RESEARCH PAPER

EU Fast Track Membership: Can It Help Ukraine Resolve Its Real Problems?

AUTHOR(S): Houma Siddiqi

Dr Houma Siddiqi is an Assistant Professor at the Department of International Relations, Faculty of Contemporary Studies, National Defence University, Islamabad. The author(s) can be reached at houmasiddiqi@ndu.edu.pk.

BIBLIOGRAPHY ENTRY

ARTICLE HISTORY

COMPETING INTERESTS: The author(s) have declared that no competing interest exists.

DATA AVAILABILITY: All relevant data are within the paper and its supporting information files.

EU FAST TRACK MEMBERSHIP: CAN IT HELP UKRAINE RESOLVE ITS REAL PROBLEMS?

*Houma Siddiqi**

Abstract

In 1991, during its inception process, Ukraine faced Russia's territorial claims and a cold reception from the Western world towards its leadership. After evaluating its internal and external interests, Ukraine chose to sign a friendship and cooperation agreement with Russia, compromising its rights as a sovereign state. This decision kept the complex issues of cross-border irredentism and multiple identities in check. However, during the democratic transition, external actors got involved in Ukraine's domestic politics, resulting in the removal of President Yanukovych's government. This critical juncture set the trajectory for unleashing Ukraine's state-ness issues. External involvement and political mismanagement aggravated Ukraine's problems and transformed its political issues into state-legitimacy issues, making its claim of a single entity void. Without state legitimacy, Ukraine cannot join the EU or consolidate as a democracy. Even if it enters the EU, it cannot safeguard its state sovereignty or achieve a profitable deal. This post-positivist research uses process tracing within a case study to highlight Ukraine's real problems and whether EU membership can help resolve them. The best solution for Ukraine is to focus on its domestic issues and negotiate with the other actor for a peaceful solution.

Keywords: EU, Ukraine, State-ness Problem, State Legitimacy, Irredenta.

Introduction

O n February 24, 2022, Russia launched military aggression against its neighbouring Eastern European state Ukraine. Following the Russian invasion, a distraught Ukrainian President, Volodymyr Zelenskyy, desperately reached out to the EU, NATO and the US to help Ukraine fight against the foreign invasion. In response, EU leaders, including French President Emmanuel Macron, German President Olaf Scholz and Italian President Mario Draghi, visited Kyiv on June 16, 2022, to announce that Ukraine would be accepted as an EU candidate member. To everyone's surprise, it was quickly followed by another announcement on June 23, 2022, that Ukraine will receive a fast-track EU candidate state status alongside Moldova. The West and its supporters in Ukraine perceived the announcement as a breakthrough for Ukraine, hoping it would restore peace and democracy in the country presently experiencing attrition since the Russian attack.

*Dr Houma Siddiqi is an Assistant Professor at the Department of International Relations, Faculty of Contemporary Studies, National Defence University, Islamabad. The author(s) can be reached at houmasiddiqi@ndu.edu.pk.

Notwithstanding, EU behaviour vis-à-vis Ukraine appears quizzical for several reasons. First, unlike NATO, which focuses on security and protects its member states, the EU is principally committed to European integration for economic growth, which is expected to contribute towards perpetual peace. Over the years, it is delivering its normative security objectives by integrating economic growth between its member states.[1] Second, EU fast-track membership, which involves accelerated negotiations to facilitate the implementation of necessary EU rules and regulations, requires stable democratic institutions and a functioning market economy as a priori. Third, the EU has consistently demanded democratic consolidation in membership-seeking states. Democratic consolidation is a contested concept; it goes beyond the procedural installation of democratic transition, or two-turn test as Samuel Huntington (1991) advocated, to include permeated pro-democracy behaviours and attitudes. States must undertake institutional and legislative restructuring in multiple arenas to qualify as a consolidated democracy.[2] The process is lengthy and tedious, taking years to complete, especially for states transforming from authoritarian rules, like most post-communist and Eastern European states.[3] Such profound change, especially for a war-torn post-communist Ukraine, in a short period is hard to fathom. Fourth, the EU has shown a certain reluctance in offering its membership to Eastern European and Balkan states, which is observable in voting in the European parliament. Earlier, Ukraine was tagged as an unfit partner by the EU.[4] Thus, Ukraine suddenly receiving fast-track membership, offered amid war, when it can neither ensure a properly functioning market economy for collective bargaining nor stable democratic institutions appears paradoxical and demands deeper inquiry.

At the onset, it is essential to state that the main interest of this research is not to discuss security dimensions but to see if Ukraine impeded journey towards democracy can benefit from its EU fast-track membership. It holds implications for other troubled and war-torn weak democracies if joining a supranational organisation, like the EU, would help them consolidate as a democracy. To understand what democratic consolidation connotes, this research draws from the scholarship on democratisation in general and Linz and Stepan's (1996) seminal work on the problems of democratic transition and consolidation in Southern Europe, South America and post-Communist Europe in particular. This scholarship accords fundamental theoretical and political importance to the issue of 'state legitimacy' as a priori to democratic consolidation. It states that democratic consolidation requires a pre-existing and legitimate nation-state, "understood as one which enjoys a binding authority over all of its territory, with no segment of political authority precluded."[5] No matter how democratically a state is constituted, issues of pre-existing and unresolved state-ness, significant 'irredenta' existing outside the state boundaries, and a considerable polis-demo incongruence encroach negatively on a state's legitimacy.[6]

