary attitudes as well, including the fear of immigrants from conflict-affected areas, the possible scale of assistance package to this country, and, evidently, the skeptical appraisal of the tempo and upshots of domestic reforms indispensable for rearticulating Ukraine's European identity.

And, of course, the Russia factor plays a key role in this fragmentation. Disagreements between Poland and Germany over Ukraine policy might be a good illustration of the divergence of EU member states' eastern policies: "Polish officials are concerned that Germany is too keen to end the conflict in Ukraine on Russia's terms, and is reluctant to impose tougher economic sanctions on Russia and to shift NATO forces to the east"[13].

For many in Europe Ukraine's suffering from Russia's policy is a deeply regrettable, but mostly a foreign policy issue. From here stems another effect of the crisis, namely the diverse attempts to redefine Europe's boundaries through *detaching Ukraine* from European normative and institutional order, apparently through the idea of constructing a "wider Europe". The recognition of Moscow's guilt in fuelling the conflict with Kyiv did not automatically translate into the acceptance of Ukraine as a fully-fledged member of European security order deserving protection, which questions the centrality of this conflict for the entire Europe. This narrative of detachment obviously contravenes the idea of a normatively expanding Europe successfully projecting its power from center to periphery; in fact it implies that there are geographic limits to these projections.

It is basically right-wing parties in some EU member states that took major advantage of this type of political mood and capitalized on Ukraine-skeptical attitudes within certain groups in their societies, transforming them into explicitly pro-Putin's policies. Overt Russia sympathies exposed by Front National in France, Lega Nord in Italy, UKIP in the United Kingdom, or Jobbik in Hungary are meant to challenge and ultimately destroy the normative core of the EU, and consequently come back to the "good old times" of nation states. Their efforts are conducive not only to avoidance of solidarity as a cornerstone of EU's foreign policies, but – what is more – to de-facto acceptance of the idea of spheres of influence in the continent

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[12] *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy*. June 2016 (http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf).

[13] J.C. Disagreements over the EU's *Ostpolitik*, *The Economist*, August 27, 2014 (http://www.economist.com/blogs/easternapproaches/2014/08/poland-and-germany).

propagated by the Kremlin. Obviously, an implementation of the right-wing agenda would further relegate Ukraine into Russia's zone of control, but whether this will materialize seems at least uncertain, or unlikely.

With all these factors in mind, the Ukraine debate in the EU ultimately engendered "a crisis of European confidence"[14]: Europe became divided over its eastern policy and over the practical implementation of its normative power resources. The contradictions between different visions of Europe, to a large degree triggered by Russia's force projection onto Ukraine, unveil different shapes of symbolic and cultural, but also institutional and political, borders of Europe. It seems likely that in these circumstances the EU struggling for its subjectivity would prefer to (re)define itself more in geopolitical – rather than normative – terms, with borders and fences, and, perhaps, more room for compromise with Russia on spheres of influence. It is due to the growing importance of geopolitical reasoning that the EU had to start rapprochement with Belarus in the absence of domestic reforms in this country, and pay scarce attention to the growing authoritarianism in Azerbaijan[15]. It is against the backdrop of these structural circumstances that in future Ukraine would have to develop its policies of boosting its European identity and subjectivity, dealing with an EU of the Dutch referendum (which had little to do with Ukraine as such), a Europe of Putin understanders, as well as a Europe of business-as-usual, pragmatic realignment rather than common values. Under this scenario EU's foreign policy role will tend to decline[16], which is far from Ukraine's best interests.

2. Ukraine's European Agency

It is in these structural circumstances that Ukraine develops its European policy that can be discussed within research framework set by Noel Parker, and then developed by Christopher Browning and George Christou[17] who spoke about a number of "marginality strategies" that EU's neighbors can put into practice. Three out of five on Parker's original list – obtaining rewards for intermediation between Moscow and Brussels, playing one center off another and vice versa, and "manifest rejection" of EU offers as allegedly insufficient in comparison to

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[14] Andrej Novak. Europe without Borders 2025: Overcoming the EU neighborhood policy deadlock. European Council on Foreign Relations, August 14, 2015 (http://www.ecfr.eu/article/commentary_europe_without_borders_2025_overcoming_the_eu_neighbourhood_3094?utm_content=buffer86aad&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer).

