

## THE ROLE OF THE IDENTITY FACTOR IN THE EU'S RELATIONS WITH UKRAINE AND THE BALTIC STATES

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### Abstract:

After the dissolution of the Soviet Union, the European Community/European Union's relations with the post-Soviet European states have taken different paths. In particular, two major groupings: the Baltic States and the Western Newly Independent states (Belarus, Moldova, Ukraine) are generally discernible. In this article, first, an insight into theoretization on European identity and initial vagueness of the EC's attitude towards Baltic and Ukrainian cases after the dissolution of the Soviet Union is made. Second, attitudinal differentiation of 1992-94 is identified. Third, such possibly explanatory factors as different perception of, and identification with, Baltic and other post-Soviet European states by the EU; different domestic conditions and foreign policies of the Baltic States and Ukraine, with the focus on the former, are considered. In the conclusion, an attempt to estimate the weight of all the factors is made.

**Keywords:** the Baltic States, European identity, European integration, identity approach, Ukraine.

### Introduction

After the dissolution of the Soviet Union, the European Community (EC)<sup>9</sup> faced the necessity to work out the strategy towards its former republics to replace the "Trade and Cooperation Agreement" with the USSR, signed on 18<sup>th</sup> December, 1989 (in force since April 1<sup>st</sup>, 1990) (Arnsward 1998: 44). It was the first agreement signed after a protracted period of "mutual neglect or even hostility", when during *perestroika* the core of security was reconsidered by the Soviet leadership (Arnsward 1998: 25). Whilst this agreement allowed for more EU's involvement in the Baltic States' politics, it called for more caution on its part regarding the refreshed relations with Moscow (Arnsward 1998: 26).

The events of 1989 were not anticipated and, except for the West German *Ostpolitik*, there was no common EC's policy on Eastern Europe. Moreover, at that time the EC was amid complex internal reforms, foremost launching

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<sup>9</sup> In this paper, both EC and EU (for European Community and European Union) are used when referring to the given time period, before and after 1993 correspondingly.

the Single Market Program (Arnswald 1998: 22). Therefore, the collective decision to develop a “global, consistent and dynamic” strategy toward Eastern Europe was made at the Council meeting only in April 1989 (Matsson 1991: 288). It was to be responsive yet rather one-sided in terms of bargaining power to be retained by the EC in order to maintain the achieved level of internal integration (Arnswald 1998: 22).

Nevertheless, despite similar initial political, security (the common Russian factor) and economic conditions, different strategies were developed by the EC (afterwards - the European Union, or EU) towards different post-Soviet states. As a result, in 2004 a group of them, the Baltic States, were accessed into the EU. The eligibility - in the short time after the Soviet Union dissolution - for the EU membership of some European ex-republics, on the one hand, whereas questioned (and so far rejected) even rhetoric prospect of membership for the rest, on the other (given rather alike level of economic development up to mid-1990s), constitutes a puzzle for the research. As Peter Bender argues, Europe still remains divided, not by political and ideological but by economic and social barriers (1990: 36). Furthermore, in his argument he refers to the cultural, or identity factor, as well. It divides the post-Soviet European states into two groups, Central and Eastern European (CEE) states and those “beyond the old religious and cultural boundary” (oriented towards Byzantium and not Rome, such as Belarus, Russia, and Ukraine) (1990: 37).

The research question arising from the puzzle is: why have the relations with the post-Soviet European states developed differently? In this article, on the basis of the above argument it is hypothesized that one of the explanatory variables for this could be the perception of common identity with them on the EC/EU part. Therefore the independent variable could be defined as perception of common (or different) identity with the given state/s, whereas the dependent - as relations, i.e. policies, strategies and policy tools developed by the EC/EU towards the post-Soviet European states.<sup>10</sup>

It must be noted that, although the object of analysis in this article is a role of identity variable in EU/post-Soviet European space relations, i.e. how the identity-caused attitudes from the EC/EU side influenced its policies

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<sup>10</sup> The post-Soviet European republics in Eastern Europe: Belarus, Estonia, Latvia, Lithuania, Moldova, and Ukraine are referred to here, leaving out the Eurasian (the Russian Federation) and Asian former Soviet Union republics.

and strategies, there are other decisive explanatory factors that have influenced the differentiation process of the CEE states' development. Mostly they are internal, such as political and economic domestic situations. Namely, the level of societal consensus and preparedness of public, government and opposition to the concessions necessary for European integration, as well as progress in economic reformation, by 1994 were clearly more compatible with prospects for European integration in the Baltic States than in Ukraine (Jaks 1993: 253). The relevance of the article is conditioned by an importance of democratic legitimacy and accountability for the unprecedented European project, broadly agreed upon in the literature (Schmitter 2000, Kostakopoulou 2001). Therefore, an attempt to look at issues of inclusion and exclusion as cornerstones of identity building is undertaken in this article. Its contribution lies with supplementing studies of EU relations with its post-Soviet European neighbors, predominantly carried out along political, legal and economic dimensions, with comparative understanding of its identity, historical and cultural aspects. Whilst aimed at a more comprehensive explanation of development of these relations, it is intended to warn against essentialist thinking about the region present in the current Western European debate.

The article proceeds as follows: after the introduction, the theoretical framework is presented in the second section. In the subsequent sections, the policies of the EU towards the Baltic States/Ukraine are analyzed from the standpoint of identity perception within three time periods, singled out for the analytical reasons of domination of some pattern of perception and, accordingly, relations. In the third section the initial situation, rather similar in the both cases, is analyzed. The struggle for independence was not supported by then the EC, since its preference was in favor of preservation of the stable state of the Soviet Union instead of potentially unstable and problematic in other regards independent republics. However, if the Baltic States were not recognized only until before it became clear the Soviet Union was not likely to continue its existence, Ukraine was not recognized until the latter's formal dissolution. This attitudinal differentiation is addressed in the fourth section. Its first subsection covers period of 1992-1994, when the EU did not have a clear strategy towards the post-Soviet states. In this time, the initial treatment of the Baltic States and Ukraine was explained by identity perception rather than rational considerations. As already mentioned, the Baltic States and Ukraine in their turn were characterized by different internal factors - political and economic development, partly reinforced by differentiated treatment by the EU, - but these are not the focus of this article. As becomes clear from the second and

third subsections (1994 – 1999), the Baltic States were already recognized as potential members of the EU, according to the foundation for the accession strategy towards the CEE, including the Baltic States (laid down by the Copenhagen and Essen European Councils), whereas Ukraine, among the other Western Newly Independent States (WNIS), was addressed by the other, recently developed instrument, the Common Foreign and Security Policy (CFSP). The fourth subsection demonstrates the figuratively named “fixation of disparity” and is followed by the conclusions.

### **Theoretical and Conceptual Approaches**

Defining the concepts, especially of European identity, at the beginning of the article is important for the following analysis of the EU-Baltic States and EU-Ukraine interactions based predominantly on perceptions of identity.

#### *The Theoretical framework*

Given a focus on the explanation of empirical effects of the institutions in the literature (Stepan and Skach 1993; Linz and Valenzuela 1994), a grasp of the origin of the institutions (in this article, of EU policies) is necessary in order to understand their development and the political consequences (Shugart and Carey 1992; Lijphart and Waisman 1996; Rothstein 1992: 35, quoted in Whitmore 2004: 15). The key theoretical framework applied in this article is an historical institutionalism (Thelen and Steinmo 1992; Thelen 1999; Whitmore 2002; Pierson 2004; Sanders 2006). It explains the origin of institutions by path dependency,<sup>11</sup> i.e. previous regime’s institutional choices (historical legacies) as constraints on present options (Geddes 1995: 239; Rose *et al* 1998: 63-63; Whitmore 2004: 15).

Within the framework of historical institutionalism, path dependency is important. The past imposes a ‘structural constraint’ on post-regime change constitution-making, generally and in inter-ethnic relations specifically (Dimitrijevic 2002: 249). Offe *et al.* (1998: 60-61) identify four causal mechanisms of the past’s influence on the present: shaping values and beliefs; a constraint on actors’ behavior; past regimes as models for new institutions; and arguments in the discourse. At least three out these four – past regimes as models for new institutions - are present in EU attitudes towards its neighbors, those which are defined as belonging to “self” (the Baltic States) and as “others” (Ukraine and other WNIS) as the analysis below shows. Its focus is on the political level: EU decisions about relations with the countries-case-studies at critical junctures such as signing of

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<sup>11</sup> For a discussion of the term, see Pierson 2000: 252-53.

mutual bilateral treaty as well as EU politicians' rhetoric and states-case-studies' foreign policies.