The state-ness problem implies that no political unit or citizen groups (majority or minority) living in the territory disagree with accepting the government as a 'legitimate authority' to generate policies, collect taxes, and control state forces. Linz and Stepan (1996) link it to John Stuart Mill's argument that free liberal

institutions are impossible to build in a state containing mixed nationalities that exclude 'fellow feeling' and a sense of shared identity. The very diverse nature of society calls for some order.[7] If any segment of the state's population stands in confrontation with the state's authority and demands succession, the state's legitimacy gets questioned.[8] Empirically state legitimacy becomes subjective to the number of people standing in opposition; "...the greater the percentage of people in a given territory who feel they do not want to be members of that territorial unit; however, it may be reconstituted, the more difficult it will be to consolidate a single democracy within that unit."[9]

For this reason, state legitimacy is taken as a pre-requisite for the free institutions' requirement of democratic government. Similarly, state-ness problems resulting from intractable political conflicts are problematic because they do not allow quick exits. Jack Snyder (2001) research revealed that starting democratisation in the context of unfinished nation-building is most likely to give way to a 'lengthy anti-democratic detour', inclusive of ethnic conflicts and contests on nationalism.[10] This argument resonates with the US experience discussed by Francis Fukuyama. Fukuyama (2005) further advises against seeking external actors in the name of democracy to resolve the state-ness problems due to the internal weakness of the countries. It tends to undermine the ability of domestic actors, retards the growth of indigenous capacity, and is most likely to result in 'authoritarian state-building.'[11] Outside powers are also advised not to delude themselves into thinking they can easily overlook a transition or persuade their voters and taxpayers to provide for external governance, which will most likely extend indefinitely.[12] The scholarship argues that external organisations, at best, can offer the troubled state its membership 'as an incentive' to take ownership of the state-building process. However, the state is still required to resolve its internal issues.[13]

The second variable highlighted by Linz and Stepan (1996) is 'irredenta', which implies that a large minority living within the territorial limits of the state is, or could be, considered by a neighbouring state as their citizen or irredenta by virtue of primordial sentiments, descent, or birth.[14] The loci of irredenta sentiments are mostly with the elites of some external state, who closely monitor the behaviour of their co-ethnics in the other state, vigorously protest the alleged violation of their rights, and assert their obligation to defend their interests.[15] These sentiments can get endorsed and reciprocated by the representative of the minority within the troubled state.[16] In this, Brubaker (1994) also highlights the problem aggravating if elites of the minority group in the troubled state experience a 'shrinking of the political space' and a need to reshape the existing social and political structures in their favour. Thus the elites of the minority group play a critical role in bringing out the legitimacy issue for the nation-state, which impedes its journey towards consolidation. The failure to integrate this group into national politics can direct them to consider options like; political autonomy, succession, or union with the national homeland. As long as a state stays an arena of competition between such competing groups, it cannot be taken analytically as an irreducible entity.[17] In other words, the state does not qualify as

legitimate to make binding decisions for the whole population, even if they assume power under the outer facade of democratic processes.

When confronted with such problems, the routine process of democratisation, including; elections and referendums (prevalent in EU member states), policies coming from the top intended to create a single national identity or forced consent aggravate the problem as they keep appealing to the irredentist sentiments and successionist aspirations.[18] It is because the successionist or minority groups already are questioning a singular subjective idea of a nation, in this adopting, consciously or unconsciously, symbols for the state more in line with the dominant nation, implementing nationalising state policies to increase cultural homogeneity aggravate the existing problems. Thus, again the scholarship points out that going for democratisation is likely to become problematic as it keeps reinforcing ethnic sentiments and ethnic political parties. Seeking any acquiescence or forced consent from the agitated group as a mode of problem resolution is also ruled out, as the practices also do not complement the logic of democratic consolidation.[19] Linz and Stepan (1996) advise that political entities must resolve all these problems before initiating democratic processes, even if it requires complex negotiations and pacts. Consent must be acquired from all conflicting groups to accept the decision-making polity as the legitimate entity. Linz and Stepan (1996) warn that the possibility exists that negotiation may even result in possible territorial re-alignments. Fukuyama (2005), on the other hand, shows more optimism in the state's role and believes a little prudence and creativity may save the day.

Given the above scholarship, it becomes imperative first to understand the exact nature of the problems in the wake of Ukraine's democratic consolidation and its origins, whether it is a state-ness problem, irredenta, or both. The state-ness problem, in turn, points to the existence of nationalist groups not convinced with the idea of a singular identity of the state, which prompts them towards restructuring the socio-political spaces. A question like if such groups in Ukraine existed at the time of its independence and were crushed or if they surfaced afterwards due to the experiencing shrinking of political space needs to be understood. Also, Ukraine's historical linkages with the two external actors, Russia and the EU, need clear consideration. Especially the EU, unlike Russia, is not a state but a supranational organisation. Understanding which mode of governance it employs to integrate the post-Soviet states like Ukraine is required to evaluate if EU membership would benefit Ukraine and if the process will help it recover as a democracy. It, in turn, will allow to comment if it is OK for Ukraine to rush for it. It is also important to state that this qualitative research aims for prognosis and not prescription; however, the process will offer some space to forward recommendations.

