

# EUROPEAN INTEGRATION OF UKRAINE: experience of neighbors and prospects of consolidation of society



Ilko Kucheriv  
Democratic Initiatives Foundation

Informational and analytical publication

«European integration of Ukraine: experience of neighbors and prospects of consolidation of society»

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European integration in Ukraine has been acquiring qualitatively new meaning: from declarative foreign policy course, it has been gradually turning into a complex internal policy of reform. At this stage public opinion on European integration becomes extremely important, because level of support to a certain integration vector is an essential component of a successful policy of European integration and Europeanization of society.

In population's choice between European and Eurasian vectors significant regional differences existed and continue to exist. While the West and Centre of Ukraine traditionally preferred the idea of joining the European Union, the Southern and Eastern Ukraine's support for European integration was significantly lower and majority of population was in favor of Ukraine's membership in the Customs Union. At present, the situation is changing and attractiveness of the Eurasian vector is dramatically reducing, and the only region where majority of the population further believes that Ukraine should become a member of the Customs Union is Donbas. This regional specificity of attitudes towards European integration explains extreme urgency of the idea to organize broad public discussion (in the most problematic from public opinion's point of view regions) on the possibilities of solving the problems to which public opinion is sufficiently sensitive, and with which direct neighbors of Ukraine had already dealt on their road to the EU. Therefore, it was important not only to organize the dialogue with the regions where it was necessary to increase the level of support of European integration, but also to streamline the dialogue by using specific examples from Eastern Europe – Poland and Slovakia – who in 1990s were in very similar starting conditions, but managed to fully integrate not only into the EU, but into NATO as well.

The relevance of the project «How to convince citizens of the East and South in the benefits of European integration: expert opinion and international experience», in the framework of which presented below materials were developed, was due to the need to overcome regional differences in public opinion towards European integration shape of realistic public perceptions of European integration not as of a goal but as of a tool to address the most

pressing problems of society, and to analyze ways of overcoming these problems by studying the possible use of the experience of Eastern Europe. The main partners in this project were the Institute for Public Affairs (Bratislava, Slovakia) and the Institute of Public Affairs (Warsaw, Poland), whose experts have participated in all regional roundtables in the project. Regional discussions were devoted mainly to the discussion of such important issues as:

- The most successful and most problematic reforms in Slovakia and Poland and the role of European integration in their implementation;
- History of Europeanization in Poland and Slovakia – and whether parallels with contemporary Ukraine are possible;
- Slovakia: results of reforms in decentralization, anti-corruption, judicial reform and law enforcement agencies;
- Poland's experience in building equitable relations with Russia and the appropriate lessons for Ukraine;
- The role of public support for the European integration ideas for successful reforms and the consolidation of society in Slovakia and Poland;
- The main problem of informing and persuading population in the East and South of Ukraine about the European prospects of Ukraine, the possibility of the formulation of arguments based on the experience of integration and reforms' implementation in Poland and Slovakia;
- The potential of the idea of European integration to unite Ukrainian society in the light of the Association Agreement's implementation and change of the format of relations with Russia.

Thus, during regional discussions we were able to touch upon and discuss three significant components which are important for the dialogue with Southern and Eastern regions: examples of overcoming similar with Ukrainian situation problems in Slovakia and Poland, factor of Russia and its analysis, and specificity of the South and the East and the prospects for change in public opinion in these regions. It is important that the analysis of the experience of Poland and Slovakia meant highlighting achievements as well as challenges to the implementation of reforms and countries' movement to the EU, both successes and mistakes, which can be avoided by Ukraine. Therefore, the discussion was based on the principles of comprehensive coverage of the above mentioned problems, objective analysis with an emphasis on the fact that for Ukraine the process of solving such transformation problems in current EU-members is important in itself.

Materials, presented in this publication, were part of presentations during regional events. In each of the articles several aspects of the basic blocks, which thematically composed regional discussions, are revealed.