[15] Alina Inayeh et al. Regional Repercussions of the Ukraine Crisis: Challenges for the Six Partnership Countries. The German Marshall Fund of the United States, July 9, 2014 (http://www.gmfus.org/publications/regional-repercussions-ukraine-crisis-challenges-six-eastern-partnership-countries).

[16] Angelos Chyssogelos. Creating a 'multi-speed' Europe would divide the EU and diminish it as a foreign policy actor. LSE Blog, April 5, 2017 (http://blogs.lse.ac.uk/europpblog/2017/04/05/creating-a-multi-speed-europe/?utm_content=buffer43e9a&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer).

[17] Christopher Browning and George Christou. The constitutive power of outsiders: The European Neighborhood Policy and the Eastern Dimension, *Political Geography* 29, 2010, 109-118.

what Moscow can bestow – are not any longer functional for Kyiv (although they may be more relevant to some other EaP states to which we return below). Apparently, it is only two other options – "manifest emulation" (or "selective appropriation" of EU's characteristics) and expectation of loyalty rewards – that remain at the disposal of Ukrainian government.

However, there are other ways that neighbours can raise their voices and speak up in relations with the EU. *First*, marginal and peripheral actors can generate demands for EU leadership and in this sense become strong discourse-makers. Although the EU as a "peace project" was not designed to tackle security issues and challenges, after the commencement of the Russian-Ukraine conflict Brussels became an object of multiple vociferous demands for leadership[18] and for developing a strategy of assisting Ukraine in countering Russia's creeping infiltration and violation of its borders[19]. The expectations of a strong EU reaction to the annexation of Crimea and Russia's support for military insurgency in Donbas were based on the presumption that by the very structure of European security architecture Ukraine is destined to play a key role for both the EU and NATO. These claims to some extent might be paralleled with the case of Poland, whose then foreign minister Radek Sikorski in 2011 famously claimed that he is more concerned about Germany's inaction than Germany's strength.

Secondly, marginal actors are key to the drawing and redrawing of the boundaries of Europe – not necessarily in a geographic sense, but rather in terms of acceptance of neighbors' citizens as legitimate travellers to the Schengen area. In this sense the visa waiver agreements with Moldova, Georgia and Ukraine embody the idea(l) of open and inclusive Europe, where trust and solidarity prevails over national compartmentalization.

Thirdly, non-central actors, with their high level of Euro-enthusiasm, are important sources of legitimizing the EU project that, as we know, is strongly challenged within some of EU member states. Nowadays the validity and vitality of Europeanization can be more appreciated by EU neighbors than in some of European capitals.

Fourthly, Ukraine as a victim of Russia's policies raises a number of questions quintessential for the whole Europe – for example, how to react to the breach of international norms of inviolability of borders? What are to be the consequences of the failure of the Budapest memorandum for the West? In this respect, the Moscow-supported separatism can be viewed as "the first direct conflict between the differing regional strategies of Russia and the EU, specifically Brussels' Eastern Partnership and Moscow's concept of a Eurasian Union. Ukraine has been central to both strategies, and the choice presented to Kyiv ultimately made the conflict inevitable"[20].

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[18] Dmitry Trenin. As Ukraine stares into the abyss, where is Europe's leadership? *The Guardian*, April 20, 2014 https://www.theguardian.com/commentisfree/2014/apr/20/ukraine-stares-abyss-europe-leadership

[19] Ian Bond. Contested Space: Eastern Europe between Russia and the EU. Center for European Reforms, March 2017 (http://www.cer.org.uk/sites/default/files/pb_eastern_part_IB_9march17.pdf).