*Definitions of identity and discussions on European identity*

Under the EC/EU,<sup>12</sup> the union of states which represents Europe par excellence and influences the third countries, including the Baltic States until 2004 and Ukraine is understood (Jaks 1993: 254). Even though European governments differed on NATO/EU issues, e.g. German, Danish, Finnish positions regarding EU enlargement, Baltic States' membership and EU policies such as Northern Dimension or regional cooperation (e.g. the Council of Baltic States of 1992) (Arnswald 1998: 12-13), in this article, under the "EU" position, its official agenda, with the European Commission's leading role on the rapprochement with the CEE (including Baltic) states, is understood.

The European identity, although by definition a broader concept than EC/EU identity, is conceptualized with having this currently predominant association of Europe with EU, or EU-Europe, in mind. The term "WNIS", coined by Lynch, embraces Belarus, Moldova, and Ukraine on the basis of certain common characteristics such as no wars in the 1990s and "longevity and immediacy" of the common past in the Soviet Union (2003: 50).

Before proceeding to the discussion to the (European) identity, it is in order to mention the concept of "other" and its use in the discipline of international relations. It is central to any study of identity formation<sup>13</sup> and in the Western philosophical thought dates back to the Roman idea of a persona as "self" followed by the definitions by Hume and Hobbes and revealed by Hegel dialogical and dialectical nexus between the conceptual pair of "self-other" and identity formation (Neumann 1999: 2-3). Even though in the work on the role of (geographically immediate) Eastern "others" for European identity by Georg Simmel, Carl Schmitt, Friedrich Nietzsche, and Mikhail Bakhtin the dialectical understanding dominated over the dialectical, the "East" stays "the other", i.e. inclusion (e.g. internal, within the EU) is built on exclusion (Schmitt 1936: 14, quoted in Neumann 1999: 12). Although an inevitable process, because "integration and

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<sup>12</sup> Both terms EC and EU are used throughout the paper, accordingly referring to period prior to and following 1993; where the continuous policy before and after 1993 is referred to, EC/EU is used.

<sup>13</sup> For a profound analysis of identity formation around the conceptual pair "self-other" along four paths - the ethnographic, the psychological, the Continental philosophical, and the "Eastern exclusion" - see Neumann 1999: 4-20.

exclusion are two sides of the same coin”, Iver Neumann warns that “the issue... is not *that* exclusion takes place but *how* it takes place. If active othering is proposed as the price of achieving integration, that price seems to be too high to pay” (1999: 37).

From the general sociological standpoint, identities exist due to positive self assessment of group members as compared to out-group members. Therefore, very basically, the essence of any identity can be reduced to a dichotomization between “us” and “them” (Miller and Klobucar 2002). In political science, the concept of “national identity” is important for understanding political culture (introduced by Gabriel Almond and Sidney Verba in 1963); it implies the extent to which individuals consider them belonging to the nation state and develop the political beliefs due to this. In international relations, the interest in identity is surging, including European identity and the role played by its “geographically immediate Eastern others” (Neumann 1999: 1; 15). Michael J. Shapiro, having introduced “self/other” theorizing to the international relations, stated that foreign policy is about making others (quoted in Neumann 1999: 34). The study of how self/other relations influence the opportunities for international cooperation was continued by the Copenhagen school. Their basic concept – collective self – is based on notions of a “state” and “nation”, and proceeds from them as the basis of institutionalization in partaking political cooperation; therefore, identity-based analysis of foreign policy becomes an alternative to a traditional one: the “intersubjectively constituted structure of identities and interests” becomes a “structural, endogenous, and constitutive factor” (Neumann 1999: 31-32).

Although “European identity” has been a core concept of European integration (Risse 2001: 198), it remains highly contested and vague (Wintle 1996: 1; Kastoryano 2003: 75). There are disagreements on its content going back to the question of what Europe is (Booxhorn 1996: 134; Breakwell 2004: 31; Parker 2008: 4). Its origin can be traced back to the conceptual contrast of “Europe” as equivalent to, but broader than, “Greece” - as opposed to “Asia” (in the time, Persia) in Greek thought of 490-322 B.C. (Ziolkowski 1993: 2-6). Along with Greek, the roots of “Europe” lie in Judaic and Christian cultural legacies and Roman political-legal (Spohn 2005: 4). It is with disintegration of the Roman Empire and establishment of the Carolingian Empire onwards, as well as the institutionalization and division of Christianity, that “Europe” has been identified with Western European core in contrast to the Islamic civilization and Eastern Christianity (Spohn 2005: 4). This focus intensified in the modern age with

“the shift of the socio-economic modernization dynamics to Western Europe, the evolving opposition to the Ottoman Empire and the increasing peripheralization of Eastern Europe” (Spohn 2005: 4) and reached its height after World War II, against a background of the international rise of the USA (Spohn 2005: 24), when the very concept of modern “European identity” was most probably coined (Boxhoorn 1996: 137). It began to dominate the discourse of European political and intellectual elites in the 1990s only (Berezin 2003: 16).

In modernity (after the World War II), however, the European identity had been challenged by two major cleavages even before it was created. The first one, mentioned above “East-West asymmetry of Europe” (Spohn 2005: 4), was generated by the beginning of the Cold War and the Iron Wall between the West and East. The second one emerged between the ‘small Europe’ (integration of the Six) and the “wider Europe” (Wessels 1993; Kumar 2003: 37). On the one hand, European identity has been predominantly seen as “a by-product of the emerging supranational institutional framework of the European Community/Union” (Spohn 2005: 2). For instance, in December 1973, following an introduction of “an ambitious program for the establishment of a political Union” (Kostakopoulou 2001: 44), a “Declaration on European Identity”, aimed at framing of the European (as distinct from the USA) foreign policy. The European identity was defined in contradictory terms: first, political, i.e. on the basis of the principles of the rule of law, social justice, human rights and democracy, and second, Euro-centric (Kostakopoulou 2001: 45), i.e. on the basis of the “cherished values” of the common European civilization, was published by the Nine Foreign Ministers (Verney 2006: 32).

Although an extent to which emerging European (as associated with the EU) identity relates to national identities is disputed in the literature,<sup>14</sup> there seems to exist an agreement that the conceptualization of European identity is complicated by heterogeneity of Western Europe as a complex of states itself, sharing basic common values but otherwise characterized by cultural differences (Jaks 1993: 253), and by lack of “homogenizing elements” such as a *lingua franca* (Kostakopoulou 2001: 15), common

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<sup>14</sup> According to the theoretical position based on a confederal-intergovernmentalist conception of the EU, European identity is ‘a weak addendum to strong national identities (Lepsius 2001); according to the one based on a federal-functionalist conception of European integration, a European collective identity develops separately from those of the nation-states (Muench 1994, 2001); and to the one based on the multi-level polity – that it will stay mixed with a national identity (Haller 1999, 2000; Kohli 2000, quoted in Spohn 2005: 2).

European cultural past and popular civic space (Berezin 2003: 16). This is reflected in the reversal of use of “internal identity” of EU<sup>15</sup> in favor of subsidiarity in the legal treaties of the EU since the Maastricht Treaty onwards (Boxhoorn 1996: 138-9). It was further complicated by disintegration first of the socialist bloc and then of the Soviet Union in 1989-91, which started a new round of the debate on “Europe” and “Europeification”.

Nowadays, since there is neither contractual obligation to develop a common European identity<sup>16</sup> nor consensus on its eventual official definition (Pedersen 1994: 132), it is still an open subject for controversy. Broadly, in its civilization meaning, European identity is conceptualized as based on a “European civilization”, delimited by Europe as a “geographical culture” area (Jordan 1988), which is constantly spatially and culturally constructed and reconstructed (Delanty 1995) and characterized by cultural pluralism (Eisenstadt 1987, quoted in Spohn 2005: 4).

As Wolfgang Wessels states, European identity could be defined as “a group of people(s) having some kind of common heritage, sharing some kind of destiny different from that of “outsiders”; it exceeds the geographical proximity, including political, economic, legal, cultural and religious indicators which are difficult to operationalize, however they reflect an emotional feeling of ‘belonging together’” (1993: 17). The “common framework of acceptance, some sense of mutual understanding and recognition based on certain historical and cultural legacies” as opposed to different and divisive national histories and cultures is emphasized by Krishtan Kumar as well (2003: 37-38). Five strands of identification with Europe, resulting from ‘cross currents between politicization and depoliticization that defined European identity as both process and project’ (24) as identified by Hartmut Kaelble are: superiority to other civilizations; internal heterogeneity perceived as a strength; with a distinctive lifestyle and values; “the caution and restraint of identification with Europe” as e.g. compared to that of nation-state and ungrounded from strong political hierarchies; and a general trend towards higher trust in European institutions and policies (2009: 193-206).

