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European Political and Administrative Studies  
Études Politiques et Administratives

Bruges Political Research Papers / Cahiers de recherche politique de Bruges  
No 17 / December 2010

Democracy beyond the Rhetoric and the Emergence of the “EU Prince”:

The Case of EU-Ukrainian Relations

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This article is based on the research conducted for the Master's thesis of the same title with the supervision of Professor Wolfgang Wessels.

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Abstract:

The aim of this paper is to respond to Thomas Diez's call for more reflexivity in the notion of EU normative power. The case study concerns how the EU defines its role in its relationship with Ukraine: Is it shaped by value considerations, namely by the normative ideal of democracy promotion? Or do self-interests prevail in the framing of EU decisions? Historical analysis, in-depth interviews as well as discourse analysis reveal that the EU's rhetoric on the value of democracy is often contradicted by the predominance of EU's self-interests. Moreover, the EU's attempt to disguise its strategic goals by making broad, vague and declarative statements leads to the conclusion that the EU resembles more and more the "Machiavellian prince" who has to present a lofty image of himself and of his ventures.

## **1. Introduction**

The attempts to capture the nature of ‘this strange political animal’ that is the European Union have been abundant. One of the most original and most successful interpretations of EU power was the elaboration of the normative power concept. This approach, which is noted for the importance that it attributes to the ideational dimension of EU external political action, is being increasingly and legitimately challenged by those who advocate that the EU is not the benign, virtuous and altruistic power as it is usually considered to be. Thomas Diez is a leading exponent of these academic rebels who demystify the normative power concept and call for more reflexivity in the notion of EU normative power.

Indeed, the elements of strategic, self-interested political action have been for a long time overshadowed by the EU’s historical success of promoting democracy through enlargement in Central and Eastern Europe, as well as by its self-defined strategies that embraced the means of rhetoric and declarative politics. A more reflexive approach that goes beyond the general assumptions of benevolent EU goals is thus required.

The case study of EU-Ukraine relations analyses if EU political action vis-à-vis Ukraine is shaped by value considerations (namely the ideal of democracy) as the normative power approach would predict, or whether self-interests (geopolitical, economic or security) prevail in the framing of EU political choices. The Ukrainian case is relevant for several reasons. First of all, Ukraine is often defined as a ‘second Turkey’ because of its high expectations to join the EU and because of the EU’s reluctance to meet these expectations. After the almost certain accession of the Western Balkans, Ukraine is to become the ‘test country’ of the EU’s enlargement prospects in its Eastern neighbourhood and of the scope and future of EU enlargement policy in general. Secondly, Ukraine’s democracy, although fragile and often unpredictable, has made significant progress in the last ten years, and the

way it develops depends also on the EU's will and capability to influence it. Hence, this case is also a good test of the EU's democracy promotion strategy. Last but not least, Ukraine's recent foreign policy choices indicate the shifting nature of EU-Ukraine relations. The analysis of the historical grounds and dynamics of these relations could be a useful tool to understand better EU foreign policy in a former Soviet geopolitical area and its prospects.

The theoretical framework of this research is based on *Realpolitik* and Normative Power approaches, which are further crystallized in the ideal-types of value-laden and interest-laden political action. The research is divided into three parts: the historical analysis, which aims at detecting the nature of the considerations that shaped EU foreign policy towards Ukraine in the 1990's and during the Orange Revolution; the in-depth interviews that follow the political anthropology method to uncover the underlying motivations and reasons for EU strategic choices as regards to Ukraine; and a discourse and content analysis of the New Neighbourhood Policy to interpret if the EU's rhetoric on democracy is reflected in its actual promotion of democratic values.

## **2. *Realpolitik* and Normative Power: Interest-laden and Value-laden Actions**

The two constitutive components of any political action are *goals* and *means*, which are also the crucial elements to determine the nature of the political actor itself. *Realpolitik* and normative power approaches differ significantly in their interpretation of both; goals and means thus represent two diametrically opposed models of political action.

*Realpolitik*, often identified with Otto von Bismarck, is the broadest expression of political realism. However, the notion of power politics can be dated to ancient Greece, in

which classical realism arose as a political thought under Thucydides and Aristotle<sup>1</sup>. Realism, as many authors have emphasized, is not a single theory but rather a “philosophical orientation of thought”<sup>2</sup>.

Kissinger defines *Realpolitik* as “foreign policy based on *calculations of power* and the national *interest*”<sup>3</sup> (emphasis added). Indeed, the concept of power is central to all variants of realism and is understood primarily in terms of political power in which the logic of conflict and struggle prevail. In addition to power, the second element that is peculiar to *Realpolitik* is the prevalence of *self-interest*. Even though Morgenthau recognizes that “the kind of interest determining political action in a particular period of history depends upon the political and cultural context within which foreign policy is formulated”<sup>4</sup>, he also emphasizes that there is an immutable element of national interest, that of national security. In fact, all realists share the belief that international relations are guided by the instinct of self-preservation as well as by the egoism and self-interest that are inherent in human nature. This pessimistic vision of mankind is central to Hobbes’ thought, who describes the natural human condition as a “war of every man against every man”<sup>5</sup>. The only remedy to this natural state of crude war is to create, through a common pact between individuals, a sovereign state which possesses authority over the individuals. However, this kind of cure is not possible on the level of international or inter-state politics, where no supreme guardian exists and, consequently, the resulting condition is one of permanent anarchy. In this context of constant threats, conflicts and competition, relations among the states are always about *security* and *survival*. Therefore while the pursuit of power for realists is always an ultimate

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<sup>1</sup> Robert Jackson & Georg Sorensen, *Introduction to International Relations: Theories and Approaches*, Oxford, OUP, 2003 2<sup>nd</sup> ed., pp. 68-69.

<sup>2</sup> Jack Donnelly, *Realism and International Relations*, Cambridge, Cambridge University Press, 2000, p. 6.

<sup>3</sup> Henry Kissinger, *Diplomacy*, New York, Touchstone, 1994, p. 137.

<sup>4</sup> Hans Joachim Morgenthau, *Politics among Nations: Struggle for Power and Peace*, New York, McGrawHill/Irvin, 2006, p. 11.