According to the results of the project it can be stated that the use of the

experience of neighboring countries is justified and certainly appropriate for the campaign to educate as well as to persuade citizens in the South and East in the practical benefits of the implementation of the European integration policy in its internal dimension. Changes in public opinion in this problematic regions is possible and example of this is the differences that emerged between the public mood in the South and the East, on the one hand, and the Donbas, on the other. To motivate these changes and their transformation into a trend, there is a need to develop a clear information policy but with peculiarities in each of these regions.

# PUBLIC OPINION ON EUROPEAN INTEGRATION: NEW TRENDS AS A CHANCE TO CONSOLIDATE SOCIETY

**Maria ZOLKINA,**  
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European integration remains the main priority of the foreign policy of Ukraine. At the current stage the content of the European integration has been significantly changing both in domestic and international context. The European integration gains the new sense for the Ukrainian society, being transformed from the foreign policy course to the complex domestic state policy. In the light of the actual political changes inside the country and the rational necessity to ratify and realize the Association Agreement with the EU, European integration should be explained as a policy of domestic reforms in political, social, economic and legal spheres. The idea of the integration is in practice turned into the set of tools for domestic reforms and the Association Agreement will play the role of the road map for these transformations.

In general, the main function that can be fulfilled by European integration is a consolidation of the Ukrainian society. Yes, the consolidation, despite the fact that there have always been clear regional differences in the Ukrainian society in the attitude of the population to the priorities in the foreign policy. The new format of relations with the EU – the Association Agreement – foresees the change of the model itself and the mechanisms for deepening bilateral relations and the integration of Ukraine into the EU.

The process of integration after the Association Agreement will enter into force will gain practical forms and it will be possible to evaluate its effectiveness according to the clear criteria and indices – the change of the legal base, practical implementation of the standards and norms of the EU, changes in the system of both development and realization of the state policies, the level and character of Ukrainian economy restructuring. All this opens new possibilities for the change in the public opinion: if notable and tangible consequences of European integration will be effective and mainly positive for average Ukrainians, the number of supporters of the European course in Ukrainian society will most likely grow.

If reforms will be ineffective, shallow, or marked as «European integration», but will not have anything to do with it, the support of the European integration idea, at least in short-term perspective, can on the contrary reduce and the regional splits will grow.

There is a need to implement successful reforms, which would become an argument for raising support of European integration, first of all in those regions where this support is low today. The road map for these reforms is the Association Agreement.

So, what are the real perspectives of the European course to become a mutual platform for different regions as well as for the representatives of different generations? How serious are the regional differences today in population's attitude towards the European vector? What one needs to know and understand about those regions that stand against the membership in the European Union as a strategic goal? What information policy should be applied in the regions where European integration does not find the serious support among the population? Which reforms are of the top priority for the inhabitants of the regions with the most critical attitude towards the EU and will it be possible to change the attitude of the public there towards the European perspective?

To highlight the actual problems with spreading the support of the European integration in Ukrainian society, the article focuses on the following aspects:

- Modern tendencies in the public opinion regarding the European integration;
- Consolidation problems: how to unite regions around the European integration idea.

## NEW TRENDS IN PUBLIC OPINION ON THE EUROPEAN INTEGRATION COURSE OF UKRAINE

### **Trend 1. Steady growth of the European perspective support in the Ukrainian society.**

The support of the European and not Euro-Asian vector of the integration started to dominate in the Ukrainian society in the end of 2011. The change in correlation between the supporters of the EU, the Customs Union and not joining any of them in favor of European integration has taken place then. It is indicative that the growth of the EU membership support started at the time when the rollback of the European integration course was taking place. The relations between Ukraine and the EU instead of the activation at the final stage of the Association Agreement preparation entered the period of political stagnation and actually of the crisis. Declarations on the priorities of the European direction and even officially securing this idea in the Law «On the principles of domestic and foreign policy» (2010) were accompanied by the monopolization of power in Ukraine and strengthening of the authoritarian tendencies.