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<sup>15</sup> A formulation of European identity in both ‘external’, i.e. a common approach of member-states in their foreign policies, and internal, i.e. cohesion and integration between member-states, understandings was founded by the Copenhagen Declaration of 1973 (Bohoorn 1996: 137-139).

<sup>16</sup> Despite constant references to it in the Rome, Maastricht, and Amsterdam Treaties (Risse 2001: 200).

Throughout this article, these factors are referred to as identity perceptions of the EC/EU, producing attitudes towards the “others” (both Baltic States until 2004 and Ukraine). There are concepts derived from still vague concept of European identity, such as *Europeification*; developed through 1980s in connection with the EC influence on the CEE states, it means “the formation of spiritual link, the sharing of common values and a functioning market economy” (Jaks 1993: 238) and referring to presence/absence of common identity. Moreover, the European civilizational identity has a constitutive impact on the final borders of the EU... Although these borders are still in the making and contested, in all likelihood, Turkey as well as the Ukraine and Russian will be excluded from the final gestalt of the EU. If this is so, it has geopolitical and civilizational-cultural reasons (Spohn 2005: 11).

The hypothesis of this article lies within the broader theoretical assumption of the Copenhagen School, i.e. that the foreign policy analysis should take account of collective (nation- or state-based) identity; the category of identity employed here is not that of identification with a nation/state, but with Europe. Namely, some states, although European geographically, can still be regarded as less “European” culturally, embracing ethnic and religious<sup>17</sup> criteria (Pedersen 1994: 131). It must be noticed that the geographic conception of European identity, which according to the “Treaty on the EU” is one of basic conditions for eligibility for EU membership, faces essential counterarguments. Edgar Morin in “Penser l’Europe” cautions against geographic interpretation, because Europe has no definite frontiers, but should be defined according to an intellectual tradition of humanitarian individualism,<sup>18</sup> developed during Renaissance and Enlightenment (quoted in Pedersen 1994: 132).

Therefore, for the aim of this article, the concept of European identity is important not only because of its centrality for the European integration studies, but also because it to some extent delineates states into “more” and “less” European... For instance, discussing the EU Eastern enlargement, Willfried Spohn points out that there are internal boundaries of the European civilization which influence it: “The East Central European and

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<sup>17</sup> In the broad understanding of Christianity neglecting confessional division.

<sup>18</sup> Defined as a tradition of critical dialogue and perpetual doubt about the societal values (Melville and Shakleina 2005: 27).

Baltic states, predominantly Western Christian countries will enter first, whereas the Eastern Christian countries will be included later” (2005: 11).

According to Christopher Browning, in constructing subjectivity, like demonstrated above, the notion of Europe is still based on the borders between “self” and “others”, contrary to the postmodern vision of the *Europe of Olympic Rings* (2001: 32). Likewise, as Mary Douglas argues, “danger resides on borders”; therefore, as long as any state is “constructed as a border case, it will also be inscribed with danger” (quoted in Neumann 1999: 111).

This observation – that an inclusion does need an exclusion – is in line with Neumann’s seminal work as outlined above and is widespread in the literature. For example, Kostakopoulou observes that EU’s discourse on the European identity, despite strong egalitarian rhetoric and legislation, although civic stays exclusionary – e.g., European immigration regime is restrictive and irrespective of the “other” (Derrida 1992, quoted in Kostakopoulou 2001: 7). She further reflects on the concept: “European identity” should be understood as the dynamic one, i.e. in formation, rather than static, as a present – or absent – quality of the EU, to avoid an essentialist representation of European identity which would inevitably lead to exclusion and discrimination (2001: 7; 27).

Regarding cases analyzed in this article, identity of the Baltic States was perceived by the EU as European in view of a number of factors, among them historical, cultural, and geographic being the most important. Similarly, for the Baltic States the reinforcement of European cultural identity (in line with political, security, and economic advantages) was one of the key reasons to prefer the strategy of integration into the EC/EU to option of neutrality/non-alignment (Löfgren and Herd 2000). Unlike some other post-communist European states, the Baltic States perceived an eventual integration into the EU as an opportunity and not a threat for their national sovereignty:

Emphasizing the Europeanness of Baltic cultures serves to heighten that many see as a clear cultural contrast with Russian, “ Eastern” culture. “Rejoining the European family” is seen by many as way to bolster national identity, rather than threaten it (Löfgren and Herd 2000: 47).

## The Research Design

The area chosen for the research – post-Soviet European space – includes six states,<sup>19</sup> which according to Copenhagen criteria<sup>20</sup> could be eligible for the EU membership on the basis of being a “European state”. However, the scope of the article is limited to two cases. The first is the Baltic States, which were perceived as CEE states throughout most of 1990s and were accepted into the EU in 2004. Instead of one state being singled out, they are taken as a group because, from the view point of the research question, the general perception of them by the EC/EU – as truly European polities – is important. This is not to downplay the inter-countries’ differences, which are vast, and specifics; but to focus on the overarching factor – perception of them by the EC/EU. If to neglect better performance of Estonia throughout the 1990s, a result of a successful domestic political and economic transformation, then – in terms of the article’s research question – there is no reason to prefer one state over the others.

All three Baltic States have been characterized by a strong national identity and identification with Europe, or the West, and self-differentiation from the Slavic world, or the East (Arnswald 1998: 19). In other words, the Baltic States’ motives “for their determined orientation and move towards the West are identical”; they successfully returned “not only on the geographical map of Europe, but also on the mental map of Western policy-makers”, as well as – equally important even though not primarily analyzed in this article – in the dynamic internal developments in politics and economy, causing the EU’s positive reaction regarding the membership perspective, reinforced by the previous EC/EU’s feeling of a moral obligation on the part of all three states (Arnswald 1998: 20-21). It should be noted that an intra-group differentiation in the EU’s enlargement strategy developed in 1997-1998 on the basis of Estonia’s better performance which was the only Baltic state included in the first-line accession negotiations by the European Commission in “Agenda 2000: for a Stronger and Wider Europe”,<sup>21</sup> published on 16<sup>th</sup> July, 1997 (Arnswald

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<sup>19</sup> Please see the first footnote.

<sup>20</sup> Set in 1993 for the EU applicant CEE countries as part of EU “democratic conditionality”, they embraced a record of stable institutions guaranteeing democracy, the rule of law, respect for human rights and protection of minorities (Korhonen 2004: 190).

<sup>21</sup> The European Commission recommended to open accession negotiations only with Estonia on the basis of it being the only functioning market economy, having deeper transposition and implementation of *acquis communautaire* and stronger public administration (Arnswald 1998: 66-67). However, there were assumptions that that Estonia was included in the first group of applicant states only to indicate the Baltic States’

1998: 10). However, this is negligible from this article's research question angle and from Latvia's and Lithuania's positive reactions of the time, which regarded Estonian success as a recognition of, and signal to Russia about, all three Baltic States' belonging to the EU integration area<sup>22</sup> (Arnswald 1998: 11; 74). Moreover, In its three opinions, the European Commission stated that their "accession is to be seen as part of a historic process, in which the countries of Central and Eastern Europe overcome the division of the continent which had lasted for more than 40 years" (Arnswald 1998: 64).

The second group of case which can be contrasted to the Baltic States is the rest of post-Soviet European states, or Western Newly Independent states (WNIS).<sup>23</sup> However, this group is much more internally heterogeneous, i.e. characterized by different levels of democracy, foreign policies (pro-EU or pro-Russian), and weak sub-region cooperation. Therefore, contrary to the Baltic States, characteristics of Belarus, Moldova, and Ukraine as a group are rather divisive than complementary (Mastny 1992: 8). Thus, on the basis of the research question, only one state - Ukraine - was chosen for comparison of the EC/EU perception and attitude towards post-Soviet European states. The case selection is based on the similar starting positions of all the four states in the early 1990s and the pro-European (and pro-EC/EU) rhetoric on their part, which however resulted in different outcomes in their relations with the EC/EU. Earlier in history, the fundamental similarity between otherwise different Baltic States and Ukraine is that before they were integrated into the Soviet Union, they had not been separate entities, but had belonged to gone state formations such as the Commonwealth of Poland-Lithuania, the Russian or Habsburg Empires (Mastny 1992: 8), except for the period of the interwar independence of the Baltic States. The weakness of mixing the level of analysis, i.e. comparing the group of states with a single one, may be justifiable in the light of the article's research question, as well as of the high level of identity (i.e. as European and pro-EU) homogeneity and strong sub-regional cooperation among Baltic States. The time period is

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belonging to Europe, i.e. out of rather politico-strategic considerations (Arnswald 1998: 76). For a detailed comparison of the three Baltic States, see Arnswald 1998: 74.