<sup>5</sup> Hobbes, cited in Jack Donnelly, ‘Realism’, in Scott Burchill et al.(eds.), *Theories of International Relations*, Houndmills, Palgrave, 2005, 3<sup>rd</sup> ed., p. 33.

goal, the primary and basic interest is rather one of self-conservation as a “physical, political and cultural entity”<sup>6</sup>.

Geopolitics is another central element in power considerations. Probably the most prominent realist who wrote on geopolitics is Machiavelli. Even though he never used the term ‘geopolitics’, it was Machiavelli who elaborated the very notion of geopolitics. As Machiavelli reminds us, the prince must deploy two instruments: power (he must be the Lion) and the art of deception (he also needs to be the Fox)<sup>7</sup>. Machiavelli recognized the importance of image-creating and the politics of ‘appearance’: “Nessuna cosa fa tanto stimare un principe, quanto fanno le grande imprese e dare di se’ rari esempi”<sup>8</sup> (“Nothing creates more esteem for a prince than to undertake great ventures and to provide an exceptional image of himself”). Machiavelli insisted that the prince must give the appearance of virtue.

We can assume consequently that in the *Realpolitik* model the ultimate goal of a political community is the pursuit of political power, while the immediate goal is self-preservation and security. These goals are egoistic in nature, and the actions that follow are self-interested. The means employed to achieve these political goals are power and ruse. We therefore can describe *Realpolitik* as the pursuit of power through power.

A pursuit of norms through norms, on the contrary, is the essence of the normative power concept. The goals of a normative power are of an anthropologically different nature because they are not about power or self-interest but rather values, norms and ideals. The actions that result are of a soft, civilian and cooperative nature. The famous definition of Robert Kagan is the best expression of this contraposition: “Americans are from Mars,

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<sup>6</sup> Burchill, *op. cit.*, p. 37.

<sup>7</sup> Machiavelli, *Il Principe*, Firenze, Giunti Editore, 2004.

<sup>8</sup> *Ibid.*, p. 178.

Europeans from Venus”<sup>9</sup>. In the scientific literature it was labelled as a soft power and later as a normative power. The soft power concept was formulated by Joseph S. Nye, who noted “soft power – getting others to want the outcomes that you want – co-opts people rather than coerces them”<sup>10</sup>. The central mechanism underlying soft power is thus the ability to convince and persuade through attraction. However, soft power is a descriptive tool which says nothing about policy goals (which can be for “good or bad purposes”<sup>11</sup>). As Nye admits, “while soft power can be used with bad intentions and wreak horrible consequences, it does differ in terms of means”<sup>12</sup>.

Ian Manners affirms that the concepts of normative and civilian power are very closely related but insists on an ideational dimension to normative power.<sup>13</sup> In contrast, the soft power concept concentrates on capabilities and the use of civilian instruments in foreign policy rather than on ideational aspects<sup>14</sup>. The absence of an ideational or prescriptive dimension, the emphasis on means, and the silence on the goals of foreign policy are the main differences between the concepts of soft power and normative power. The ideational dimension of goals is indeed central in the normative power approach, which Richard Youngs describes as a “general flavor of the pre-eminence of ideational focus”<sup>15</sup>. In the words of Thomas Diez and Ian Manners, normative power is “based on ideas and conscience”<sup>16</sup> and “it is not a foreign policy tool to be wielded for national interests”<sup>17</sup>. This

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<sup>9</sup> Robert Kagan. *Of Paradise and Power: America and Europe in the New World Order*. New York, Knopf, 2003.

<sup>10</sup> Joseph S. Nye, *Bound to Lead: The Changing Nature of American Power*, New York, Basic Books, 1990 (2<sup>nd</sup> chapter), in Joseph S. Nye, *Soft Power: The Means to Success in World Politics*, New York, Public Affairs, 2004, p. 5.

<sup>11</sup> Joseph S. Nye, ‘Notes on a Soft-Power Research Agenda’, in Felix Berenskoetter & Michael J. Williams (eds.), *Power in World Politics*, London, Routledge, 2007, p. 169.

<sup>12</sup> *Ibid.*

<sup>13</sup> Ian Manners, ‘Normative Power Europe: A Contradiction in Terms?’, *Journal of Common Market Studies*, vol. 40. No. 2, 2002, pp. 235-258.

<sup>14</sup> *Ibid.*

<sup>15</sup> Richard Youngs, ‘Normative Dynamics and Strategic Interests in the EU’s External Identity’, *Journal of Common Market Studies*, vol. 42, no. 2, 2004, p. 419.

<sup>16</sup> Thomas Diaz & Ian Manners, ‘Reflecting on Normative Power Europe’, in Felix Berenskoetter & Michael J. Williams (eds.), *Power in World Politics*, London, Routledge, 2007, p. 175

<sup>17</sup> *Ibid.*, p. 179



statement presumes that foreign policy action, in the spirit of Weber's ideal types, is to be a purely value-laden action. And on an analytical level this value-laden action is opposed to self-interested actions that characterize the *Realpolitik* approach to foreign policy<sup>18</sup>.

The adoption of Max Weber's method of ideal types<sup>19</sup> serves as an analytical and conceptual tool for empirical analysis. The conceptual abstraction of ideal types does not signify that these types of action can be found in their pure form in reality. As Weber notes, in practice we will never find the existence of pure ideal-types, but we will discover a mix of ideal types. This is also true for our ideal types of value-laden and self-interested political action, because it is difficult to separate interests from norms as they are often intertwined<sup>20</sup>. Interests can contain a normative dimension and can represent a certain value in itself (in *Realpolitik*, for example, the security of one's own political community is a normative value but at the same time it is also the primary interest), as well as values themselves can become an interest<sup>21</sup>. However, analytically they can and they should be separated for the above reasons.

The last clarification is about the basic assumption of this research: the EU is assumed to be a unitary political actor in its foreign policy, and thus the focus of this study is the political goals<sup>22</sup> of the EU in its relations with Ukraine. The existence of differences in interests does not prevent the existence of conformity on some aspects of "crucial interests in

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<sup>18</sup> Nathalie Tocci (ed.), *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, Brussels, Centre for European Policy Studies, 2008, pp. 5-6.