The society reacted with the increasing support against the background

of the rollback of the European integration policy. Thus, the position and the policy of the Ukrainian authorities both inside the country and in its foreign policy became one of the determining factors for the development of the new tendency – prevailing support of European integration. The year 2011 can be called the first critical stage in the general history of the development of the public opinion on the EU.

### Which integration direction should Ukraine choose?

	October 2011	December 2012	May 2013	March 2014	May 2014
Joining the EU	43,7	42,4	41,7	45,3	50,5
Joining the Customs Union of Russia, Belarus and Kazakhstan	30,5	32,1	31,0	21,6	21,4
Joining neither the EU nor the Customs Union	9,3	10,5	13,5	19,6	17,4
It is difficult to answer	16,4	15,0	13,7	13,4	10,6

However, the problem was that this support was demonstrated by not absolute, but relative majority of Ukrainians. That is why even in 2013, when the Association Agreement was one of the main topics of the public discourse, the correlation between the supporters of the EU and those of the Customs Union remained approximately similar to the one in the end of 2011, i.e.: joining the EU was supported by 42% of Ukrainians and joining the Customs Union by 31%, 13.5% of respondents thought that there was no need to join any unions, and 14% of Ukrainians could not determine their views regarding the integration processes.

**The second critical stage** started in the end of 2013. The trigger that led to the changes in public opinion on the integration orientation of the population was the refusal of Viktor Yanukovitch and his team to sign the Association Agreement in Vilnius and the beginning of Maidan. Later this tendency of attraction growth of the European course was also reinforced by the transformation of the protest into the revolution, aggression from the Russian Federation and annexation of the Ukrainian peninsula of Crimea.

The key point in the new wave of the changes of the public mood was not only the growth of the EU support, but also the sharp decrease of the integration attractiveness of the Customs Union for former supporters of this union. Thus, in March 2014 the number of EU supporters increased only by 3% compared to 2013, but the number of supporters of the Customs Unions decreased by 9% down to 22%. Simultaneously with this process the number of

those who think that Ukraine should not join any of the unions increased by 6%.

The survey in the middle of May 2014 showed the continued growth of the European vector support – up to unprecedented 50,5% and certain decrease in both the number of integration «unaligned» respondents (from 19,6% to 17,4%) and the number of those who did not decide yet (from 13,4% to 10,6%). It is necessary to state that in general during the last 2,5 years Ukrainians became more inclined to clear determination of their priorities: the «grey» category of those who did not make up their mind decreased by 6%.

Abovementioned tendencies are confirmed if the attitude of the population towards the membership in the EU and the Customs Union are analyzed in general. Thus, the picture with the support of the membership in the Customs Union has cardinally changed compared to the 2009. If in the end of 2009 58% of Ukrainians supported the idea of joining the Customs Union as it is, today 61% of Ukrainians are against such perspective.

### In your opinion, should Ukraine join the following international organizations?

#### Customs Union with Russia, Belarus and Kazakhstan

	December 2009	August 2012	December 2013	March 2014	May 2014
Yes	58,1	46,5	35,1	25,7	24,5
No	20,0	34,5	45,3	53,0	61,1
It is difficult to say	21,9	19,0	19,5	21,3	14,4

The part of those who support the idea of joining the EU during the last 4 years was gradually growing from 43% in December 2010 up to 48% in December 2013 and record-setting 53% in May 2014.

#### European Union

	December 2010	December 2012	December 2013	March 2014	May 2014
Yes	42,8	48,4	48,0	47,5	53,0
No	32,8	29,2	35,9	36,6	35,5
It is difficult to say	24,3	22,4	16,1	15,9	11,6

### Trend 2. The support of the European integration unites different generations.

Another peculiarity of public opinion regarding European integration is that today for the first time we have the situation when the idea of the EU

membership is supported by the majority of the representatives of each age group. Traditionally, youth was the most committed to the idea of European integration. Thus, in May 2013 the majority (54%) of only one age group of 18-29 years old supported the EU membership. The situation was different in other age categories: either the relative majority supported the membership (30-49 y.o.) or the number of supporters of the EU and the Customs Union was almost equal (50-59 y.o.), or the supporters of the EU were the minority (60 y.o. and older).