Methodology and Methods

The methodology selected for this paper is process tracing within the case study. The rationale for the case study stems from the fact that the member state's

predicaments mostly drive accession to the EU; therefore, the exact conditions are best revealed through an individual case study.[20] Collier (2011) and Mahoney (2015) stress the need for applying process tracing intentionally and rigorously within the case study to describe and identify novel political and social phenomena and evaluate causal claims. It includes taking into account intervening antecedent conditions and sequential analysis, which allows us to observe the causal trajectory, that is, how variables of interests operationalise through time. The antecedent conditions set the stage and can be taken as a historical explanation. The sequential analysis demands that the observed phenomenon at each step in the causal trajectory should be adequately described. This systematic unpacking of the causal process and centrality of the fine-grained case knowledge makes process tracing instrumental in cases with more than one competing explanation or hypothesis. Process tracing allows for making decisive contributions to diverse research objectives, including evaluating prior explanatory hypotheses, discovering new ideas, and assessing new causal claims.[21] Inferences are made with the help of four empirical diagnostic tests. To achieve fine-grained case knowledge, process tracing allows for the use of multiple methods. This research has also used various ways to unveil the causal trajectory, including historical accounts, speeches, archived research, institutional reports, newspaper reports, etc.

The rest of the paper is structured first to elucidate the nature of antecedent conditions that contributed to Ukraine's state-ness problems – followed by a discussion on the EU mode of governance and its membership dynamics. Understanding the above two allow us to see how well-suited the EU's current mode of governance is to Ukraine's unique set of problems. It is followed by the analysis, which draws and accepts the tested inferences to draw a conclusion.

History of Ukraine Independence and Reinstated Relations with Russia

The antecedent condition for this research is the end of the cold war and the disintegration of the Soviet Union, which became the reason for Ukraine's independence. There is a strong consensus that it was Soviet President Mikhail Gorbachev's reform policies of 'perestroika', which launched the restructuring of the Soviet economy, and 'glasnost' meant to liberate Soviet politics which led to a nationalist uprising and Soviet disintegration.[22] However, Ukraine's polity also considers itself as the linchpin of Soviet disintegration, attributing it to its President Leonid Kravchuk's refusal to sign Mikhail Gorbachev's union treaty in 1991, which prompted others to do the same and precipitated the collapse of the Soviet Union.[23] Despite their claims of Soviet disintegration, the Ukrainian leadership was relegated to secondary status, and the West showed a certain reluctance in offering its full support to Ukraine. In 1991, President George W Bush senior openly supported the continuation of the old order with a more decentralised Soviet Union instead of a free and independent Ukraine.[24] In his infamous speech in Kyiv, President Bush called Ukrainian democratic aspirations 'suicidal nationalism.'[25] Research also unveils two

measures the Ukrainian government took, which reflected poorly on it, and dented Ukraine's relations with the West and Russia simultaneously in those critical years. First, it claimed the Russian Fleet in the Black Sea, giving no heed to the fact that the very existence of the Ukrainian state was subjective to Russia's decision.[26]

Second, on March 12, 1992, following the Russian parliament's decision to examine the legalities of transferring Crimea to Russia, Ukrainian President Kravchuk halted the removal of tactical missiles to Russia. When the world was preoccupied with disarmament and non-proliferation, Ukraine came out as an 'untrustworthy partner' willing to jeopardise international peace efforts by the US.[27] Highly circulated American newspapers like New York Times strongly advocated against extending Western assistance to Ukraine. In contrast, Russia was more responsible than other post-Soviet communist states.[28] In 1994, in a trilateral agreement between Russia, Ukraine and the US, Ukraine was made to ensure the disarmament of 1800 Soviet nuclear warheads and unconditionally ratify the START treaty and the Lisbon Protocol.[29]

In the crucial years of its inception, Ukraine's leadership was compelled to discard their idealist notions and analyse the predicaments confronting them with a realist lens due to the failure to receive the expected attention from the West. President Kravchuk was pushed to realistically evaluate who served Ukraine's internal and external interests better, Russia or the US and its Western allies. He felt no political debt to the US or West[30] and even showed a reluctance to adopt any economic policy with a clear capitalist shift to avoid further confrontation with the local communist groups.[31] It expanded the space for the pro-Russian Ukrainian political groups in the country's politics. In the 1994 elections, Leonard Kuchma[32] easily won and became the second president of Ukraine, reiterating Ukraine's relations with Russia. In 1997, he signed the Friendship and Cooperation Treaty with Russian President Boris Yeltsin. The stated objective of bilateral treaties was to confirm the viability of shared borders, ensure respect for each other's territorial integrity, develop good and neighbourly relations between the two historically intertwined states, and maintain stability and security in Europe and peace in the world.

Interestingly the treaty also made it imperative on the polity of each state to ensure the hard and economic security of one another and not to take any action, or engage in any agreement or association which poses a threat to peace, affects the interests of national security, sovereignty or territorial integrity of the other state (Article 7). If such a situation arises, the treaty obligated the two high contracting states to hold consultations without delay, exchange relevant information, and coordinate or take joint measures for problem rectification (Article 7). In other words, Kyiv agreed to make the pursual of its foreign and security relations subjective to the consent of the Kremlin. The treaty concluded for ten years initially and was to get automatically reinstated for the next ten years if none of the high contracting parties made no formal objection.