<sup>19</sup> Max Weber, *Economy and Society*, Berkeley, University of California Press, 1978.

<sup>20</sup> Michael Cox, 'The Empire's Back in Town: or America's Imperial Temptation – Again', *Millenium*, vol. 10, no. 2, 2003, p. 9, cited in Thomas Diaz & Ian Manners, 'Reflecting on Normative Power Europe', in Felix Berenskoetter & Michael J. Williams (eds.), *Power in World Politics*, London, Routledge, 2007, p. 181.

<sup>21</sup> Richard Youngs, *op. cit.*, p. 421.

<sup>22</sup> The analysis of the means of the political action is not needed, as it is widely known that the EU in its relation with Ukraine relies exclusively on soft power.

common”<sup>23</sup>. The investigation of these common interests and goals and their projection into external relations with Ukraine is the main purpose of this research.

### **3. EU-Ukraine: The Story of Lost Opportunities**

Are the EU’s goals in its relations with Ukraine defined in terms of value considerations or are they rather interest-laden political actions? In order to answer this question an analysis of two historical periods of EU-Ukraine relations that are divided by the watershed Orange Revolution was conducted. In both periods, the EU lost the opportunity to influence the democratization process in Ukraine, and the underlying reasons for EU reluctance to act as a normative power towards Ukraine are considered.

According to Leonardo Morlino, the democratization process can be divided into the transition, establishment and consolidation processes<sup>24</sup>. The democratization process is, however, an open process in that it is reversible: it can stagnate as well enter into crisis. One can distinguish between two types of crisis: the crisis within the democracy and the crisis of the democracy. If the former is characteristic of an unstable democracy, the latter usually leads to the breakdown of democracy. The Orange Revolution in this sense was an exceptional case: although it was a crisis of democracy, instead of leading to the collapse of democracy it resulted in a ‘democratizing moment’. Furthermore, the democratization process is “the result of the interaction of internal and external factors”<sup>25</sup> and so the recurrent crises in the post-Orange Revolution Ukrainian democracy and the resulting instability of democratic rule were dependent on the weakness of both internal as well as external

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<sup>23</sup> Rousseau, cited in Scott Burchill, *The National Interest in International Relations Theory*, Houndmills, Palgrave, 2005, p. 27.

<sup>24</sup> Leonardo Morlino, *Democrazie e democratizzazioni*, Bologna, il Mulino, 2003.

<sup>25</sup> Elena Baracani, ‘The European Union and Democracy Promotion: A Strategy of Democratization on the Framework of the Neighbourhood Policy?’, retrieved 22 April 2010, p. 4, <http://www.fscpo.unict.it/EuroMed/baracani.pdf>

democratizing factors. The weakness of the EU as an external democratizing factor was evident in both the first democratic attempt of Ukraine as well as in the second one.

In post-communist Ukraine a formal democracy was established, but the political system was rather similar to “competitive authoritarianism”, especially under the period of Leonid Kuchma’s political dominance (1994-2004)<sup>26</sup>. Even though the constitution established a semi-presidential form of the government, in reality “power – both formal and informal – became concentrated in the hands of the president”<sup>27</sup>. The formal separation of powers was blurred and the judicial system was almost entirely dependent on the president through the Ministry of Justice. The creation of new democratic institutions did not lead to a democratic government. The former communist *nomenklatura* maintained its power and undertook only partial reforms. The privatization process was conducted in a way that a few powerful oligarchs obtained the most important economic assets, and the collision between politics and business resulted in what Vaclav Havel called a “mix of authoritarian regime and mafia capitalism”<sup>28</sup>. The powerful oligarchs were linked to Kuchma’s inner circle and became loyal supporters of his rule. The opposition forces were harassed and some dramatic events, such as the murder of journalist Georgy Gongadze, revealed the president’s involvement. In the context of these internal developments in Ukraine, the European Union did not have many opportunities to contribute to its democratization process, especially because Kuchma’s “multi-vector foreign policy”<sup>29</sup> was rich in rhetoric declarations toward both Russia and the EU<sup>30</sup>. As a result, it is true that in the first period “the EU hardly had a

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<sup>26</sup> Paul Kubicek, ‘Problems of Post-Post-Communism: Ukraine after the Orange Revolution’, *Democratization*, vol. 16, no. 2, 2009, p. 326.

<sup>27</sup> *Ibid.*

<sup>28</sup> Vaclav Havel, interview with Jacques Rupnik, *Le Monde*, 24 February 2005.

<sup>29</sup> Linas Linkevicius, ‘The European Union Neighbourhood Policy towards Ukraine’, *Lithuanian Foreign Policy Review*, no. 21, 2008, p. 79.

<sup>30</sup> Ukraine is an internally divided country. There are two historic-cultural, linguistic and political identities in Ukraine that largely correspond to the East-West divide. The eastern and southern part is more pro-Russian, while the western part is pro-European. However, we should emphasize that, contrary to opinion on membership in NATO, most Ukrainians would support Ukraine’s membership in the EU. Also the opposition of Russia, at least formally, prevents accession to NATO but not to the EU.

strong and reliable partner in Ukraine until at least 2002”<sup>31</sup>. However, we should take into consideration the fact that from the very beginning the EU “had two different sets of policies towards the two different groups of countries as defined by the EU: the Central and East European countries and the Newly Independent States”<sup>32</sup>. This dividing line, as notes Iryna Solonenko, is usually taken for granted and the EU “never explained the grounds on which such a division was based”<sup>33</sup>. The author also emphasizes that in this way, “Ukraine became ‘locked-into’ specific policy arrangements on the part of the EU, which largely determined the subsequent development of EU policy towards Ukraine and in a way shaped the course of Ukraine’s transformation”<sup>34</sup>. Beyond historical, geographical and cultural reasons, the main factor was, undoubtedly, the geopolitical tension with Russia. The ‘Russia-first policy’ of the EU was evident in the 1990s. The division of the new Europe into spheres of influence became in this context an unwritten agreement that resulted in a lost opportunity on the part of the EU to have more influence in Ukraine and on its democratization process. This loss was irremediable (at least until the emergence of effective internal opposition forces), mainly because the stabilization of Russia-Ukraine relations did not leave room for the EU in Ukraine. As a result, the “issue of democracy in Ukraine...was not high on the EU’s agenda”<sup>35</sup>. This is also demonstrated by the discrepancies between EU-Russia and EU-Ukraine relations: the geopolitical considerations induced the EU to prioritize Russia as a partner even if the achievements of Russia were far less promising<sup>36</sup>.