[20] Nadezhda Arbatova and Alexandr Dynkin, World Order After Ukraine, *Survival* 58:1, p.78 (71-90)

Fifthly, the lessons learned from Ukraine are important for the entire Europe, which, as many experts deem, needs to be prepared for Russian military actions elsewhere on its periphery[21]. As promoters of this viewpoint in Ukrainian Foreign Ministry argue, "Ukraine is the first line of defense of Europe"[22]. In military sense there are voices that believe that NATO potentially benefits from Ukraine's experience in the war against Russia. In particular, the Ukrainian National Security and Defence Council and NATO set up a study centre on hybrid warfare to develop best practices arising from experiences fighting Russia that can be valuable to the alliance.

Sixthly, Ukraine can contribute to some new dynamics at Europe's margins. One of its visible signs is debate on the *Intermarium* concept. Along Andreas Umland's lines, Ukraine, Baltic states, Poland and some other adjacent countries hypothetically may create an alliance to deter Russia: "This early twentieth-century plan could today take the form of an *entente cordiale* or mutual aid pact of the countries in between the Baltic and Black Seas. Such a bloc would be uniting those states that today perceive Moscow as a threat to their national sovereignty, territorial integrity and core interests"[23]. Due to their geographic location and historical experiences, most of these states can't ignore the recent developments in Ukraine and detach them from their own domestic debates and perceptions of security. This, in particular, is the case of Estonia, Latvia and Lithuania. On the one hand, as Kremlin's policy toward Ukraine made clear, they were right in repeatedly raising the issue of dangers of Russian expansionism, and urging their partners in Western Europe to be wary of Russian long-term intentions. On the other hand, the justified Baltic alarmism increased the sense of their vulnerability and reinforced traditional center-periphery structure of power within the EU and NATO, particularly exemplified by the pivotal roles of Germany, France, and the UK in strengthening Baltic states' security[24].

However, Ukraine can do much more to generate a new political dynamic at Europe's margins. Two regionalist perspectives are of particular salience in this respect. One would be to closely team up with the other most advanced EaP countries, based on previous examples of loosely institutionalized yet effective alliances of Central European states (the Visegrad 'V4'), or the Baltic States when they were on their ways to the EU. Studying and sharing success stories of each other is indispensable for Ukraine, Georgia and Moldova[25], as well as

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[21] Ivan Medynskyi. What Ukraine Can Offer to NATO? Kyiv: Institute of World Policy, December 15, 2015 (http://iwp.org.ua/eng/public/1870.html).

[22] Ivanna Klympush-Tsintsadze. Ukraine is Ready to Contribute into European and Euroatlantic Security, *UA: Ukraine Analytica* 3(5), 2006, pp. 3-6 (http://ukraine-analytica.org/wp-content/uploads/journal_UA_Analytica_3_2016.pdf).

[23] Andreas Umland. Countering Russian expansionism: Blueprints for a new security alliance. *ECFR Commentary*, April 18 2016, (http://www.ecfr.eu/article/commentary_countering_russian_expansionism_blueprints_for_a_new_security_al).

[24] UK troops in Estonia to deter 'Russia aggression', *BBC News*, March 18, 2017, (http://www.bbc.com/news/uk-39311670?SThisFB).

[25] Leonid Litra. Moldova's Success Story: the Visa-Free Regime with the EU One Year On. Kyiv: Institute of World Policy, May 20, 2015 (http://iwp.org.ua/eng/public/1526.html).

finding a common language of speaking about security, though its articulation is only at the initial stage[26].

Another policy vector would be to beef up Ukraine's interaction with neighboring EU member states. The EU Black Sea Synergy could be an important reference point for Ukraine's European aspirations and efforts to boost its European credentials. Further on, the Institute of World Policy has advised the Ukrainian Foreign Ministry to enhance dialogue with Turkey, Romania and Georgia, to establish a mechanism of coordination between Ukraine, Poland and Romania in regional security matters, to develop positive experience of Ukrainian-Romanian-Bulgarian armed brigade, and to think of Ukrainian-Romanian-Moldovan format of communication[27]. Important is regional cooperation in ensuring energy security, including creation of interconnectors within Eastern European gas hub between Ukraine, V4 counties and Romania[28].