<sup>22</sup> However, both states expressed concerns with the EU having used an outdated economic data and political compromise because of its limited bureaucratic capacity to open negotiations with more than six countries at a time (Arnswald 1998: 75).

<sup>23</sup> Western Newly Independent States: Belarus, Moldova, and Ukraine; the term was coined by Lynch (2005: 50).

limited by the dissolution of the Soviet Union, on the one hand, and EU Eastern enlargement (2004), on the other.

The comparison through contrast is used for research using concepts of identity and analyzing policies applied by the EU toward the Baltic States and Ukraine. It is important to point out that, although internal factors in both cases constitute other independent factors for rejoining with the United Europe (as mentioned above), they are deliberately left out of analysis according to research question and the scope of the article; here, an attempt is made to focus on the EU's identity perceptions and following attitude. In addition, methodology includes case-studies and historical analysis. Due to focus of analysis on the political level, the type of data used is either primary, e.g. texts of bilateral treaties and EU/national politicians' speeches, and secondary sources.

### **The Initial Vagueness of the EU Attitude: The Baltic and Ukrainian cases**

Immediately after the dissolution of the Soviet Union, the attitude of the EU towards both groups of post-Soviet European states, the Baltic States and WNIS, was rather similar, as opposed to that towards the CEE states (Arnswald 1998: 20). This was evident, for instance, in the EC's (in particular, Italy's) preference to continue having the centralized Soviet state (Arnswald 1998: 42) as the partner despite pro-independence movements in some European Soviet republics, most notably in Armenia, the Baltic States, and Ukraine. This preference was conditioned by the convenience of leaving the conflicts between Moscow and those republics within the internal sphere of competence of the Soviet Union, therefore avoiding uncertainty inevitable in the case of the latter's collapse. The preference for further existence of the *status quo* - even after its formal dissolution in December 1991 - can be observed in positive assessment of the Commonwealth of Independent States (CIS) made as late as in 1992 by European policy-makers (Motyl 1993). Therefore, in the 1990 and 1991 (year when the EC started to initially establish the diplomatic relations with them, after they had appeared on the EC's political agenda (Arnswald 1998: 35) neither the Baltic States nor Ukraine received political encouragement from it (Löfgren and Herd 2000).

The Baltic States were the first to step on the path of democratic transition. Lithuania the first held democratic multiparty elections on 24<sup>th</sup> February, 1990, the result of which was the rejection of the Communist Party rule and

the following vote of the new legislature on the secession from the USSR. Although these events were followed by the intervention of the Soviet troops and by the “yes” (by 90.5 per cent of actual voters) vote on the referendum on the declaration of independence from the Soviet Union of 9 February 1991, the EC rather ignored the obvious pro-independence mood in favour of prevention of the USSR collapse. Moreover, the EC decided to slow down the preparation of the technical assistance to the USSR and called upon re-establishment of a “constructive dialogue” between Moscow and Vilnius in their EPC-declaration of 24<sup>th</sup> March, 1991, formally acknowledging the political problem to be an internal one (Arnswald 1998: 35).

However, afterwards the beginning of differentiation in the identity perception of – and correspondingly in the relations with – the both trends can be observed. After the failure of the coup *d’etat* in Moscow on 18-21<sup>st</sup> August 1991, the EC officially recognized the Baltic States’ independence already on 27<sup>th</sup> August, 1991, welcoming the restoration of their place among the European nations and encouraging their membership in the UNO, the CSCE and the Council of Europe (Hiden and Salmon 1994). Consequently, the first meeting between the EC and all the Baltic States followed on September 6<sup>th</sup>, 1991, in Brussels (Arnswald 1998: 45). The EC aimed to prevent thereby a return of the Baltic States, like of other CEE states, into the Soviet sphere of influence, and anchor their position in “the family of democratic nations” (Arnswald 1998: 39; 45).<sup>24</sup> The attitude towards formal recognition of Ukraine’s independence, seen as an integral part of that sphere, was different. Namely, it was fixated only after the formal dissolution of the Soviet Union on the basis of the Minsk Agreement of 6<sup>th</sup> December, 1991, in the “Guidelines on the Recognition of New States in Eastern Europe” and after the Russian Federation’s (Russia) recognition on 31<sup>st</sup> December, 1991. Therefore, it could be argued that this can be explained, in addition to the internal political dynamics,<sup>25</sup> by other factors – e.g., perception of Ukraine as different from the CEE states.

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<sup>24</sup> However, it should be noted that the first to recognize the Baltic States’ independence was not the EC but the Nordic states: Iceland on 11<sup>th</sup> February, 1991, Denmark and Germany – on 26<sup>th</sup> August, 1991; the latter with declaration of its “special responsibility” for the Molotov-Ribbentrop Pact of 1939 as the bedrock for the destruction of the Baltic States’ sovereignty (Arnswald 1998: 43).

<sup>25</sup> Concerning the latter, the difference from the Baltic States was weaker representation of the national-democrats in the Parliament on the eve of dissolution of the Soviet Union. They won nearly 30% of the new Parliament’s seats after the first free elections of 26 March 1990, but the claims for the full independence seemed impossible given the Communist majority. However, after on 16 July 1990 the *Declaration of Sovereignty of Ukraine* was almost

As Ole Waever argues, after the end of the Cold War the cooperation in the Baltic Sea region has been launched to replace the old Nordic cooperation (1992: 98-99). The most obvious interest in it belongs for the Balts because “this is their route to Europe” as an alternative or supplement to the “commonwealth” created as an attempt of another “common market” on the post-Soviet space. Moreover, there is an identity motivation: a Baltic Sea region identity would strengthen the post-Soviet European identities of the sovereign Baltic republics. Creation of a new “Baltic” identity, or identity formation, based on common emotional interests, was started by intellectuals to spill-over from cultural and infrastructural to political, economic, “technical” and later on probably security cooperation. From the same identity standpoint, according to Iver Neumann’s argument, Ukraine represents a part of the abstract communist “other”, which previously was used as a counterbalance to the European identity in making. Therefore, integrating Ukraine is problematic as invoking an even larger vagueness of the EU’s supra-national identity; as pointed out by the German ex-chancellor Helmut Schmidt, Ukraine has a radically different cultural tradition, which disqualifies it from integration into Europe (Motyl 2003: 20). Similarly, Turkey’s representation of the “other” (Muslim) is also argued to be the reason for its questionable prospect of the EU accession. As analyzed above, in contrast, the Baltic States have succeeded in European integration, one of the reasons being a perception by Europe as having been occupied by - and not constituting themselves - the communist “other”.

### **Attitudinal Differentiation**

#### *The Beginning of differentiation: 1992 – 1994*

As mentioned in the introduction, after the dissolution of the Soviet Union the EC faced the barest necessity to establish relations with the former superpower’s ex-republics. However, the negotiations with some of post-Soviet European states started only in the late 1992,<sup>26</sup> after they had been already completed with the CEE post-communist states. In the latter case, the relations between the EC and CEE states included increased trade and

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unanimously passed, in particular due to the support from the national communists, the aspiration to the full independence gained reality. It was realized on 24 August 1991 in the adoption of the *Act of the Independence of Ukraine*. The EC declared its intention not to recognize the independence of Ukraine even in the case of ‘yes’ vote on the appointed for 1 December referendum on independence (Bilyts’kyi and Pogrebnyns’kyi 1997).

<sup>26</sup> Partly, this delay was caused by the already signed in December 1989 *Trade and Cooperation Agreement* with the USSR.

economic cooperation; technical assistance (PHARE program); initiatives of G-24<sup>27</sup> and European Bank for Reconstruction and Development (Sedelmeier and Wallace 1996). The policy tools developed towards the post-Soviet European states since the late 1992 were qualitatively different. Except for the most principal difference – absence of the option of EC membership, other important differences were the following.

First, in the interrelations with the Russia as the new center of power, the post-Soviet European states were traditionally regarded as its sphere of influence, whereas the CEE states – as part of “Europe”. That is why the priority in the relations with the whole – highly heterogeneous, especially in terms of distinctions between European and Central Asian parts of the former Soviet Union (fSU) – space was given to Russia and there was little differentiation among the policies developed towards it and the rest of the states. Following from this, the second difference regards the character of the assistance: the EC took a leading role in, and responsibility for, assisting transition in the CEE states, but concerning WNIS left this role to the joint efforts of the world community, including the USA and Japan (Norgaard 1993). An example is the European Parliament’s resolution of 23th April, 1993, about the need for a preferential treatment of the Baltic States by the EC, and for support with the withdrawal of the Russian troops (Arnswald 1998: 49). It was followed by the first “historic” meeting between the EC-Troika and the foreign ministers of the three Baltic republics, which marked the beginning of the political dialogue between them (Arnswald 1998: 50). These and other differences contribute to answering this article’s research question about the reasons for differentiated treatment in EC-post-Soviet European states relations, evident from the late 1991-early 1992 onwards.