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<sup>31</sup> Iryna Solonenko, ‘External Democracy Promotion in Ukraine: the Role of the European Union’, *Democratization*, vol. 16, no.4, 2009, p. 711.

<sup>32</sup> *Ibid.*, p. 713.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*, pp. 713-714.

<sup>35</sup> Iryna Solonenko, ‘The EU Impact on Democratic Transformation in Ukraine’, in Stephen Velychenko (ed.), *Ukraine, The EU and Russia*, London, Palgrave MacMillan, 2007, p.140.

<sup>36</sup> Iryna Solonenko, ‘External Democracy Promotion in Ukraine: the Role of the European Union’, *op. cit.*, p. 714.

In this context, EU-Ukraine relations were legally formalized only in 1998<sup>37</sup> in the Partnership and Cooperation Agreement (PCA). This agreement contained references to democracy as the essential element (and common commitment) of the agreement and stated that one of the objectives of PCA is to “support Ukrainian efforts to consolidate its democracy”<sup>38</sup>. However, it did not foresee any mechanism or practical tools (no conditionality clause was introduced in EU-Ukraine relations until 2005) and as a result remained a political declaration that lacked both a precise vision and concrete instruments. The EU, on the contrary, sought for more practical agreements, and the first action plan between the EU and Ukraine was in Justice and Home Affairs (2001). This agreement made references to democracy and the rule of law to a very limited extent and mainly in light of the effective implementation of other priorities such a border management, combating crime, migration management and readmission, all of them of clear concern to the EU<sup>39</sup>.

Another window of opportunity to strengthen the democratization process in Ukraine was the Orange Revolution, which “symbolizes both the internal developments toward democracy in Ukraine as well as external implications regarding the choice between a Pro-Western and a Pro-Russian orientation of the country”<sup>40</sup>. Ukraine’s second attempt to undertake the democratization process was called by Shewcova, “a Revolution against the imitation of democracy”<sup>41</sup>, while Gorbachev’s expression was even stronger: “The wall

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<sup>37</sup> Even if the agreement was signed in 1994 but remained unratified.

<sup>38</sup> Article 1. Partnership and Co-operation Agreement between the European Communities and their member states and Ukraine, in Florent Parmentier, ‘The European Neighbourhood Policy as a Democratic Norms Diffusion in Ukraine. Can the EU Act Beyond Conditionality?’, *Cahier Européen*, no. 02/2006, Paris, CERI, p. 7.

<sup>39</sup> Mariella Franz, ‘The Impact of Enlargement on EU Immigration Policy towards the New Neighbouring States: A Case Study on Ukraine’, in Katarzyna Kosior & Agata Jurkowska (eds.), *Beyond the Borders: Ukraine and the European Neighbourhood Policy*, Rzeszow, University of IT and Management, 2007, p. 144.

<sup>40</sup> C. Normann, ‘Poland’s Involvement during the Orange Revolution in Ukraine: Between a Mediator and Advocate’, in Katarzyna Kosior & Agata Jurkowska (eds.), *Beyond the Borders: Ukraine and the European Neighbourhood Policy*, Rzeszow, University of IT and Management, 2007, p. 164.

<sup>41</sup> L. Shewcova, ‘Ukraina: Wzgliag iz Rossii’, *International Gerald Tribune*, cited in Sofiya Fedyna, ‘Orange Revolution as an Active Nonviolence. Ukraine on its Way to Democratization and Civil Society’, in Katarzyna Kosior & Agata Jurkowska (eds.), p. 236.

collapsed again”<sup>42</sup>. The revolution signalled Ukraine’s determination to turn into a democratic country and also confirmed Ukraine’s European choice, as “it was the first time that the European project was at the heart of internal and external policy”<sup>43</sup>. Ivan Krastev even equated the effects of the Orange Revolution to Russia to those of September 11 in the United States<sup>44</sup>. In fact, “the strong expression of commitment to democracy and the European choice made by Ukrainians during the Orange Revolution came as a surprise to the EU and most outside observers”<sup>45</sup>.

The parliamentary elections in 2002 marked a real shift in Ukrainian politics: for the first time the Communist Party lost its prominent position, while ‘Our Ukraine’ became the first real opposition. After many years the Ukrainian people were united and gathered in their protest against corrupted governing political elite in their fight for democracy. However, it was not only a political but also a cultural revolution, and, thus a “revolution for ideas, values and principles”<sup>46</sup>.

The struggle for the European values of democracy, human rights, rule of law indicated clearly that not only new Ukrainian politicians but also the broad majority of Ukrainian people made their ‘European choice’. In fact, it is fundamental to notice that “EU accession is perceived as a consolidating factor for Ukrainian society”<sup>47</sup>. And subsequent developments showed that this consolidating factor was present on both the societal level as well as among political elites. The new president made it clear that the top priority is Ukrainian membership in the EU, and he obtained the support of the Block of Julia

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<sup>42</sup> Gorbachev, Radio Liberty, Ukraine, 23 November 2004, cited in Katarzyna Kosior & Agata Jurkowska (eds.), p. 239.

<sup>43</sup> Anne De Tinguy, ‘La Détermination Européenne de l’Ukraine’, in Jacque Rupnik (ed.), *Les Banlieues de l’Europe*, Paris, Presses de Sciences Po, 2007, p. 45

<sup>44</sup> Jacque Rupnik, ‘Introduction’, *op. cit.*, p. 33

<sup>45</sup> Linas Linkevicius, *op. cit.*, p. 65.