Ukraine State-ness Problem

This research finds two factors contributing to Ukraine's state-ness problems, which extend to state-legitimacy problems now. First is the reciprocation of Russia's irredenta in the Crimea region, and second is the shrinking of the political space of the Donbas elites. These economically powerful elites enjoyed strong linkages with Kremlin and desired control over political decision-making in the newly independent Ukraine.

a) **Reciprocation of Russia's Irredenta in Crimea**

Brubaker (1994) stated that although the loci of irredenta are in an external state, it can become problematic if sentiments get endorsed and reciprocated by the representative of the minority in the troubled state. The case study points to two regions in Ukraine that provide strong evidence of reciprocating Russia's irredenta sentiments: Crimea and Donbas. The former is a peninsula located on the Black Sea and historically has remained the most contested region because of its strategic significance for security and trade. Contestation over the Crimean Peninsula dates to the late seventieth century with the Ottoman and the Romanov empires, who fought for the hold of Crimea to control the Black Sea. In 1774, the Treaty of Kucuk Kaynarca established Crimea as an independent state for a short while.

Linkages between the people of these regions with Russia developed due to historical migration and the dislocation of national boundaries.[33] In 1783, Catherine II annexed Crimea declaring it a Russian territory. It was after the collapse of the Russian empire in 1917 that the Crimean Tatar acquired its control and declared it an autonomous democratic republic. After the end of the Russian civil war, it first became Soviet suzerainty, and after the second world war, it was declared an oblast (region) of the Soviet Union. The predominance of the Russian population in Crimea is attributed to Romanov Catherine the Great and later Stalin's dislocation policies. Most of the Russian population in Crimea experienced its status coming down from privileged state-bearing nationality into a national minority.

There is a consensus that, unlike other Eastern European states, the Kremlin showed an apparent reluctance to let go of the territory which now constitutes the southeastern part of Ukraine, especially Crimea.[34] In 1991, just before the disintegration of the Soviet Union, an attempt was made by the Soviets to give Crimea its autonomous republic status. Russian Foreign Minister Andrei Kozyrev explicitly expressed and stressed Russia's desire to keep Crimea. On March 12, 1992, the Russian parliament also looked into the legalities of ensuring Crimea was not transferred to Ukraine. All these attempts failed with the Budapest Memorandum of 1994, which passed Crimea to Ukraine despite the USSR's contested interest in it.

These incidents point to elite irredenta, which also received public support. The earliest evidence in support comes from the 1989 census, in which a quarter of Ukrainians first identified themselves as having multiple nationalities. Census

remuneration followed, asking people to pick one nationality only, in which 22.1% of the Ukrainian population with shared Russian and Ukraine ancestry gave precedence to the Russian identity for themselves.[35] The census is contested as it was under the communist regime, but a more recent survey conducted by the Chicago Council of Global Affairs (2019) shows continued support. In it, 62% of Russian citizens supported annexing the eastern part of Ukraine to Russia. They did not see it as violating international laws or treaties.[36] Overall, the surveys show that most people in Crimea identify as Russians, which translates into a state-ness problem for Ukraine, as shown in the most recent referendum demanding succession from Ukraine.

b) **Issue of Political Space of Donbas Elites**

The other region is Donbas, situated in the East of Ukraine, the collective name given to the Donetsk and Luhansk regions. The case of Donbas is different from that of Crimea. The region is the heartland of coal mines and large steel mills. At the time of the first world war, Donbas was the Russian Empire's leading iron and steel production region. The stratification of the region started due to Stalin's accelerated industrial development programme, and many Russian workers migrated to this economically flourishing region. Today, after agriculture, the Donbas industry is considered Ukraine's second-largest revenue-producing area, helping Ukraine become the world's fourth-largest exporter of Iron ore.[37] The main iron ore buyers include China, Türkiye and the EU. The steel made in the Donbas region is transited through the Black Sea.[38]

The business community of Donbas, even in the communist era, was recognised as a politically self-conscious and organised group. In the Soviet Union, they easily maintained their 'separate' league status distinct from the rest of the Ukrainian community. Donbas status was not of a separate part of Ukraine but that of an 'equal' to Ukraine.[39] The people of this prosperous region cherished their linkages with Russia even after Ukraine's independence. The Donetsk and Luganskaya area continued using Russian as its official language for over two years. The official time in the areas remained synchronised according to 'Moscow standard time' instead of Kyiv standard time.[40] Initial efforts to integrate them into Ukraine did not give many positive results. The economic and privatisation reforms implemented by Ukraine post-independence also favoured Donbas businesses. Yet the latter continued to guard their autonomy.[41] From Kyiv, they demanded, "We do not touch you, and you do not touch us."[42] It was the democratic transition processes which opened a path for the politically conscious Donbas elites to direct their attention on Kyiv and directly control decision-making echelons in Kyiv. The regional oligarchs and bourgeoises started supporting a centralist party, initially called the 'Revival of the Regions' cult and later named 'Party of the Regions.'[43] It is argued that this was because of their political ambitions that the significance of Kyiv in the new country was accepted, and the industry and mill owners started accepting that the development of Ukraine's national economy was imperative for them; otherwise, the stream of profit coming towards them would end sooner or later.[44]

In the 1998 elections, the Donbas elites' 'Party of the Regions' competed against Kyiv's 'Social Democratic United Party' to usher Donbas' very own candidate Viktor Yanukovych to succeed Ukraine's second-elected President Kuchma. However, it is important to note that the presidential victory was not straightforward, and Yanukovych faced much resistance. Many regional political elites, who had won their way into the Kyiv legislative assembly, made plans to elect Yanukovych as the prime minister instead. The three rounds of a parliamentary election that followed turned out to be highly polarised relentless competition between "regional parties fighting for national identification instead of a legitimate process of elite political rotation."[45] It was in 2010 when Donbas candidate Yanukovych finally won the presidential elections, which finally satisfied the Donbas political elites, and they also left the Communist Party of Ukraine.