Yet to make these discursive openings operational and therefore to become a crucial factor in European politics, Ukraine faces the necessity to mobilize its diplomatic, communicative and soft power resources. The structural factors that discussed above stipulate the inevitable (mostly negative) spill-over effects of events in Ukraine for the whole Europe, and do not automatically ensure Ukraine's voice to be heard and role to be played in Europe.

Of course, "Ukraine has not been a mere bystander waiting to see what is being offered. It has been actively and dynamically engaged"[29] with the process of association, and builds its European strategy on a number of cornerstones:

- to achieve a consensual understanding in EU member states of the conflict between Ukraine and Russia as an inherently European affair, which ultimately implies symbolically the detachment of Putin's regime from Europe;
- to acknowledge Ukraine' victimhood, on the one hand, and devotion to the European idea, on the other;
- to present the conflict as Ukraine's battle for Europe as a whole, since Russia's self-assertive revisionism is a threat to the whole post-Cold War Euro-Atlantic institutional order[30];
- to engage the EU and its member states in conflict resolution directly on the ground and indirectly through sanctioning Russia.

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[26] Iulian Chifu et al. Prospective on Ukraine Crisis. A Trilateral Approach. Kyiv: Institute of World Policy, October 21, 2015 (http://iwp.org.ua/eng/public/1776.html).

[27] Recommendations for Ukraine's Foreign Policy Strategy. Kyiv: Institute of World Policy (https://drive.google.com/file/d/0B7i_OSucRX5wajctU09HQ2x3c0k/view).

[28]IWP Prepared a Memo Ahead of President Poroshenko's Visit to Poland. Kyiv: Institute of World Policy Memo, November 30, 2016 (http://iwp.org.ua/eng/public/2190.html).

[29] Rilka Dragneva and Kataryna Wolczuk. *Ukraine between the EU and Russia. The Integration Challenge*. Palgrave 2015, p.3.

[30] Ukraine's Contribution to Regional Security: the Case of Transnistrian Conflict". Policy Brief. Kyiv: Institute of World Policy, September 17, 2013 (http://iwp.org.ua/eng/public/891.html).

However, the EU appears to be a hard partner that needs to be continuously convinced to accept Ukraine's agenda and accommodate Ukraine's expectations and interests. Factors hampering the headway in this direction are multiple. For years the West showed only limited interest in Ukraine, putting a premium on relations with Russia; moreover, for many in Europe Ukraine was (mis)perceived more as a source of threats rather than an attractive country[31]. Today some authors speak about "Ukraine's fatigue", signalling diminishing enthusiasm about Ukraine's future due to lack of much needed economic and institutional reforms in this country[32]. Some experts deem "that there are preconditions for Ukraine to be abandoned by the international community in exchange for the rapprochement with Russia"[33].

There have been many attempts by Ukrainian politicians to reach out to Western diplomats and make them change their stance on the Minsk agreements and other issues, yet with little success[34]. Appeals of Ukrainian experts to put into practice "a truly collaborative implementation of the good neighbourliness principle"[35] and "to converge efforts to solve existing security crises" so far did not fully materialize either.

Of particular sensitivity was the visa free issue negotiated between Kyiv and Brussels for years. The saga with visa talks was widely perceived in Ukraine as a story of the EU trying to drag on with practically implementing its own policies: as Ukraine's deputy Foreign Minister Olena Zerkal's confessed, "only constant pressure and the constant raising of this issue may force (the EU. – A.M.) to move forward… This is probably not diplomatic: we see complete impotence in the European Union, and in the European institutions" [36]. Of course, the positive decision taken in April 2017 creates a much better context of relations between Kyiv and Brussels, yet the whole process was full of complications and betrayed serious impediments for Ukraine's headway with Europeanization.