<sup>46</sup> O. Podrovná, ‘Ukraine: Internal Political Development and Idea of Integration to the EU’, in Katarzyna Kosior & Agata Jurkowska (eds.), *op. cit.*, p. 241.

<sup>47</sup> Oleksander Derhachov, ‘Ukraine’s Position on European Neighbourhood Policy (ENP) and Prospects for Cooperation with the EU. ENP Country Reports’, *Friedrich-Ebert-Stiftung. International Policy Analysis*, December 2007, retrieved 7 April 2010, [http://www.fesukraine.kiev.ua/Dokument/der\\_enp.pdf](http://www.fesukraine.kiev.ua/Dokument/der_enp.pdf)

Tymoshenko (which included the Social Democratic Party), the Socialist Party (led by Moroz) and other deputies, which shows a wide coalition formed around the new political agenda<sup>48</sup>. Moreover, the political dynamics of the subsequent parliamentary elections confirmed that the ‘EU factor’ was probably the only one that was shared across all main political forces as the “attitudes of leading political forces and the most influential leaders, Viktor Yushchenko, Viktor Yanukovich and Julia Tymoshenko to[wards] European integration converge[d] in principle”<sup>49</sup>. This observation is of fundamental relevance because no democracy is possible without a basic consensus on the ‘rules of the game’ among the competing elites. In this context, an EU accession perspective had enormous potential in consolidating the democracy in Ukraine.

The EU’s response, however, was far from providing the necessary ‘glue’ for the political consensus in Ukraine, even if it is usually portrayed in a very positive light: “The post-enlargement EU has acted as an efficient mediator<sup>50</sup>, with a troika composed of Polish President Kwasniewski, Lithuanian President Adamkus and High-Representative for ESDP Javier Solana”<sup>51</sup>. Nevertheless, the efficiency in mediation does not mean an adequate overall response was given, rather it was limited to “a delayed resolution condemning the falsification of election results after the first round of the elections, [with] no necessity for an extraordinary session of the European Parliament and participation by Javier Solana, the High Representative of the European Union, not playing a leading role during the mission in Kiev are characteristics for the hesitant attitude of the European Union towards the Orange Revolution in Ukraine”<sup>52</sup>. Secondly, it is interesting to note that it was during the Orange

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<sup>48</sup> Gunther Guggenberger, ‘Ukraine’s Democratic Model – Implementation, Problems, Perspectives’, in Katarzyna Kosior & Agata Jurkowska (eds.), *op. cit.*, p. 202.

<sup>49</sup> Oleksander Derhachov, *op. cit.*, p. 4.

<sup>50</sup> The strongest push, in fact, came from new Member States that were later criticized by other EU politicians for too strong of a response.

<sup>51</sup> Florent Parmentier, *op. cit.*, p. 19

<sup>52</sup> C. Normann, *op. cit.*, p. 167.

Revolution that the Action Plan for Ukraine (“negotiated with pre-revolutionary elites”<sup>53</sup>), the instrument of the European Neighbourhood Policy, was adopted. As a result, it did not take into the consideration the changed political conditions, and as a result lost the opportunity to exploit the new possibilities in democracy promotion in Ukraine.

#### 4. Why Balkans ‘Yes’ and Ukraine ‘No’?

According to Title V, chapter 1, article 21 of the Lisbon Treaty, “The *Union's action on the international scene shall be guided by the principles* which have inspired its own creation, development and *enlargement*, and which it seeks to advance in the wider world: *democracy*, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law”<sup>54</sup> (emphasis added). If the principle that inspires EU action on the international scene is enlargement, and if the goal of this action is the spread of democracy, it is important to ask why this inspiring principle and overall goal were not taken into the consideration in the case of Ukraine. Moreover, it was clearly stated by the European Council of Thessaloniki that the “future of [the] Western Balkans is within the European Union”<sup>55</sup>, while attitudes toward Ukraine are rich with ambiguous declaratory statements such as the “EU acknowledged Ukraine’s European inspirations and welcomed its European choice”<sup>56</sup>. In the attempt to understand the reasons for the EU’s refusal of membership prospects for Ukraine, a

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<sup>53</sup> Iryna Solonenko, ‘External Democracy Promotion in Ukraine: the Role of the European Union’, *op. cit.*, p. 714.

<sup>54</sup> Council of the European Union, ‘*Consolidated Versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union*’, 6655/1/08 REV 1, Brussels, 30 April 2008, retrieved 2 April 2010, p. 37, <http://www.consilium.europa.eu/uedocs/cmsUpload/st06655-re01.en08.pdf>

<sup>55</sup> Florent Parmentier, *op. cit.*, p. 6.

<sup>56</sup> European Commission, *EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement*, retrieved 10 January 2010, p.2 [http://ec.europa.eu/external\\_relations/ukraine/docs/index\\_en.htm](http://ec.europa.eu/external_relations/ukraine/docs/index_en.htm),



qualitative analysis was conducted through the use of interviews. One of the questions posed to interviewees was “why Balkans ‘yes’ while Ukraine ‘no’?”.

The interviewee from the European Parliament<sup>57</sup> first pointed out that the main reason for ‘Ukraine-no’ is the enlargement fatigue of the European Union. He said that the consideration of democratic values has little to do with the decision of enlargement. This shows us that if democracy is a formal requirement of membership, it is far from being its guiding principle. The interviewee listed several reasons of why Ukraine is not promised membership prospects: the voting in the Council would be affected seriously, as Ukraine is the second largest country in Europe and this would cause the shift in the decision-making power in the Council; Ukraine would consume common agricultural policy funds; and divisions existed among Member States in terms of political will. He emphasized furthermore that geopolitical considerations play an important role, and in this sense the Russia factor is a very important one, even if Russia is much more concerned with Ukraine’s membership in NATO.

The question, “Why Balkans ‘yes’ while Ukraine ‘no’?” provoked interesting reactions from interviewees. It created a kind of protective reaction on the part of most interviewees, especially from those from the European Commission. The interviewee from the European Parliament did not demonstrate this attitude and declared that the “EU feels a sense of guilt towards the Balkans”. He pointed out that from the point of view of democratic achievements, Ukraine has progressed more than many Western Balkan countries, which confirms his previous statement that enlargement is not about democracy. The interviewee expressed a very interesting thought that Ukraine will probably join the EU earlier than Albania, a courageous statement that was probably dependent on the fact that the European Parliament is favourable towards Ukraine’s membership.