It was exemplified by the shift of the Baltic States from the fSU into the CEE category. Namely, the only document formally treating the Baltic States as a part of the post-Soviet space is the European Commission’s proposal on “The Community’s relations with the independent states of the fSU” (Wennersten 1999). Afterwards, the Baltic States were part of the policies developed towards the CEE states, as analyzed in more detail later. In November 1991 the three Baltic States, together with other CEE states, were invited to participate in the meeting of G-24 which fixated the European Commission’s decision to extend coordinated economic assistance to them

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<sup>27</sup> 24 Western nations; on behalf of G-24 after summit of the G-7 in Paris (July 1989) the EC was entrusted with coordination of the economic assistance to Hungary and Poland (Matsson 1991: 288).

to replace the program for technical assistance of the USSR (Arnswald 1998: 47). As a result, in 1992 they became a part of the PHARE program, developed for facilitation of CEE states post-communist transformation, although had started receiving assistance within the TACIS, aimed at that of ex-Soviet republics (Herd 1999). This was in line with the Trade and Cooperation Agreements with the EU signed by the post-Soviet European states on 11<sup>th</sup> May, 1992; with the CEE states, they had been signed much earlier - by March 1991 - and were followed by deeper Europe Agreements containing the EC membership prospect, i.e. the principle of conditionality, the objective of signing which was only envisaged for the Baltic States (Arnswald 1998: 23-24; 48). Therefore, at the very outset of transition there was a perception and treatment of the Baltic States as “fSU republics”, in contrast with “return to Europe” of the CEE states, which quickly changed in the course of 1992 (Raik 1998: 70-1).

Interestingly, in economic – rather than political - terms at the time of the Soviet Union dissolution the general situation in the European ex-republics – seemed to be rather similar. They all were disadvantaged by the legacies of economic interdependence and political centralization within the Soviet Union, entailing an incomplete production cycle and weak institutions at the local level. Moreover, they all heavily depended on Russia and other ex-Soviet republics on the fuel and other raw materials and trade. That is why the focus of this article is on the role of identity approach in explanation of the EC/EU differentiated attitude to the post-Soviet European states. It contributes to understanding the quickly developed difference in attitude and hence - in policies to post-Soviet European states under the conditions of unexpected transition. Namely, it can be argued that the EC/EU perceived a commonality of history and identity with the Baltic States, evident in feeling of moral obligations for the communist past<sup>28</sup> and responsibility to complete “return to Europe” of these states.<sup>29</sup> This perception, not observed in regard to the rest of the post-Soviet European states, contributed to attitude towards and treatment of the Baltic States as the CEE states pointed out above.

The rhetoric of the Baltic States’ leaders in the 1990-s, aimed to reintroduce their states’ belonging to European community, supports the importance of

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<sup>28</sup> In 1940 in compliance with the “Molotov- Ribbentrop pact” (1939) the Baltic states lost their interwar independence and were incorporated into the USSR.

<sup>29</sup> Although counter-balanced by EC internal reservations about the enlargement eastwards, complicated by the Russian factor (Arnswald 1998: 9).

identity factor. It is embodied in Lithuania 's rhetoric of "forgotten Baltic States" in its foreign policy-making in the early 1990s and in Estonia's and Latvia's state doctrines of legal continuity, legitimizing the state restoration as based in a pre-Soviet interwar experience of independent statehood and illegality of the Soviet annexation of Estonia and Latvia under international law (Levits 1993: 51-55; Smith 1994: 122; Smith 1999: 287; Wolczuk 2001: 52; Karjahärm 2002: 91-93; Veidemann 2004: 112;). Thereby, this rhetoric coincided with a perception of the Baltic States' European belonging by the EC states which did not legally recognize the Soviet annexation of the Baltic States in 1940 and applied the concept of legal continuity. Nevertheless, as noticed, in the very beginning of the 1990's the Baltic States did not receive any substantial help from the EC working out their strategy towards post-Soviet space, which reinforced the above mentioned perceptions' feelings of guilt and responsibility.

The situation was very different in Ukraine whose political leaders also tried to proclaim the commonality of its history and culture with the rest of Europe. However, differently from the Baltic States, Ukraine was always seen as an integral part of Dual Monarchy, Poland, or Russian Empire and did not have a meaningful experience of independence except for an ambiguous period of 1917-1918. Although Western Ukraine was similar to the Baltic States in sense of both strong national unity and in parallel historical patterns,<sup>30</sup> Eastern Ukraine was not, since 1654 being culturally and politically a part of first the Russian Empire and then the Soviet Union. In this sense one could definitely classify Ukraine as "other" in the identity understanding, due to the connotations with traditional dichotomies between Russia and the rest of Europe: barbarian and Asian as opposed to civilised and European (in the Russian empire's times); unfree, plan, defensive East as opposed to free, market, offensive West (in the Soviet Union's times); and currently, as authoritarian/quasi-democratic as opposed to democratic (united) Europe (Neumann 1999: 103). Therefore, the leadership's rhetoric on this state's pro-European orientation reasoning from its Europeanness went hardly noticed by the EC. Quite to the contrary, concerning the issue of potential membership, the EC leaders as early as 1992 started to rule out such an option for the post-Soviet European states, excluding the Baltic States)<sup>31</sup>. Along with outlined identity

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<sup>30</sup> Like the Baltic States, Western Ukraine was incorporated into the USSR in 1939 and not in 1922.

<sup>31</sup> One of the first proposals to exclude the membership option, as well as agreements equal to those with the CEE states, for them was expressed by the Commissioner Hans Andriessen

perception, this position can be probably explained by the long period of communist regime and vital Russian interests in the area, since

the Ukrainian referendum of 1 December 1991 [that] put an effective end to the 70-year history of Soviet empire [] took the Europeans by surprise. And, although they managed quickly to overcome their initial confusion towards the countries of Central Europe, not everyone could immediately believe that Ukraine's independence was here to stay (Zlenko 2002: 21).

To sum up the analysis of starting differentiation, at the early stages of independence of the Baltic States and the rest of European post-Soviet states the EC's attitude towards them was differentiated due to a complex of factors - historical, political, economic, - one of them being identity perception of the Baltic States as of CEE.

*Foreign policies of Ukraine and Baltic states as a factor for differentiated attitude*  
 Along with the EC/EU perceptions, attitudes, and treatment towards the post-Soviet European space, another important factor to be taken into account from the standpoint of identity approach is the use of identity factor in foreign policies of the Baltic States and Ukraine, because it conditions and reinforces EC/EU's perceptions of both cases. Generally it could be stated that despite application of similar pro-European rhetoric in the foreign policy of both cases, the Baltic States were more coherent in this and intensified pre-existing on part of the EC/EU perception of their European belonging.

At large, the foreign policy orientations of the Baltic States and Ukraine were similar, having their sources in the basic assumptions of the states' Europeanness, the , and the distancing from the Russia in the years immediately after independence. The Baltic leadership applied the rhetoric of "return to Europe" based on the doctrine of historical continuity (Löfgren and Herd 2000). Similarly, Ukraine's President Leonid Kravchuk's made a public statement about its aspiration towards EC membership as early as on 28<sup>th</sup> December, 1991. Officially, however, Ukraine's long-term commitment to European choice in foreign policy was fixated only by the next President Leonid Kuchma's initiative on 4<sup>th</sup> June, 1998 by -the launch of the 'National Strategy of Integration into the EU' which stated (Molchanov 2004). However, if the Baltic experience of implementation of

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in 1992, later on it was supported by German Chancellor Helmut Kohl (Norgaard 1993: 103) and Commissioner Guenther Verheugen.

pro-European policies was positive, Ukrainian was a negative one: to above-mentioned statements did not meet a mutual reaction on the part of the EC/EU.

Again differently from the Baltic States, in addition to unsuccessful claims towards the EU membership, Ukraine failed to establish a regional cooperation with CEE states. All initiatives either failed (e.g., participation in Visegrad group and in the Central European Initiative<sup>32</sup>) or were formally created but did not function in practice (e.g., the Eastern Carpathian Euroregion (1993) or the Black Sea Regional Cooperation (1992)). This was the second direction of Ukraine's foreign policy similar to that of the Baltic States, which along with pro-EU aspirations also aimed at establishment of regional cooperation. Contrary to Ukraine, the Baltic States conducted this course very successfully, especially after 1997.<sup>33</sup> In addition to fruitful participation in several regional organizations, main being the Council of Baltic States, they established rather<sup>34</sup> strong sub-regional cooperation<sup>35</sup> prior to the Soviet Union dissolution yet (e.g., Baltic Assembly (1989); Baltic Council of Ministers) and continued during their membership negotiations with the EU (as analyzed below). As the EU stressed in the early to mid 1990s, the progress in sub-regional cooperation witnessed a state's capability of integration into a larger union,<sup>36</sup> and this was taken into consideration regarding the CEE regional cooperation (Arnswald 1998: 57; Löfgren and Herd 2000). Likewise, the success of Baltic States' regional cooperation was positively evaluated by the EU.