On the EU side, it is Ukraine that faces communication problems being unable to counter the negative perception of this country in Europe[37]. The existence of the problem is duly understood within the Ukrainian political class as well: in the words of Hanna Hopko, "the problem is over all these years, the government of Ukraine has failed to create a platform

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[31] Paul D'Anieri. Ukrainian foreign policy from independence to inertia, *Communist and Post-Communist Studies* 45 , 2012, pp. 451-452 (447-456)

[32] Michael Meyer-Resende. Ukraine fatigue is spreading in Europe. *Euroactiv*, May 24, 2016 (http://www.euractiv.com/section/europe-s-east/opinion/ukraine-fatigue-is-spreading-in-europe/).

[33] Dionis Cenuşă. Georgia, Ukraine, and Moldova: Three Distinct Dialogues with the EU. IPN web site, September 26, 2016 (http://ipn.md/en/integrare-europeana/79201).

[34] Gustav Gressel. Op.cit.

[35] Roman Petrov. The EU Neighborhood Policies and the Security Crises within the Eastern Neighborhood, *Security and Human Rights* 25, 2014, p. 311.

[36] Rasmussen: Ukraine 'Betrayed" by EU over visa deal, *Euroactiv*, December 7, 2016 (http://www.euractiv.com/section/europe-s-east/news/rasmussen-ukraine-betrayed-by-eu-over-visa-deal/).

[37] Posol ES: Ukraina mae veliku problem s komunikatsieyu, *Glavkom*, December 22, 2016 (http://glavcom.ua/news/posol-jes-ukrajina-maje-veliku-problemu-z-komunikacijeyu--389394.html).

that would be similar to Pinchuk's so-called Yalta Forum. This field has been completely surrendered to the oligarchs who are using such events to whitewash their image and try to spread their influence"[38]. The reference to Viktor Pinchuk, a Ukrainian tycoon who has recently proposed an appeasing compromise with Russia, is meant to show the fragmentation of Ukraine's foreign policy into several communicative channels, which undermines coherence of Kyiv's diplomacy.

These divergent perceptions only raise the importance of the interrelated concepts of *communicative* power[39] and *soft power* for analysis of Ukraine's attempts to install its European subjectivity and the ensuing ability to influence the EU and its member states. In this respect Ukrainian foreign policy community has some positive experience of producing discourses aimed to resonate in EU member states. This is particularly the case when it comes to the AA that is not only about technicalities – it is also a matter of communicative practices in the sense that the agreement has to be explained, and its major points have to be interactively discussed: how exactly DCFTA might be instrumental in fighting corruption, which sectors might be and might be not reformed using DCFTA, what would be Ukraine's long-term strategy on EU membership perspective, how much Ukraine expects to get from the EU in financial terms, how the implementation process will be monitored[40], how business climate in Ukraine will be changed for international investors, etc.[41] In fact, there is an ample room for translating specific clauses of AA into a language usable for public debates and making Ukraine's arguments stronger. The same goes for the visa issue: there is an important communicative dimension to the legal part of the process, which requires openly dispelling fears and concerns existing in some EU member states[42]. It is very important to be duly aware of the state of minds in the EU about Ukraine[43], the EU's expectations[44], and areas of misunderstanding[45].

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[38] Hanna Hopko. How to Nationalise Foreign Policy, *Den'*, March 7, 2017 (https://day.kyiv.ua/en/article/topic-day/how-nationalize-foreign-policy).

[39] James Bohman. Democratising the Global Order: from Communicative Freedom to Communicative Power, *Review of International Studies* 36 (2), April 2010, 431-447.

[40] Leonid Litra. Monitoring and Evaluation of Association Agreement with the EU. Kyiv: World Policy Institute, January 27, 2016 (http://iwp.org.ua/eng/public/1908.html).

[41] How to Explain EU-Ukraine Association Agreement? Kyiv: World Policy Institute, March 10, 2016 (http://iwp.org.ua/eng/public/1964.html).

[42] Ten Fears of the Europeans: Why the EU Should Not Postpone the Introduction of the Visa-Free Regime with Ukraine. Kyiv: World Policy Institute, Communication Memo, June 15, 2016 (http://iwp.org.ua/eng/public/2072.html).