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<sup>57</sup> Brussels, March 2010

The interviewee from the European Commission (1)<sup>58</sup> was more pessimistic about Ukraine's prospect for membership. He explained that the "climate is not good for enlargement" and admitted that "already [the enlargement to] Bulgaria and Romania was not an ideal choice". The interviewee explained that divisions in terms of political will among the Member States induced caution about future enlargements, and that it is better to "keep low", because any further push can trigger the risk of refusing membership to the Balkans. The official also emphasized that Russia is certainly a very important factor, even if "on [the] surface" it is not considered to be an "obstacle". The Russia factor, according to the interviewee, is always implicit. The interviewee also pointed out two things: first, Russia has a legitimate interest in the region, and second, that Russia is "ok with Serbia in [the] EU", but difficulties arise when it comes to Ukraine or Georgia. While explaining the reasons for 'Ukraine-no', he called it "the second Turkey", as there is also a huge gap between Turkey's expectations and the EU's response. Other reasons for the EU's refusal to promise the membership to Ukraine included the distribution of cohesion funds and the common agricultural policy. Regarding the question "why Balkans 'yes' while Ukraine 'no'?", he said that the comparison should be avoided. He also emphasized the security dimension and said that the Balkans, as an "inner garden", is of great relevance to EU. This demonstrates that the reasoning is always made in terms of the EU's needs rather than in terms of value considerations. The interviewee underlined that in the Balkans there is more progress (which contradicts the position of previous interviewee), and when asked if there is more progress in the area of "democracy", the interviewee explained that enlargement is "not only about democracy". Then the interviewee elaborated that it is true that democratic progress is further reaching in Ukraine than in some other Balkan countries, and he added that the functioning of institutions in Ukraine and Bosnia is hardly comparable. While discussing the issue if EU membership could have provided the necessary consensus to

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<sup>58</sup> Brussels, March 2010

consolidate democracy in Ukraine, the interviewee identified it as Ukrainian blackmailing, “or take me in, or I am going to collapse”. The interviewee stated clearly that “we don’t want to import problems, but assets”. He also declared that it is not a “philanthropy business” and that realism is guiding EU decisions in regards to Ukraine. While speaking about the absorption capacity of EU, he also noted that “we are not going to grow to China”.

The findings from the interviews tested the hypothesis about the limited importance of the value of democracy in EU political action. It showed that *Realpolitik* considerations (geopolitics and soft security issues) as well as its interest of self-preservation (conserving the status quo in terms of the distribution of funds, voting power in the Council, etc.) largely shape the EU foreign policy towards Ukraine. In conclusion, the very limited ideational dimension of EU goals and the prevalence of self-interest and geopolitical considerations contradict the widespread perception of EU normative power.

## **5. European Neighbourhood Policy and the rise of ‘EU prince’**

The refusal to promise membership prospects to Ukraine was accompanied by the elaboration of the European Neighbourhood Policy, which became a framework for EU-Ukraine relations. An exploration of the origins of the European Neighbourhood Policy gives a good indication of the goals of this new foreign policy.

The Copenhagen European Council in December 2002 stated that the EU is “determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union”<sup>59</sup>. The goal of avoiding the emergence of a

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<sup>59</sup> Copenhagen European Council, *Presidency Conclusions*, Copenhagen, 12 and 13 December 2002, retrieved 15 April 2010, <http://www.lfpr.lt/uploads/File/2002-10/Copenhagen.pdf>.

new “iron curtain”<sup>60</sup> was inscribed in the original formula coined by European Commission President Romano Prodi: creating a “ring of friends”, who will benefit from “everything but institutions”<sup>61</sup>. “Everything but institutions”, however, did not preclude a membership perspectives in the initial phase of policy elaboration<sup>62</sup>, but this position changed at the next stage of the policy elaboration, which was expressed well by Chris Patten: “Over the past decade, the Union’s most successful foreign policy instrument has undeniably been the promise of EU membership. This is not sustainable. For the coming decade, we need to find new ways to export the stability, security and prosperity we have created within the enlarged Europe”<sup>63</sup>. As a result, the dual goal of this new policy is the exclusion of enlargement and the avoidance of new dividing lines. This combination of inclusive and exclusive elements is peculiar to the European Neighbourhood Policy.

The other objective of this new policy is the security and stability of the EU’s neighbourhood. The words of ENP Commissioner Ferrero-Waldner are instructive and show that stability and security are not just goals but rather necessities, as it “is not just a matter of political imperative, but a matter of *self-interest*. If Europe did not ‘export’ stability, it would import ‘instability’”<sup>64</sup> (emphasis added). These security and stability objectives are the core of the new foreign policy: “ENP is connected more strongly to the anxieties outlined in the European Security Strategy and less to the aims of establishing commonality and reform as outlined in the 2004 Strategy Paper”<sup>65</sup>. The attempt to create the “community of security”<sup>66</sup>

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<sup>60</sup> Jacques Rupnik, ‘Introduction’, in J. Rupnik (eds.), p. 12.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*, p. 13.

<sup>63</sup> Chris Patten, cited in Karacasulu N. Goksel & Unalp Z. Cepel, ‘Paper prepared for European Neighbourhood Policy and Democracy Promotion, retrieved 30 March 2010, p. 9, <http://www.jhubc.it/ecpr-istanbul/virtualpaperroom/062.pdf>

<sup>64</sup> Benita Ferrero-Waldner, cited in Amelia Hadfield, ‘ENP and EMP: the Geopolitics of ‘Enlargement Lite’, in Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Houndmills, Palgrave MacMillan, 2009, p. 78

<sup>65</sup> *Ibid.*, p. 77

<sup>66</sup> Expression of Karl Deutsch, cited in Jacques Rupnik, ‘Introduction’, p. 22

in the EU's neighbourhood is a multidimensional reform-based security project<sup>67</sup> which leans on a broad conception of security: it includes the crisis management and resolution of 'frozen conflicts', as well as security in energy supply, border management, the fight against terrorism, organized crime, human and drugs trafficking, illegal immigration, the spread of transmittable diseases and money laundering. A safe and stable neighbourhood, or a buffer zone which contains the soft security threats and prevents its spread to the EU, is a key element in the ENP strategy<sup>68</sup>. A prosperous and well-governed semi-periphery in this sense is not so much an objective in itself but rather the instrument to pursue the major goal of security. The self-preservation objective is considered by realists as the primary and primordial goal of any political community. From this perspective, the diffusion of norms does not reflect the benevolent EU normative power but is a part of the EU's interest-driven agenda<sup>69</sup>.