Introduction of External Actors

The triumph was short-lived, and the end was devastating for Ukraine. From the onset, President Yanukovych faced problems in Kyiv from Ukrainian elites and bureaucrats.[46] To save his position, Yanukovych took two steps which significantly changed the course of events for Ukraine and the regional dynamics. First, he extended Russia's lease for the Sevastopol Port in Crimea till 2042. Russia was also allowed to maintain air bases and station 25,000 troops in Crimea - the seaport that held strategic significance for Donbas' iron and steel businesses and its safe transit through the Black Sea. The second step included not signing the 'Association of Unity' agreement with the EU. Both actions earned Yanukovych a 'pro-Russia' title, but they were also in line with the provisions of the pre-existing friendship and cooperation treaty (1997) ratified between Russia and Ukraine. The treaty, as stated, gave eminence to Russia's consent in Ukraine's decision-making, especially related to security in the region. Ukraine signed this treaty after feeling dejected by the West at its inception to ensure Ukraine's territorial integrity, security and development of good and neighbourly relations with historically intertwined Russia.

The decisions, nonetheless, went against the interests and expansion agenda of the other external actor – the EU. It is important to note that the EU was a non-player during the Soviet disintegration and Ukraine's independence. At that time, it existed as the European Economic Community (EEC) of ten European states, which has evolved from the earlier success of the European Coal and Steel Community (ECSC). In the bipolar world, EEC's significance rested mainly as a US alley, while the US was at the forefront in international and bilateral negotiations linked to Soviet disintegration and Ukraine's independence. Even in the 1997 Friendship and Cooperation Treaty, in which Russia and Ukraine were high contracting parties, the US and the UK played the role of external actors. EEC formally became the 'European Union' after the 1993 Maastricht treaty, with 12 member states declaring to safeguard its members' shared values, fundamental interests and independence.

American scholars such as J. J. Mearsheimer (1995), in his famous article "The False Promise of International Institutions," criticised the emergence of the EU in the post-communist era. Post-Amsterdam Treaty (1999), the EU evolved as a supranational organisation touted for creating democratic deficits in its member states. The problem with the supranational organisation is that while they facilitate a common integrative approach through persuasion and discourse, they acquire authority over interstate relations and involve the loss of national sovereignty in areas of public interest.[47] The EU became more supranational after the 2007 Lisbon Treaty. Unlike its earlier practice of neo-functionalism, which incorporated non-state actors, businesses and entrepreneurs in policy decisions, the EU mode of governance became predominantly (neo)intergovernmental, giving legitimacy to executive-based decision-making only. The executive was freed from seeking help from stakeholders, non-state actors, or entrepreneurs. However, the top-down decision-making, in turn, created democratic deficits in member states.[48] In this conflicted paradigm, the EU also outsourced creating acceptability for itself to membership-seeking states, which were burdened with construing acceptability and compatibility for the EU by themselves.[49]

Post-2007 EU rigidness with its supranational and using inter-governmentalism to acquire consent has hit all member states negatively. These predicaments are pronounced for post-communist states facing authoritarian institutions and institutional inertia. These institutions cannot pin down their interests and preferences ahead of the negotiations processes with the EU.[50] Multiple case studies highlight that post-communist membership-seeking states consistently find themselves in a weak negotiating position and concede much more in membership negotiations.[51] The EU easily acquire precedence over agenda-setting.[52] Once decisions are reached at the EU level, they cannot be outweighed by the member state unilaterally.[53]

Furthermore, this research finds it hard to ignore the historical significance of the iron and steel industry for the EU. Modernisation, the end of the second world war, and the rebuilding of Europe gave centrality to Europe's iron ore and steel industry. Even at the time of the Declaration of Peace (1950), where the EU premises were set, French Statesman R. Schuman categorically proposed to place the "production of coal and steel as a whole under a common higher authority, within the framework of an organisation open to the participation of the other countries of Europe." The idea was linked to maintaining peaceful relations for an organised and living Europe. Thus, it can be said that the EU's interest in Ukraine's Donbas steel industry was natural. However, Yanukovych's (from Donbas) decision to scuttle away from going ahead with the association of unity with the EU was also the result of the astringent conditions set by the EU for the dislocation cost of Ukrainian industry for going with the EU.[54] This which do not always serve the later interests of the inexperienced post-communist states with weak institutions.

Viktor Yanukovych's decision was a critical juncture for Ukraine, factors driving his rationality became second place, and a two-month-long organised civil

society movement was launched against him. Yanukovych was relentlessly tagged as anti-establishment and pro-Russian; in contrast, Euro-Atlantic relationships and associations with the EU were tagged as patriotic and national. A growing body of independent researchers blames the EU for funding civil society protests against Yanukovych for walking out of signing an agreement with the EU.[55] Against these independent researchers, this research also found non-state organisation reports stating that the protest was triggered because Yanukovych used state power against civilians' right to protest, implementing restricting laws and adopting repressive tactics.[56] Further checks came from the election results that followed the Maidan Square protests and Petro Poroshenko election campaign, substantiating that Ukraine was not entirely protesting in support of the EU or West.[57]

Expanding to State- Legitimacy Issue

EU involvement in ousting Yanukovych comes at a critical juncture for Ukraine. It affected Ukraine in two significant ways: First, it threatened Russia's security interests in the region and sent a message that segments within Ukraine, with the aid of external actors, the EU, are likely to disregard the pre-existing bilateral Friendship and Cooperation Treaty of 1997. Russia wasted little time and formally announced it would take over Crimea from Ukraine and immediately annex Crimea.[58] Second, it angered the Donbas region's power elites as they witnessed their frontman Yanukovych's humiliation in Kyiv.[59] The politically proactive elites of Donbas construed the episode as shrinking of political space for them in Ukraine and launched a demand for succession from Ukraine.