The third aspect of the foreign policy – distancing from Russia – was expressed in trying to minimize or avoid participation in any multilateral organizations in the post-Soviet space, the classic example being the CIS. Although one of its founding states, in line with "Fundamental Guidelines in Ukrainian Foreign Policy" adopted on 2th July, 1993, Ukraine decided to

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<sup>32</sup> Ukraine managed to gain only the associate membership in 1994.

<sup>33</sup> Prior to 1997, in their Euro-integration strategies Estonia and Lithuania relied more on support of their partners EU member states Finland and Poland correspondingly, whereas Latvia – on sub-regional cooperation (Löfgren and Herd 2000).

<sup>34</sup> 'Rather', because some of them still failed (Baltic Custom Union) or lost in efficiency to institutions created with the aim of the EU integration such as European Integration Councils and the European Affairs Committees in the Baltic Parliaments (ibid).

<sup>35</sup> Defined as "cooperation among states sharing common geopolitical situations" (Löfgren and Herd 2000: 25).

<sup>36</sup> However, there was a contradiction between "sub-regional cohesion approach" and "state capability": because irregardless of the progress in sub-regional cooperation the applicant states were evaluated by success in the individual performance (Löfgren and Herd 2000).

opt out of its main structures and reserve the right to leave the organization (Zagorski 1993). From an identity viewpoint this meant distancing from Eurasian (as opposed to European) supranational organizations led by Russia. In reality, however, since the mid-1990s Ukrainian foreign policy was based on “multi-vectorness”, meaning simultaneous rapprochement with the EU and improvement of relations with Russia (Molchanov 2004). This policy shift was accepted as a balancing act between the two poles without clearly set priorities and surely deteriorated Ukraine’s image in the EU.

The Baltic States were more consistent on the issue of foreign political orientation. In line with mentioned identification with Europe, they refused being defined as Soviet successor states and “near abroad”, i.e. Moscow’s post-Soviet sphere of influence, and did not join the CIS at any level (Arnswald 1998: 19-20). Instead, in 1994 they applied for the NATO membership and in 1995 - for the EU membership. When, according to the “Agenda 2000” of July 1997, the Commission recommended opening accession negotiations only with Estonia out of the three Baltic States (together with the Czech Republic, Hungary, Poland and Slovenia), they<sup>37</sup> as well as Sweden, Denmark, and Finland, and - even if for different reasons - Italy, Belgium, the Netherlands, and Spain, reacted quite negatively, having named the recommendation biased and creating “new dividing lines in Europe” (Avery and Cameron 1998) and supporting opening negotiations with all three states according to the so-called “starting line model” (Arnswald 1998: 77-79). In particular, Sweden argued that even a postponement of entry to the EU for the two Baltic States would create an evidence of their position outside of the EU’s sphere of influence and therefore would expose them to increasing Russian influence (Wallace 2003: 11).

This position was opposed by France, Germany, and Austria, also for country-specific geopolitical reasons (for details, see Arnswald 1998: 77-81). The same critical line in the Baltic States’ and Sweden’s foreign policies was continued after the Luxembourg European Council’s of 12-13<sup>th</sup> December, 1997, decision to start negotiations only with the recommended by the European Commission states. However, the “accession process” was not launched on 30<sup>th</sup> March 1998 with all the eleven (including all three Baltic States) candidate states, even if it were to process at different pace

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<sup>37</sup> Except for Estonia which adhered to objective (as contrasted to political) criteria of ‘state capability’ (ibid.)

(Arnswald 1998: 83). Therefore, the Baltic States' denial to participate in any initiatives on the post-Soviet space definitely reinforced an initial perception of them as more "European" whereas Ukraine's in-between position confirmed its well-grounded status of the state within the Russian sphere of influence.

To conclude, although the Baltic States and Ukraine were a part of the Soviet Union, with similar influence on their political systems and economic structures, the identity perceptions of them as correspondingly part of the CEE and of Russian sphere of influence on the part of the EC paved the way for differentiating attitude to them immediately after the August coup of 1991. Moreover, the different from applied to CEE and Baltic States' policies contributed to the continuing distancing of Ukraine from the EU, whereas the perception of sharing the European identity with the Baltic States and therefore highly supportive attitude towards them since 1992 onwards contributed to their rapprochement with the EU. In addition to this, the Ukrainian and Baltic foreign policies reinforced the pre-existing disparity in their perceptions by the EU and widened the gap between Ukraine and the EU.

*Progress in differentiation: 1994-1999*

Having been established in 1992, the differentiation between Baltic States and Ukraine as belonging to different regions, CEE states and fSU or Russia's "near abroad"<sup>38</sup> correspondingly, developed further.

The principal event in this regard turned out to be the Copenhagen European Council of June 1993 which adopted developed by the European Commission document "Towards a closer association with the countries of CEE", officially foreseeing the membership of the EU for states-participants of the Europe Agreements,<sup>39</sup> thus marking "the first real breakthrough in the relations between the EU and the Baltic States" (Arnswald 1998: 9). This Council demonstrated a broad European consensus on including states of former socialist bloc, including the Baltic States, in the process of European

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<sup>38</sup> Defined as the territory of the ex-Soviet satellites of Russia and treated as an inherent space of the RF's influence.

<sup>39</sup> It should be mentioned that this decision was a result of a longer discussion on the prospects of the CEE states' eventual membership, which can be traced back at least to late 1992, particularly to the Commission's report on the Edinburgh European Council entitled 'Towards a new association with the countries of CEE'; however, for this paper this milestone in the EU's attitude towards the CEE is important only in regard to the Baltic states perceived as part of CEE.

integration (Löfgren and Herd 2000). The EU's principal decision to give the CEE states a perspective of membership was a turning point in differentiation between the Baltic States (perceived as a part of CEE) and the rest of the European post-Soviet states.

The decision of the Copenhagen Council was developed further by introduction of the pre-accession strategy for applicant states – the Baltic States as well as CEE states (Arnswald 1998: 61) – at the Essen European Council in December 1994. It included four instruments: the Europe (Association) Agreements; the White Paper on aligning of the associates' legislation to the EU internal market; the PHARE program<sup>40</sup> and the Structured Dialogue (Grabbe and Huges 1998). In this way, the Free Trade Agreements between the EU and the Baltic States, signed on 19<sup>th</sup> July, 1994 and effective since 1<sup>st</sup> January, 1995, which replaced the Trade and Cooperation Agreements' commercial chapters as an intermediate stage towards Europe Agreements, in particular due to reinforced conditionality regarding the rule of law and respect for human rights – the so-called “Baltic cause” (Arnswald 1998: 53-57), were supplemented by more advanced cooperation agreements, the Association (Europe) Agreements. The Europe Agreements, signed by the Baltic States on 12<sup>th</sup> June and ratified in August (by Estonia – on 1<sup>st</sup> August, Lithuania – on 5<sup>th</sup> August, and Latvia – on 31<sup>st</sup> August), and signed by the European Parliament on 15<sup>th</sup> November, 1995, replaced the Trade and Cooperation Agreements of 1992 (Arnswald 1998: 59-60; Löfgren and Herd 2000).

This framework had been developed based on the scheme proposed by the European Commission to the Council and the European Parliament in 1992 for the CEE states and applied towards the Baltic States as an integral part of CEE (Arnswald 1998: 20; 53). It provided for cooperation between the CEE states and the EU in the areas of: political dialogue; four freedoms of movement in people, services, capital, and goods; approximation of legislation; and coordination of their economic, financial, and technical systems with those of the EU (Löfgren and Herd 2000). But the most important implication of the agreements for the Baltic States' was inclusion into the EU pre-accession strategy and, as EU-associates, participation in the EU's political dialogue with the CEE states. In this sense, the Europe Agreements marked the final stage in the EU's relations with the Baltic States as external states. Indeed, they applied for EU membership until the

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<sup>40</sup> According to it, in 1992-96 each associated member state received ECU 90 million necessary for adaptation of their legal and institutional framework to the EU.

end of 1995: Latvia – on 1<sup>st</sup> October, Estonia – on 23<sup>rd</sup> of November, and Lithuania – on 8<sup>th</sup> December (Arnswald 1998: 58-59). Importantly, as the states-participants of the Association Agreements, they improved their potential for political and economic development, which reinforced the initial differentiation (Jaks 1993: 243; 245).