[43] Leonid Litra. The Approaches to the Russian-Ukrainian Conflict. The Attitudes of France, Kyiv: Institute of World Policy, January 22, 2015, available at Italy and Spain (http://iwp.org.ua/eng/public/1376.html).

[44] A Call to the EU – Time to Step In. Policy Brief. Kyiv: Institute of World Policy, March 12, 2014 (http://iwp.org.ua/eng/public/1008.html).

[45] Leonid Litra. Ukraine's Concerns about the West. Policy Brief. Kyiv: Institute of World Policy, November 12, 2014 (http://iwp.org.ua/eng/public/1296.html).

A good example of Ukraine's engagement with European debate is the report commissioned by the International Renaissance Foundation on possible impacts of DCFTA upon Dutch economy. It predicts that DCFTA will have a positive long-term effect on bilateral trade between the Netherlands and Ukraine: "We estimate that Dutch exports to Ukraine will nearly triple, from €1.5 billion to roughly €4.2 billion. Dutch imports from Ukraine are predicted to nearly double, from €0.7 to €1.3 billion. The overall impact on the Dutch economy is also positive, but small. Taking into account all direct and indirect effects on bilateral trade and trade with third countries, Dutch real GDP would increase by €177 million as a result of the DCFTA. This is equivalent to a growth rate of 0.03% with respect to the 2015 GDP level"[46]. The report contains a proposal to more ambitiously define and practically implement the fundamental ENP principles, including that one of solidarity connoting a real joint response to common challenges and the recognition of the indivisibility of security of the partner countries and EU member states.[47]

There is an important cultural dimension to Ukraine's European subjectivity that might be seen through the concept of soft power. Unfortunately, due to the hostilities in the east, Ukraine was unable to host some pre-planned sportive mega events (such as European basketball championship[48]) that otherwise could have been used as a cultural playground to foster Ukraine's identification with Europe and as a symbolic booster of its European identity. However, Jamala's victory in the 2016 Eurovision song contest with an explicitly political song touching upon the deportation of Crimean Tatars under the Soviet rule was a public act of Ukraine's soft power. Yet capitalizing on the acquired symbolic and cultural capital through hosting the Eurovision 2017 in Kyiv proved to be a hard task due to the widely publicized controversy with the Russian participant, the wheelchair-bound signer Yulia Samoylova, who was banned from entering Ukraine due to her previous concerts in the Russia-controlled Crimea. This case that in March 2017 sparked heated emotions in both Ukraine and Russia reflected – though in a cultural form – a political dilemma that Ukraine faces in Europe: should the recognition of Ukraine's European subjectivity imply a conflict-free type of reconciliation with Russia, even at the expense of Ukraine's legal norms and interests, or Kyiv's intransigence on its territorial integrity should be accepted as part of Ukraine's European identity. The Eurovision debate has metaphorically elucidated a deeply political issue: when it comes to normative matters, inclusion of Ukraine in Europe as a space of cultural production might often imply exclusion of Russia, which for many reasons can be contested by Ukraine's European partners. As a local journalist rightly put it, "the poor communication abilities of Ukraine's government structures come at no surprise. However, if

[46] Impact of the EU-Ukraine Free Trade Agreement on the Dutch Economy. Kyiv: Renaissance Foundation, February 23, 2017 (http://www.irf.ua/en/allevents/news/impact_of_the_eu_ukraine_news/).

[47] Ukrainian experts call on the EU to substantially review the European Neighborhood Policy. Kyiv: Renaissance Foundation, June 23, 2015 (http://www.irf.ua/en/allevents/news/pereglyad_evropeyskoi_politiki_susidstva_ochikuvannya_ukraini/).

[48] Ukraine lose Euro basketball host rights, June 13, 2014 (http://www.sbs.com.au/news/article/2014/06/13/ukraine-lose-euro-basketball-host-rights).

European Broadcasting Union (EBU) was not aware of Samoylova's security threat to Ukraine, this doesn't mean it's not there"[49]. This dilemma only underlines the crucial importance of communicative dimensions of Ukraine's policies: European reactions to the travel ban on Samoylova attested to insufficiency of references to legal norms for winning the information battle over the whole issue; what is needed is a consistent and well-articulated media and communication strategy capable of inducing sympathies – or at least understanding - among different European audiences.