Sequencing the events shows that the state legitimacy problem for Ukraine was not a direct result of Ukraine's state-ness problems but evolved after Donbas elites were ousted from Kyiv and experienced a shrinking of political space in Ukraine. It led to the referendum in May 2014, which acquired collective support of succession from Ukraine and a desire to reunite with Russia.[60] The referendum results are particularly problematic for Ukraine, as it shows 99.23% of voters in the Donbas region and 98.42% of voters in the Luhansk region strongly favoured reunification with Russia.[61] It is problematic because these referendums question Ukraine's ability to exist as an irreducible entity.

By sponsoring civil society agitation, the EU played a role in adding stridence and cacophony to the internal politics of Ukraine. It so far refuses to recognise the referendum results, and neither do other Western European states.[62] This behaviour does not conform with the EU's usual behaviour, as referendums are very popular within the EU to extract public preferences. They are commonly accepted within the EU and often result in the rejection of policy decisions by EU member states. Thus, the EU shows double standards in rejecting the referendum results held in Donbas and Luhansk regions. These referendums are criticised for exacerbating intrastate grievances by providing a popular mandate for discarding compromise, a hallmark of functioning democratic systems.[63] On the other hand, the statelets' decision is

recognised by Cuba, Venezuela, Nicaragua, Syria and the breakaway Georgian provinces of South Ossetia and Abkhazia.[64]

Kyiv's inability to effectively unite Ukraine as a single entity has extended Ukraine's politically manageable state-ness problem to a serious state legitimacy issue. It will directly impair Kyiv's authority in future associations to sign international treaties, including membership of the EU, on behalf of the whole of Ukraine.

Fast Track Membership as a Solution to Ukraine Problems

It brings us to the position to evaluate if the EU's fast membership, offered to Ukraine amid the crisis, will provide an amicable solution to Ukraine's unique set of problems. Digging deep into the sequence of events, starting from the independence of Ukraine to the present day, this research finds that Ukraine's position as a single entity is now compromised. The strong divisions within Ukraine have led to succession demands, because of which Kyiv does not enjoy the political legitimacy to represent all of Ukraine. As a result, any decision made in Kyiv by the executive, including joining the EU and any subsequent decisions, will lack ownership in the troubled part of Ukraine, especially in the iron and steel industry region.

Suppose it is assumed that the EU will not consider the compromised position of Kyiv or the depleted state of democracy and continue giving Ukraine the status of a permanent member. In that case, it will reflect poorly on the EU. European states, like the Balkans, Albania, Montenegro, North Macedonia, Serbia and Türkiye, which are not extended permanent membership due to their inability to consolidate 'as per EU standards', will object and demand inclusion. If the EU refuses them, the EU stance on European integration will get questioned, and the impression that the EU is still engaged in a cold war with Russia will emerge.

Furthermore, it will take a long time for divided and worn-torn Ukraine, a post-communist state, to develop institutions and consolidate as a democracy – a necessary condition for EU permanent membership. With the present weak state of the country and institutions, EU experts will have no problem dominating negotiations, which may not go in Ukraine's favour in the long run, like the 1997 friendship treaty. Moreover, it would not be easy for Ukraine to come out of any agreements and treaties it signs with the EU in the future. Also, Ukraine should not ignore that states outside Western Europe face difficulty acquiring a collective decision favouring them from the EU. The EU's current mode of governance also informs that getting into fast-track membership with the EU is anti-democratic and will not help Ukraine recover as a democracy. Ukraine should not go ahead with EU membership without consolidating as a democracy; it will have to do all the hard work itself. Accepting fast-track membership and pushing the government to implement unsupported policies will likely open the door for what Fukuyama called 'authoritarian state-building' in Ukraine. The recommended path to Ukraine is negotiating with all the grieved parties and resolving its domestic problems. Without it, Ukraine can never

stabilise or consolidate as a democracy; at best, its pro-West governments will become a puppet regime of the EU.

Conclusion

Although in the present Ukraine-Russia crisis, the smoking gun evidence goes against Russia and joining the EU appears as a good solution for Ukraine, this research concludes that this is not entirely correct, nor is the proposed solution good for Ukraine. In 1991, Ukraine's anxiety was linked to Russia's claims over some areas and the cold Western attitude toward Ukrainian leadership. As a result, Ukrainian decision-makers decided to join hands with Russia and signed a friendship treaty which compromised its rights as a sovereign state. The structuring of Ukrainian internal politics in concert with the democratic transition processes unleashed the various dimensions of its state-ness problem but was still politically manageable. When these players started invigorating the past linkages and involved external actors, Ukraine's state-ness problems were aggravated. The involvement of external actors and mismanagement by political actors comes out as the factors which transformed the manageable state-ness problems into state-legitimacy issues, claiming Ukraine as a single entity void. Now Ukraine again finds itself in a position of compromise as it seeks a solution to its problems, this time getting ushered towards the EU. Considering how the EU operates, which is now being extensively criticised for extracting consensus from the executive level, over-riding state sovereignty, negligence of local issues and giving eminence to non-state actors over the state's interests do not appear as the right solution for the troubled state of Ukraine or to help it resolve its unique set of problems.