At this point it is possible to state that the differentiation in the EU relations with the Baltic States and Ukraine became entrenched. Although the general tendency of the EU-Ukraine relations development since 1994 was rather positive, they cannot be compared to those with the EU-Baltic States anymore. As argued in this article, partially - along with other structural factors only mentioned here - this is due to the initially different perceptions of the Baltic States and Ukraine by then EC in terms of identity, and therefore to the differing attitudes in EC relations with them.

On 14<sup>th</sup> June, 1994 Ukraine (first among the post-Soviet states) signed the Partnership and Cooperation Agreement (PCA) with the EU. Generally, the PCA method was applied by the EU in 1992-2003; in case with Ukraine it constituted the basic framework of interrelations, defining the objectives of relations, the subject of cooperation and the institutional mechanisms of interaction. Its main aims were the next: respect for basic common values as the foundation for the cooperation; insuring of the proper framework for the political dialogue; introduction of the main common aims based on the harmonious economic relations, stable development, cooperation in a number of branches; support of Ukraine's efforts concerning democratic development; and last, but not the least, creation of institutional network for achievement of these goals ("EU-Ukraine relations: The Partnership and Cooperation Agreement" 1994). The main instrument for achieving these aims was the TACIS program (Lynch 2003).

The principal similarity between PCA with the Association Agreements signed with the CEE states lied in establishment of a legislative framework for the cooperation between the EU and Ukraine. However, there were more differences. Substantially, neither EU membership perspective (or association with the EU) nor free-trade area were not foreseen by the PCA. The limits of the PCA-method became apparent during its application. Shortly, the PCA was criticized for being a technocratic and non-political approach to states, focused on trade and economy yet providing no preferential treatment in trade (particularly for Ukraine). Important is also that in PCA all the Eastern neighbors were categorized as a 'CIS'; therefore, states with very different domestic situations and foreign political aims -

Ukraine, Belarus and Moldova, were lumped together with Russia ('great power'), three South-Caucasian states and five Central-Asian states,<sup>41</sup> which complicated consideration of each case's specifics in the cooperation with the EU. Of particular importance for the identity standpoint of analysis is that the PCA verified a lack of differentiation between Ukraine and Russia on the part of the EU. Moreover, the PCA, proposed to Ukraine together with the CIS countries, is the lowest stage of association (Scharpf 1999). This kind of agreement does not provide a partner country with any possibility to influence the decision-making process and therefore equates it with external partners of the Community (Posel'skyi 2005).

Organizationally, time framework of the PCA, absent in the Association Agreements, was limited to ten years ; the TACIS program - differently from the PHARE one - was not an instrument of preparation of the states to the future membership within the pre-accession strategy. The most positive achievement of the PCA turned out to be a creation of the institutions providing deeper relations between the EU and given countries and support for pro-European elites in Ukraine and Moldova (Lynch 2003).

It can be summed up that although in the mid-1990s the relations of the EU with the Baltic States and Ukraine progressed, disparity in perception of the first as an integral part of Europe and the latter - as an outsider or a neighbor - increased. The evolution of the EU visions of them was further reinforced by domestic policies, foreign policies and (sub-)regional cooperation, successful in the Baltic States and failing - in Ukraine.

#### *The Fixation of Disparity: 1999-2004*

The turning point for all the three Baltic States - and not only for Estonia, as suggested by "Agenda 2000" and Luxembourg European Council - was the Helsinki European Council in December 1999, at which it was decided to open accession negotiations with all of them (together with Bulgaria, Romania, and Slovakia). This was an important evidence of the EU's perception of these states as its essential part. In 2000 they formally started their EU Accession Negotiations.

At the same Council, on 10<sup>th</sup> December, 1999 a "Common Strategy on Ukraine" (CS) was approved, being the second document of the highest importance signed in the period of 1990s after opening the relations between the EU and Ukraine. It proclaimed understanding of need for

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<sup>41</sup> This shortcoming was later overcome by the ENP by differentiating between states.

closer connection between the EU and its member states as well as concrete partner states. The Common Strategy pursued three principal objectives: to support transition towards democracy and market economy in Ukraine; to solve common European problems such as stability and security in Europe; and to support consolidation of cooperation between the EU and Ukraine in context of the EU enlargement (Burakovs'kyi 2005: 31). Its principal difference from the previous instruments of CFSP applied to Ukraine lies in: first, specified rather than declaratory character of the foreseen action.

Second, this is an attempt to define Ukraine's role in Europe as a separate state from Russia. However, although according to Ukraine's governmental strategy of 1998, the EU membership was defined as a long-term strategic aim, the EU only "acknowledged European expectancies" of Ukraine and welcomed its "pro-European choice" stating that the PCA will help to "assert its European identity" (Krysachenko 2004: 585). Therefore, even if for valid reasons, such as: objective evaluation of Ukraine's unreadiness for membership application; undesirability of vain hopes for it as well as other WNIS; and the Russian sensitive attitude towards WNIS as its "near abroad", the EU membership aspirations of Ukraine, like throughout the 1990s, were practically neglected -. The EU attitude towards Ukraine in the late 1990's, even if very roughly, can be compared to that in the early 1990's towards the Baltic States:<sup>42</sup> there was a mere rhetorical recognition of Europeaness (although Ukraine was not even considered to be a part of CEE) but the further strategy was unclear. In general, the Common Strategy's mission was to contribute to European integration of the non-EU European states of the region (by developing strategic approach with an emphasis on greater political dialogue and cooperation with them), but without offering them membership in the EU (Lynch 2003).

Following the "Orange revolution" of 2004, Ukraine became a pivot of the "Eastern Dimension", Poland's main policy proposal within the EU. Although launched by Poland mainly out of security and competence reasons (the Eastern neighborhood is the only direction of the EU foreign policy where Poland enjoys the advantage of its presence and local support) (Jesien 2002), it has a potential of providing support to desirable political changes in WNIS (Cichocki et al.: 2002). After the "Orange revolution", the newly elected President Victor Yushenko accepted the Action Plan in February 2005 as a start for more advanced cooperation

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<sup>42</sup> But without any feelings of guilt and responsibility on the part of the EC for the communist past of the Baltic states mentioned earlier.

within the ENP.<sup>43</sup> It must be mentioned that the former President Leonid Kuchma refused to cooperate in the proposed framework evaluating the status of neighbor to Ukraine as an inadequate one.

Therefore, it seems reasonable to conclude that despite the positive dynamics of the attitude towards Ukraine, a vital gap within EU attitude towards the CEE, including the Baltic States, and the post-Soviet European states, has been relatively fixated. It is demonstrated first, theoretically, by the Helsinki Council, and second – practically, by EU Eastern enlargement resulting into a new wall in Europe – a “paper” one as stated by the former Ukrainian President Kuchma (Lewis 2002). The concept of the “EU”-Europe, even if preliminarily yet, was defined to include all CEE states, Turkey and ex-Yugoslavia states, leaving outside the dividing line the post-Soviet European states, or WNIS.

Until May 12, 2004, the date of adoption of the EU “Strategy on the European Neighborhood Policy” (ENP), it could have been argued that the EU largely lacked any clear strategy towards Ukraine. The ENP was an attempt to provide for closer cooperation on a number of levels with the countries that represented the new EU neighbors, with one important distinction from previous cooperation with the new member states: the highest stage of integration – membership option – was not foreseen. This innovation of the ENP became an object for criticism, up to use of notions of a “fortress of Europe” and a new “paper wall” and a shift from integration, i.e. aimed at enlargement, to stabilization, i.e. aimed at regional cooperation (), approaches in the EU relations with its immediate neighbors. Other weaknesses of the ENP were lumping very different neighbors within one framework, in particular, grouping Ukraine and Moldova together with Belarus and Russia within WNIS (Solonenko 2005: 2), and excluding the non-EU European states from the EU membership prospect in the foreseeable future. A “fundamental distinction of Ukrainian matter from CEE countries” (Fialko 2006) is that the EU has never discussed the possibility of Ukraine’s EU membership. At variance with the first, “geographic”, condition of applying for the EU membership, an opinion that European members of the CIS cannot hope for the EU membership and must come to nothing more than “Program for ‘Enlarged Europe’” was expressed by Head of the European Commission Romano Prodi: “Ukraine will never be a part of the EU” (Striha 2002). However, such a statement conflicts with his other statement that “no European state

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<sup>43</sup> [europa.eu.int/comm/external\\_relations/ukraine/intro/bfw\\_210205.htm](http://europa.eu.int/comm/external_relations/ukraine/intro/bfw_210205.htm)

that complies with the Copenhagen criteria will be denied this ultimate perspective' (Wallace 2003: 11).