An inherent tension exists between values and security in this case. This is a particularly important observation because "there is no clear hierarchy between the different elements of the ENP strategy"<sup>70</sup>. Even though the role of democracy in the ENP appears to be the underpinning value of EU relations with its neighbours, from the priorities listed in the ENP Strategy Paper<sup>71</sup> we notice that the values of democracy and human rights are ambiguously intertwined with security interests such as the fight against organized crime, terrorism and conflict resolution. Nicole Wichmann goes further and argues that the promotion of the rule of law, which is considered to be the cornerstone of EU normative power, is aimed at buttressing a "third country's capacity to deal with security threats, such

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<sup>67</sup> Amelia Hadfield, 'ENP and EMP: the Geopolitics of 'Enlargement Lite'', *op. cit.*, p. 79.

<sup>68</sup> Andreas Marchetti, 'Consolidation in Times of Crisis? The Setup of the European Neighbourhood Policy and its Challenges', in Thierry Balzacq (ed.), p. 26.

<sup>69</sup> Florent Parmentier, *op. cit.*, p. 8

<sup>70</sup> Sarah Leonard, 'Values vs. Security? : A Human Security Perspective on the European Neighbourhood Policy', in Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Houndmills, Palgrave MacMillan, 2009, p. 238

<sup>71</sup> European Commission, *Communication from the Commission. European Neighbourhood Policy. Strategy Paper*, COM (2004) 373 final, 12 May 2004, Brussels.

as terrorism, organized crime and irregular migration”<sup>72</sup>, and so what could appear as an altruistic EU goal of promoting democracy through embedding the rule of law into agreements is nothing more than an instrumental use of practices that can assure the desired self-interested outcome at best. As Florent Parmentier states, “the democratization of the neighbours is supposed to help security at home”<sup>73</sup>. It is in fact interesting to note the quantitative gap between the very word “democracy” and “security” in the Strategy Paper on ENP: “democracy” can be found 9 times in the text, while “security” is mentioned 30 times in various contexts. The discourse on democracy is vague and broad while the objective of security is translated into concrete strategies. Furthermore, the instrument of conditionality implied in the Strategy on ENP is defined in such vague terms that “the link between the conditions and rewards under the ENP is virtually absent”<sup>74</sup>.

The analysis of the two strategy papers and respective Indicative Programmes identifies these features and trends in EU-Ukraine cooperation. According to the strategy papers, democracy as a value is omnipresent in EU-Ukraine relations, but the vagueness of the concept, which is often merged with human rights and economic reforms, and the diminishing emphasis on its cross-cutting nature, suggest that it loses its central position. The strategy paper 2007-2013<sup>75</sup> lowers the discourse to strategic objectives in specific stages and towards particular sectors, especially those that are more directly linked with stability in and the security of the region. ‘Soft-security’ issues are clearly gaining increasing importance and centrality. In addition to this, the country strategy paper 2007-2013 represents not only a shift in approach but also in methods. It removes the promotion of

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<sup>72</sup> Nicole Wichmann, ‘The EU as a Rule of Law Promoter in the ENP’, in Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Houndmills, Palgrave MacMillan, 2009, p. 111

<sup>73</sup> Florent Parmentier, *op. cit.*, p. 9.

<sup>74</sup> Tom Casier, ‘The Two-Track Approach to Democracy Promotion in the European Neighbourhood Policy’. Paper presented at the EUSA conference in Los Angeles. April 2009, retrieved 10 March 2010, p. 7, [http://www.unc.edu/euce/eusa2009/papers/casier\\_02B.pdf](http://www.unc.edu/euce/eusa2009/papers/casier_02B.pdf)

<sup>75</sup> European Commission, *European Neighbourhood and Partnership Instrument. Ukraine. Country Strategy Paper 2007-2013*.

democracy objective from the centrality of EU-Ukraine relations and concentrates on the specialized instrument, EIDHR.

Another element that emerged from the analysis is that economic reform is given great importance, but the fields in which it should be carried out are those which specifically block EU trade interests in the Ukrainian market, namely the lack of transparency, credibility, favourable investment environment, and Ukrainian compliance with EU standards. However, the most interesting trend is the strategy paper 2002-2006<sup>76</sup> in which the EU specifically defined its own interests, in contrast to the strategy paper 2007-2013 that tries to avoid any reference to particular EU interests. These findings suggest that while the strategic interests are increasing in importance, there is a new tendency to disguise them.

The analysis of national indicative programmes (2002-2003; 2004-2006; 2007-2010; 2011-2013) demonstrated how strategy papers are translated in operational terms by the allocation of funds and by the individuation of concrete projects. It is also a good indicator of priorities and, as a consequence, serves as a double check of identified trends.

The growing importance of border management and other ‘soft security issues’ in the strategic papers corresponds with the indicative programs: in the indicative programme 2002-2003<sup>77</sup> the border management area is provided with the largest amount of funds (22 million); the national indicative programme 2004-2006<sup>78</sup> put “soft security issues”<sup>79</sup> at the very centre of the intervention, demonstrated by the shift in the allocation of funds which implied an extraordinary growth of funds in the area of border management (from 22 to 60 million euros). The latter remained the most important area of financial intervention, but the gap between this and other areas increased significantly (while in previous indicative

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<sup>76</sup> European Commission, *Country Strategic Paper 2002-2006. National Indicative Programme 2002-2003. Ukraine*, 21 December 2001

<sup>77</sup> *Ibid.*

<sup>78</sup> European Commission, *National Indicative Programme. Ukraine 2004-2006*, 2003.