References

1   E. B. Haas. *The Uniting of Europe*. 1958, Notre Dame: University of Notre Dame Press. Also, Gaynor, D. *Small States and the European Union*. 2010.

2   J. Linz, and A. Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post Communist Europe*. 1996: Baltimore and London: John Hopkins University Press.

3   P. C. Schmitter, and J. Santiso. *Three Temporal Dimensions to the Consolidation of Democracy.* International Political Science Review, 1998. 19(1).

4   E. Newman, and G. Z. Visoka. *The European Union's Practice of State Recognition: Between Norms and Interests.* Review of International Studies, 2018. Also, D'Anieri, P., *Economic Independence in Ukraine- Russian Relations* 1995, Albany, NY: University of New York Press.

5   Linz and Stepan, 1996.

6   R. A. Dahl. *Democracy and its Critics*. 1989: Yale University Press. Also, Brubaker, R. *National Minorities, Nationalizing States, and External Homelands in the New Europe*. in *American Sociological Association Annual Meeting*. 1994. Miami: ASSA.

7   Mill, 1972, 392.

8   R. A. Dahl. *Democracy and its Critics*, 1989.

9   Linz and Stepan, 1996, p. 26.

10 J. Snyder. *"From Voting to Violence: Democratisation and Nationalist Conflicts"* 2001, New York: W.W Norton and Company.

11 F. Fukuyama. *State-ness First.* Journal of Democracy, 2005.

12 S. D. Krasner. *Sovereignty: Organised Hypocrisy*. 1995, Chichester: Princeton University Press.

13 G. Knaus, and M. Cox. *Building Democracy After Conflict: The "Helsinki Moment" in Southeastern Europe.* Journal of Democracy, 2005. 16(1): p. 39-53.

14 Linz and Stepan, 1996.

15 R. Brubaker. *National Minorities, Nationalising States, and External Homelands in the New Europe*. in *American Sociological Association Annual Meeting*. 1994. Miami: ASSA.

16 Ibid.

17 Ibid.

18 Linz and Stepan. 1996.

19 F. Fukuyama. *State-ness First.* Journal of Democracy, 2005.

20 L. Friis. *EU and Legitimacy — The Challenge of Compatibility: A Danish Case Study.* Cooperation and Conflict, 2016. 34(3).

21 David Collier. *Understanding Process Tracing.* Political Science and Politics, 2011. 44(4): p. 823-830.

22 R. Sakwa. *The death of Europe? Continental fates after Ukraine*. 2022. Also, E. F. Petersen, *The End of Cold War: A Review of the Recent Literature*, in *The History Teacher*. 1993, Society for History Education. p. 471-485. T. Risse-Kappen, *Did Peace through Strength End the Cold War?* International Security, 1991. **16**(1): p. 172-174. Z. Brzezinski, *The Cold War and its Aftermath*. Foreign Affairs, 1992. 71(4): p. 41-43. A. Karantnycky, *The Ukrainian Factor.* Foreign Policy, 1992.

23 A. Karantnycky. *The Ukrainian Factor.* Foreign Policy, 1992. Also, S. D. Fink, *From Chicken Kiev to Ukrainian recognition: domestic politics in U.S. foreign policy*. 1993, Monterey, California: USA Naval Post Graduate School.

24 S. D. Fink. *From Chicken Kiev to Ukrainian recognition: domestic politics in U.S. foreign policy*. 1993, Monterey, California: USA Naval Post Graduate School.

25 T. Hunt, *Stick with Gorbachev, Bush tells republics* Chicago-Sun Times, 1991. Also, Fink, S.D., *From Chicken Kiev to Ukrainian recognition: domestic politics in U.S. foreign policy*. 1993, Monterey, California: USA Naval Post Graduate School.

26 A. Karantnycky, *The Ukrainian Factor.* Foreign Policy, 1992.

27 A. J. Motyl. *Dilemmas of Independence: Ukraine After Totalitarianism*. 1993, New York: Council of Foreign Relations Press.

28 O. Haran. *Disintegration of the Soviet Union and the US position on the independence of Ukraine*. 1995 August.

29 GPO, U.S.G.P.O. *Public Papers of the Presidents of the United States: William J. Clinton (1994 -Book I)*. 1994 March 4.

30 S. D. Fink. *From Chicken Kiev to Ukrainian recognition: domestic politics in U.S. foreign policy*. 1993, Monterey, California: USA Naval Post Graduate School.

31 O. Haran. *Disintegration of the Soviet Union and the US position on the independence of Ukraine*. 1995 August.

32 President Kuchma, recognised as an avowedly nationalist leader, signed a treaty between the two countries in 1997, which became operational in 1999 (UNTC 1999). Article 2 of the treaty clearly stated that both sides would respect each other's territorial integrity and existing borders and expressly forbade economic pressure from Russia (UNTC 1999). It shows the president's commitment to working with Russia while maintaining the sovereignty of Ukraine.

33 S. Rapawy. *Ethnic Reidentification in Ukraine*. 1997, U.S Bureau of the Census: Washington D.C. Also, Brubaker, R. *National Minorities, Nationalising States, and External Homelands in the New Europe*. In *American Sociological Association Annual Meeting*. 1994.