Later, the EU enlargement commissioner Günter Verheugen compared Ukraine's desire for the EU membership with that of Mexico for the USA membership (Cremona 2004: 4). Again, it would be logical to expect that fulfillment of the criteria defined in the Action Plans would prepare given European (at least geographically) and therefore eligible countries to submit membership applications, if they want to. Nevertheless, this position has not undergone any visible change even three years later, after the first truly democratic presidential elections and obtaining a long-expected market economy status in Ukraine: "In 20 years all European states will be members of the EU, except the post-Soviet states that do not yet form part of the EU now".<sup>44</sup> However, it is often pointed to that not only putting on a par all the post-Soviet states, but to equate them with Russia, seems to be very misleading: while Russia would only agree on symmetrical relations with the EU, Ukraine (and Moldova) would accept the EU's rules of the game for the sake of integration (Solonenko 2005: 6).

Therefore, while the EU willingly embraced the first round of Eastern European nations to break out of the Soviet sphere of influence, currently it is clearly not going further. However, Ukraine needs European integration prospect perspective to enable own reformation process (Krysachenko 2004: 597).

## **Conclusions**

There is a theoretical hypothesis that despite the common communist past, the post-Soviet states did not have the same point of departure on other dimensions such as political configurations, socio-economic and cultural structures. Namely, after the regime change, they were characterized by diverse political and economic situations, which intensified during the transformation period despite the widespread orientation on the EC values (Jaks 1993: 253; Karl and Schmitter 2002: 13). As argued in this article, the diversification of post-communist transformation patterns was reinforced by the differentiated perception of the countries' "European" identity by the EU and by the corresponding differentiated attitude. It is important to specify that although the focus of this article is on the role of EU perceptions of the outsiders, i.e. the Baltic States until 2004 und Ukraine (as well as other WNIS), or the identity factor, it is only one of the number

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<sup>44</sup>Günter Verheugen, 20 February 2006 // <http://euobserver.com/?aid=20941>

of factors determining its external relations. As pointed out by Swen Arnsward, on the EU official agenda, criteria of “integration ability” of the applicant countries outweighed “the politico-strategic considerations of remaking Europe through enlargement” (1998: 12). Therefore, such factors as level of domestic political (institutions and governance quality) and economic (structural reformation, corruption control) development, as well as foreign policies, should be included in the more comprehensive analysis. It would go beyond the scope of this article but would be a next step in explanation of variation in EU-post-Soviet European states relations.

The Baltic States have been perceived as a tragically, but temporarily lost part of the European family; as the EU Commissioner Van der Broek expressed it, “The question is not whether the Baltic States will join the Union, but when and under which circumstances” (Löfgren and Herd 2000). As Mastny points out, in comparison with the other post-Soviet European states the Baltic states could have derived more reassurance from their history for the following reasons: first, they had an experience of a viable, even if short, statehoods prior to annexation by the Soviet Union; second, they were the most politically progressive and economically advanced, and third, they were the most “European” within the former Soviet Union - not only in geographical, but also in identity sense (1992: 8). The latter was due to the deep historical links with the Western Europe: Latvia and Estonia shared centuries-old history of relations and common statehood with Germany and Scandinavia (their capitals, Riga and Tallinn, were members of Hanseatic League as early as in middle ages) and of Protestantism, Lithuania – of a common statehood and Catholicism with Poland, (Smith 2003: 50).

On the contrary, Ukraine has remained a post-Soviet state typologically and par excellence and has been not able to keep pace with its Central European neighbors on the path of the European integration. The CFSP tools developed towards Ukraine, being to a large extent rhetorical and developed along the lines of those for towards Russia, rather failed to change perception of Ukraine as of a “perennial neighbor” (term used by Molchanov 2004) rather than as of part of European family. Therefore, Ukraine and Belarus have currently been perceived as a substitute *cordon sanitaire* between the European part of Russia and the rest of Europe, as Chancellor Helmut Kohl stated, or as a grey zone of Eastern European

states between Germany<sup>45</sup> and Russia, not anchored in the European family of nations, as former President of Czechoslovakia Vaclav Havel foresaw (Michta and Prizel 1992: 190; 196).

As this article shows, the gap in the EU relations with the Baltic States and Ukraine widened throughout the 1990s, being in many aspects (political, economic etc.) except for identity and attitudinal rather comparable immediately after the Soviet Union dissolution and incommensurably large - on the eve of the EU Eastern enlargement. The perception of common identity with, and attitude towards the Baltic States and Ukraine on the part of the EC/EU in the early 1990s differed because the first were perceived as part of CEE whereas the latter - as European part of Russia's "near abroad" (or WNIS in academic terms). The differentiated attitude became first apparent and then consolidated during the Copenhagen, Essen and Helsinki European Councils and was confirmed by inclusion of the Baltic States into 2004 EU enlargement eastwards, leaving Ukraine (and the rest of the WNIS) in practice excluded from the process of European integration due to the absent in the ENP framework prospect of EU membership. One of the explanatory factors for why the improvement of relations between the EU and Ukraine since the mid-1990s has not progressed as much as between the EU and the Baltic States could be initially different identity perceptions of Baltic States and WNIS causing different attitudes materialized in policies. Moreover, the explanation from perception of identity standpoint can run in a reverse direction: since the different identity perceptions contributed to the different attitudes towards the Baltic States and Ukraine on part of the EU, they received a different level of support and demonstrated different levels of success in transition, both in areas of democratization and economic transformation, which further intensified the initial perceptions by the EC/EU. However, the article's focus is only on the initial perceptions of the EU, their evolution and attitude - policies and strategies, applied by the EC/EU to both Baltic States and Ukraine in the period of 1991-2004. Similarly, other explanatory factors to be taken into account in the broader research as well, such as political and economic performance in domestic reforms as well as political rhetoric in foreign policy, briefly mentioned in this article.

The identity factor is important because it influences the political attitude of the EU towards the state in question, e.g. the availability of the EU

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<sup>45</sup> After the Eastern enlargement of 2004, Poland.

membership option as a tool of political conditionality;<sup>46</sup> this incentive was present in the EU relations with the candidate states prior to 2004 Eastern enlargement, but is drawn out of the ENP framework. However, lack of any state's (in this article the case of Ukraine) perception as a truly "European" may be assumed to result into exclusion from the united Europe and negatively influence the perspectives of further domestic democratization. This assumption is the best illustrated by experience of East European states, having had much lower domestic responses to the "passive" EU leverage in comparison to successes made under the "active" one (Vachudova 2001: 34). Although the prospect of EU membership *per se* cannot change the governmental line, it is a crucial factor for changes in both domestic public opinion and political elite behavior. Moreover, conditionality can play a part of civil society and promote the reforming process in the supported by public direction, which is blocked by current government (Vachudova 2001: 5). This function of hard conditionality is particularly important for post-communist states (like Ukraine), where ruling elites enjoy the full state power against a background of a weak civil society. Therefore, conditionality only given benefits of membership is to exercise real leverage on the political developments in Ukraine, whereas application of conditionality without membership prospect within the ENP in practice is an equivalent to exclusion. Although exclusion is a necessary ingredient of integration (Neumann 1999: 111), which holds for the EU, regarding WNIS the case is rather of "isolating countries that can ill afford isolation" (Smith 2005: 757).

Leaving Ukraine on the margins of the EU's interests is likely to weaken the pro-European camp within its elites, whereas bringing its national decision-making practices closer to the EU standards would be in the best interest of the EU (Jaks 1993: 254). After the Eastern enlargement of the EU, its future composition stays undefined. The non-EU European outsiders, among them the Balkan states and Ukraine, continue to proclaim their aspirations towards the EU membership. The argument made by William Wallace (1992) that "the EU does not have any criteria determining which countries can get in and when enlargement should ultimately stop" (quoted in Haukkala 2003: 5) is still valid. However, although compared to the Cold War there is more openness and interaction and less tension, EU

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<sup>46</sup> EU conditionality is a "hard", or a "strict", one due to demand of compliance with democratic (in general) and EU (in particular) norms before and not after obtaining a membership, as foreseen by "soft", or "loose", conditionality applied by the Council of Europe, for instance (Dimitrova and Pridham 2004: 99).

enlargement process delineates and dissociates the West from the East (Aalto 2003: 253). This reconfiguration of the West-East division has been the most apparent in the differentiation between the CEE, on the one hand, and Russia and the CIS, on the other (Aalto 2003; Haukkala 2003). The states that have been perceived as European only geographically whereas (post-)Soviet identityly occupy an unidentified place in Europe and seem to be separated from their Western counterparts by EU new borders for an indefinite time.

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