From a theoretical perspective, the debate leads us to the question of whether "the subaltern can speak"[50]; yet unlike Spivak I do answer this question affirmatively. The reasonable optimism in this respect is nurtured by the understanding of Europe as a political community that in many respects remains incomplete[51], which can be understood in at least two interrelated senses. Incompleteness can be tantamount to impossibility of drawing ultimate borders of Europe and thus neatly differentiating it from non-Europe. By the same token, the idea can be reinterpreted as inclusive openness to embrace margins, and availability of spaces / niches within Europe that non-central actors might wish to occupy.

Such research optics leaves much room for discussing the intricacies of relations of representation embedded in the diverse conceptualizations of Europe. Indeed, the question of who represents Europe for EU's neighbors remains structurally open, with Europe of institutions and norms (exemplified by the EU) being very different from a cultural understanding of Europe that is always open to various – and often arbitrary - interpretations (as in the case of Azerbaijan). In this sense the "empty place" of Europe can be occupied by the EU (in the case of AAs and DCFTAs), Germany as the most important driver behind the contemporary version of *Ostpolitik*, UEFA (in the case of Euro-2012 co-hosted by Ukraine and Poland), or EBU (in the case of Eurovision Song Contest).

This variety of Europes implies different mechanisms of producing, but also controlling neighbors' European subjectivity. In the meantime it also sets stage for diverse social, cultural and political landscapes that EU neighbors may wish to use for raising their visibility and credibility, and creating platforms for speaking positions to resonate in a wider Europe. Structurally it is mainly through these established nodal points that Ukraine and other neighbors can subjectify themselves as European actors. One way of doing so would be through pre-designed mechanisms that presuppose not only 'victimisation' but mostly 'showcasing' (serious anti-corruption and economic liberalisation achievements in the case of AA, and the capability to host major cultural as in the case of the Eurovision song contest). Of

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[49] Alya Shanrda. EBU, Samoilova is a political candidate instrumentalized to threaten Ukrainian security, *Euromaidan Press*, April 3, 2017 (http://euromaidanpress.com/2017/04/03/ebu-this-is-how-russias-banned-eurovision-contestant-poses-a-security-threat-to-ukraine/).

[50] Gayatri Chakravorty Spivak. Can the Subaltern Speak? In Cary Nelson and Lawrence Grossberg (eds) Marxism and the Interpretation of Culture. London: Macmillan, 1988, pp. 66-111.

[51] I am thankful to Vlad Strukov, University of Leeds, for an interesting discussion on the 'incompleteness' of EU project during the Third 'Eastern Platform' seminar held in the University of Tartu, April 7, 2017

course, Ukraine can use these openings from the position of the EU's subaltern, which in many respects is the case nowadays. However, the basic challenge is how to use various opportunities that the EU opens to Ukraine for articulating and constructing Ukraine's European identity/subjectivity on its own terms, with its own legal provisions, its own memory politics and its own security agenda.

3. Beyond Ukraine: Extending the Argument

In this last section I will explore the possibilities of applying the arguments developed above for other EU neighbors. The visa waiver agreements with Moldova, Georgia and Ukraine are important contributions to an expanded concept of the normative and institutional Europe that might also be seen as a step towards future inclusion of some of these countries into the Euro-Atlantic security order. However, obviously the EaP, embracing also Belarus, Armenia and Azerbaijan is unable to work similarly as a unifying policy mechanism. On the contrary, instead of a greater normative and institutional coherence within the group of six countries we see many lines of differentiation and conflict.