<sup>79</sup> *Ibid.*

programmes the discrepancy between the first and second most important interventions was of 1 million, now the gap is of 35 million euros). Furthermore, in this indicative programme the imbalance between the aim of facilitating the persons' movement and the goal of controlling the borders and preventing the spread of threats is clearly manifest. The focus here is almost entirely on "combating organized crime, drugs, terrorism, trafficking in human beings"<sup>80</sup> as well as on illegal immigration and money laundering. The predominance of EU self-interest is visible also in other areas of intervention, as investment in infrastructure (to create an easy communication channel through Ukraine towards South Caucasus), in local development (to support areas of particular EU interest in security or geopolitical strategy), in economic development (to create a secure environment for European private investments) or in the security of the energy supply, which is another very sensitive issue for EU in its relations with Ukraine and was often remarked upon by the interviewed officials.

It is also important to note, that while the indicative programme 2002-2003 included explicit conditionality in the text and mentioned the respect of democratic principles and human rights as basis for continuation of EU assistance, this conditionality paragraph was removed in the indicative program 2004-2006 and continued to be absent in the two subsequent indicative programs.

The national indicative programme 2011-2013<sup>81</sup> reflects the modified approach (now sector-based) and the new programming cycle presented in the strategy paper 2007-2013. The word 'democracy' is completely absent in the text, and the most interesting fact is that under the label "Good Governance and Rule of Law", one does not find any reference to democracy, civil society, or media independence. In line with the new approach and new

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<sup>80</sup> *Ibid.*, p. 10.

<sup>81</sup> European Commission, *European Neighbourhood and Partnership Instrument. Ukraine. National Indicative Programme 2011-2013*



programming cycle, the initiatives in promoting the development of civil society, an independent media and others fields more directly linked to democracy, are completely removed and placed under the EIDHR. Particularly interesting is that this indicative programme differs from all others in that it contains an extensive series of annexes, the largest of which is entitled, “Ukraine. Country Migration Profile” and encompasses 9 pages (42-51). In fact, here we find a comprehensive analysis of the number of emigrants, remittances, migration to the EU, illegal immigration and migration routes through Ukraine to the EU. It is stated that Ukraine is “on a major Central European route of irregular migration, including several channels of illegal movements of persons”<sup>82</sup>. The particular attention given to the migration profile also reflects which fields the EU prioritizes in terms of research and thus should be considered to be of key relevance.

In-depth discourse analysis and examination of the concrete EU programmes showed a clear tendency: the EU is increasingly attempting to ensure its own interests in its relations with Ukraine. The ‘soft security’, economic, energy supply and geopolitical interests are prevailing in the EU’s considerations towards Ukraine. The democracy objective is always present, but surely it is not a key objective of EU co-operation with Ukraine. The vague definition of democracy which keeps a high tone on a rhetorical level but is poorly translated into concrete programmes, as well as the ambiguous or even weak conditionality contained therein are good indicators of its minor importance vis-à-vis the strategic interests of the EU. The growing strategic interests are well reflected in the elaboration of a new programming cycle and new strategies. But the definition of these interests is increasingly avoided and overshadowed by the high rhetorical tones. The EU in this context appears as an emerging ‘new prince’ that tries to create a perfect image of himself and of his ventures.

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<sup>82</sup> *Ibid.*, p. 46.

## **6. Conclusions**

This paper, through the case study of EU foreign policy goals towards Ukraine, tried to analyse if EU political action is shaped by value considerations, namely the ideal of democracy, or whether self-interests (geopolitical, geostrategic, economic or security) prevail in framing EU political action towards Ukraine. The hypothesis that, beyond the rich rhetorical discourse on democracy, the European Union is primarily driven by its own interests (geopolitical, geostrategic, economic and security), and that democracy, far from being a guiding value but rather an instrumental dimension of the EU self-interest to create stability in its neighbourhood, was tested in several steps.

The first part of the paper analysed the underlying motivations of the EU's modest responses to Ukraine's attempts at democracy. The story of EU-Ukraine relations is a 'story of lost opportunities' for the EU to strengthen democracy in Ukraine. In particular during the Orange Revolution of 2004, which was a victory not only for Ukraine's democracy, but also for the EU as it represented Ukraine's European choice, the EU was perceived as a consolidating factor both within Ukrainian society as well as among the major political forces. This 'glue effect' was an historical opportunity for the EU to strengthen Ukraine's budding democracy. However, due to its limited response, the EU failed to play this role, and the aftermath of the Orange Revolution saw the breakdown of the internal consensus of Ukrainian democracy, which is beset now by continuous political crisis and Ukraine's recent turn towards Russia. Through historical analysis and interviews, one could identify that the reluctant and ambiguous EU approach towards Ukraine is far from being inspired by value considerations. The geopolitical interests of the Russia-first approach, as well as the interest

of self-preservation (the preservation of status quo) determined EU political decisions towards Ukraine.

The second part of the paper demonstrated that the concept of the New Neighbourhood Policy is also a self-interested initiative, which seeks to promote stability and security rather than ideals or values in the EU neighbourhood. The high tone on democracy as a constitutive value of EU external action is contradicted by the predominance of other interests, specifically geopolitical, economic and ‘soft security’ concerns. This demonstrated that EU power is not so much normative but rather contains strong elements of *Realpolitik*.

From the discourse and content analysis it is clear that the *Realpolitik* features, namely the interest of self-preservation and geopolitical considerations, are becoming more and more important in the EU’s definition of its relations with Ukraine, while the role of democracy has significantly decreased, especially after the Orange Revolution and the Eastern enlargement. The combined effect of diminishing concerns about Ukraine’s democratic performance and of the increasing importance of ‘soft security threats’, however, is not so visible in the official documents. The tendency to keep a high tone in the rhetoric on democracy and the growing avoidance to make EU interests transparent shows that the EU, to a certain extent, resembles the Machiavellian prince who has to disguise its interests and to give a great image of himself and of his virtuous ventures.

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