34 J. Linz, and A. Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post Communist Europe*. 1996: John Hopkins Press. Also, M. Alexseev. *War and Socio-Political Identities in Ukraine*. 2015, Ponors Eurasia. R. Brubaker. *National Minorities, Nationalising States, and External Homelands in the New*

Europe. In *American Sociological Association Annual Meeting*. 1994. Miami: ASSA. A. L. Osipian. *Why Donbas Votes for Yanukovych: Confronting the Ukrainian Orange Revolution*. 2006. A. Wilson, *Ukraine's Orange Revolution*. 2005, New Haven: Yale University Press.

[35] S. Rapawy. *Ethnic Reidentification in Ukraine*. 1997, U.S Bureau of the Census: Washington D.C.

[36] S. Goncharov, and D. Volkov. *Russians Want Crimea; Prefer Luhansk and Donetsk Independent*. 2019, Chicago Council on Global Affairs: Chicago.

[37] OEC. 2020-21. *Iron Ore in Ukraine*. Accessed April 22, 2023. https://oec.world/en/profile/bilateral-product/iron-ore/reporter/ukr.

[38] J. Beaubien. *Russia's war in Ukraine pushes Ukrainian steel production to the brink*. NPR, 2022.

[39] I. Losev. *Ukrainians - Inner Diaspora.* Modernity, 2004. **7**(8): p. 101-103.

[40] S. Birch. *Elections and Democratization in Ukraine*. 2000, London: Macmillan. Also, Weller, C., *Mass Attitudes and Ethnic Conflicts in Ukraine*, in *Dilemmas of State-Led Nation Building in Ukraine*. 2002, Praeger: Westport, CT. p. 231-348.

[41] T. Kuzio. *Oligarchs, Tapes and Oranges: 'Kuchmagate' to the Orange Revolution.* Journal of Communist Studies and Transition Politics, 2007. **23**(1): p. 30-56.

[42] A. L. Osipian. *Why Donbas Votes for Yanukovych: Confronting the Ukrainian Orange Revolution*. 2006.

[43] T. Kuzio. *Oligarchs, Tapes and Oranges: 'Kuchmagate' to the Orange Revolution.* Journal of Communist Studies and Transition Politics, 2007. **23**(1): p. 30-56.

[44] A. L. Osipian. 2006.

[45] F. Niculae, and O. Popesku. *Dispute between Ukrainian Political Elites on the Eve of Presidential Elections in 2004*, in *Ukraine: A country Torn Apart between Europe and Russia*. 2004, Politeia: Bucuresti. p. 112-167.

[46] A. L. Osipian. 2006.

[47] N. Nugent. *The Government and Politics of European Union*. 2003: Duke University Press. Also, Giandomenico, M. *Policy Making in European Community since Single Act*. in *EUI SPS*. 1993. EUI.

[48] F.W. Scharpf. *The Joint- Decision Trap: Lessons from Grman Federation and European Integration.* Public Administration, 1988. **66**(3): p. 239-278. Also, Banchoff, T. and M.P. Smith, *Conceptualizing Legitimacy in a Contested Polity*, in *Legitimacy and the European Union*. 1999, Routledge: London. p. 1- 27.

[49] L. Friis. *EU and Legitimacy — The Challenge of Compatibility: A Danish Case Study.* Cooperation and Conflict, 2016. **34**(3).

[50] K. E. Smith. *The Making of EU Foreign Policy: The Case of Eastern Europe*. 1998, London: Macmillan.

[51] G. Falkner. *How Pervasive are Euro-Politics? Effects of EU Membership on a New Member State.* Journal of Common Market Studies, 2002. **38**(2): p. 223-250.

[52] F. Schimmelfenning, and U. Sedelmeier. *The Politics of European Union Enlargement: Theoretical and analytical perspectives*, in *The Politics of European Enlargement: Theoretical Approaches*. 2005, Routledge:

[53] G. Falkner. *How Pervasive are Euro-Politics? Effects of EU Membership on a New Member State.* Journal of Common Market Studies, 2002. 38(2): p. 223-250.

[54] P. D-Anieri. *Autocracy and Revolution, 1999 -2004*, in *Ukraine and Russia: From Civilized Divorce to Uncivil War*. 2019, Cambridge University Press: Cambridge. p. 103-138.

[55] V. Kulyk. *Language Identity, Linguistic Diversity and Political Cleavages: Evidence from Ukraine.* Nations and Nationalism, 2011. 17(3): p. 627-648. Also, Loffe, Y. *Termination of the Treaty of Friendship between Ukraine and Russia – Too Little Too Late?* . 2019 May 1. Odarchenko, K. *Ukraine's President, Power Elites, and the Country's Revolution*. 2020 November 5.

[56] Open Society. *Understanding Ukraine's Euromaidan Protests*. 2019 May.

[57] A. L. Osipian. 2006.

[58] BBC. *Ukraine: Putin signs Crimea annexation*. 2014 March 21.

[59] K. Odarchenko. *Ukraine's President, Power Elites, and the Country's Revolution*. 2020 November 5.

[60] A. L. Osipian. 2006.

[61] E. Ekberova. *Final vote count in Donetsk referendum ends in favour of joining Russia*. 2022 September 28.

[62] DI, Democracy International. 2014. *Secession Referendums in Ukraine a "farce"*. Cologne, Germany: Democracy International, May 12.

[63] M. K. Flynn. *Political mobilisation in eastern Ukraine: The referendum of 1994 in the Donetsk oblast*. The European Legacy, 2008. **1**(1): p. 342-349.

[64] M. Mirovalev. *Donetsk and Luhansk: What you should know about the 'republics'*. 2022.