Indeed, EaP countries represent different forms of hybrid political identities. For example, in Georgia the overwhelming majority of population is in favor of teaming up with the EU, while at the same time a comparable percentage favors a dialog with Russia. Yet two other cases are even more illustrative in this regard – Moldova (an EaP country where state institutions are geopolitically divided and where the AA/DCFTA implementation coexists with some kind of rapprochement with Russia and the Eurasian Economic Union)[52], and Armenia (a member of the Eurasian Economic Union that, in spite of Russia's security tutorship, keeps open its relations with the EU and NATO). From a European perspective, these two cases attest to the growing fluidity and flexibility of Europe's boundaries as an antidote to the Kremlin's unacceptable proposal of fixing spheres of influence that the EU defies. A similar approach can be applied to Kazakhstan, a major post-Soviet country that generates its own hybridity and looks for a middle ground between constitutive engagement with the Eurasian Economic Union and "enhanced partnership and cooperation" with the EU. The eponymous agreement signed between Brussels and Astana in 2015 not only upgraded the level of communication between the two countries, but also made Kazakhstan a special interlocutor for the EU among the countries of the whole post-Soviet area.[53]

This uncertainty with Europe's borders, as a cumulative effect of both neighbors' policies of self-assertion and EU's own strategy of disproving the validity of geopolitical "big games", apparently leaves much room for borderlands in constructing a Europe of their liking. Reshaping and influencing the Europe of EU institutions and norms from the positions of margins is a hard yet possible job. As the experience of Ukraine made clear, the chances of

[52] Dionis Cenușă, Moldova forced to combine CIS and Eurasian Union with European integration, IPN web site, March 2017 (http://www.ipn.md/en/integrare-europeana/82943).

[53] Official Journal of the European Union L29, Volume 59, 4 February 2016, available at https://eeas.europa.eu/sites/eeas/files/enhanced_partnership_and_cooperation_agreement.pdf

influencing and changing the way the EU operates can increase only with the gradual headway towards accepting the core ideas of European integration, its normative code of behavior. And vice versa – any regress in reforms decreases chances of being embraced by Europe as a fully-fledged speaker for the common agenda.

Of course, one may claim that there is always another Europe of national(ist) identities, political traditionalism and conservatism, personified and symbolized by Viktor Orban and Jaroslaw Kaczynski. The problem is that in an illiberal Europe of nation states, as opposed to a Europe of shared liberal values, EaP countries would face bigger chances of being drawn into violent conflicts. The case of Kyiv's relations with Warsaw, complicated by the most controversial issues of national memory politics, clearly attests to this unfortunate prospect.

4. Conclusions

A general and strategic effect of AAs and DCFTAs was the extension of the concept of the normative and institutional Europe and its wider opening to neighborhoods and margins. This extension, largely supported by EaP countries themselves, caused controversial effects on the EU. On the one hand, it consolidated the liberal-minded groups within European societies eager to see the EU as a promoter of values of freedom and civic liberties to be projected eastwards and defended in EU's neighborhood. It is on this basis that European normative order can be differentiated from both the "Russian world" and Eurasian geopolitical space. On the other hand, the practical implementation of EaP has to some extent solidified the Ukraine-skeptic (if not anti-Ukrainian) groups that contest not only the deepening of EU's engagement with Ukraine, but EU's normative project as a whole. These latter attitudes move many of their sympathizers into Russia's embrace. Similar Eurosceptic views are visible in other EaP countries as well (Moldova), and they perpetuate because of the continuous association of the EU with corruption scandals or political crises provoked by political forces declaratively acting in line with European values and principles (rule of law, democracy etc.).

It is against this controversial backdrop that Ukraine and other EaP countries keep inscribing themselves in Europe. The implementation of this strategy faces a challenge of finding a proper balance between two dominant – yet to a large extent contradictory – policies. One is a policy of capitalizing on these countries' status as victims of Russia's policies, countries whose very existence is under threat, which implies support and help from the EU. Another – and requiring much more consistent efforts - policy is presenting AA countries as positive showcases of transition and useful partners capable of constructively contributing not only to transformation process in post-Soviet area, but also to EU's and NATO's security. The recent three years made clear that the policy of victimhood alone does not guarantee to Ukraine, Georgia or Moldova a fully-fledged European voice; it is only in its capacity as a success story of institutional, legal and political transformation that can give AA countries legitimate positions allowing for influencing EU policies.