### Which integration direction should Ukraine choose?

(Age breakdown, May 2013)

	18-29 y.o.	30-39 y.o.	40-49 y.o.	50-59 y.o.	60 y.o. and older	Ukraine in general
Joining the EU	54,1	44,5	44,5	37,5	30,4	41,7
Joining the Customs Union of Russia, Belarus and Kazakhstan	18,8	22,3	27,6	38,7	45,0	31,0
Joining neither the EU nor the Customs Union	13,4	16,1	13,0	13,7	11,6	13,5
It is difficult to answer	13,6	17,2	14,8	10,1	13,0	13,7

During the last year the significant changes took place in the age distribution of the public opinion regarding the integration priorities. The support of the EU membership has grown in all age groups. The youth remains the biggest supporter of the EU membership, but if among the citizens aged 30-39 years old in 2013 there were 44,5%, in 2014 this number reached 55%. In the age group 40-49 y.o. this number reached 44,5% EU supporters in 2013 and today it is 53%, 50-59 y.o. – 37,5% and 51% accordingly. Even among the representatives of the oldest generation aged 60 and older the relative majority (41%) supports the accession to the European Union, though a year ago the situation looked completely opposite. At the same time among citizens of all age groups the number of the supporters of the Customs Union has decreased, and the biggest decrease was observed in the group 50-59 years old (from 39% down to 22%) and among people of 60 years old and older (from 45% down to 28%).

### Which integration direction should Ukraine choose?

(Age breakdown, May 2013 – May 2014)

	18-29 y.o.		30-39 y.o.		40-49 y.o.		50-59 y.o.		60 y.o. and older	
	May 2013	May 2014	May 2013	May 2014						
Joining the EU	54,1	55,9	44,5	55,3	44,5	53,0	37,5	51,4	30,4	41,4
Joining the Customs Union of Russia, Belarus and Kazakhstan	18,8	15,8	22,3	17,9	27,6	22,3	38,7	22,2	45,0	27,8
Joining neither the EU nor the Customs Union	13,4	17,4	16,1	18,7	13,0	16,5	13,7	16,9	11,6	17,7
It is difficult to answer	13,6	10,9	17,2	8,1	14,8	8,2	10,1	9,4	13,0	13,1

During this time youth on the contrary did not show the significant growth of the EU integration support (the increase made up only 2%) demonstrated by the middle-aged and elderly people. Further research will show whether the opinion of the young generation will change in future. In general, it is possible that the potential of the support of the European integration idea among the youth is at its maximum today. Actually, the current level of the EU support among the representatives of the new generation of Ukrainians is equal to the one shown in 2011 – 58%.

### In your opinion, should Ukraine join the following international organizations? The European Union (youth)

	December 2011	December 2014
Yes	58,0	58,3
No	21,9	28,6
It is difficult to answer	20,4	13,1

Thus, the choice of the youth was obviously made consciously several years ago and was not a situational response to any internal or external political or economic changes. Regarding the disposition of the representatives of other age groups, there will likely be changes as the sharp increase of the European

integration support can be more of a reaction to the aggression from Russia and the obviousness of the fact that any integration with the northern neighbor is impossible. Probably among middle-aged people and elderly people the support of the EU will decrease a little, but the general correlation, which is today in favor of European integration, is unlikely to change.

Further changes in the moods of the youth will depend on relations development between Ukraine and the EU, the position of the European Union regarding the European perspectives of Ukraine and the effectiveness of the reforms implemented in framework of the Association Agreement. The fluctuations can take place both in the direction of the certain decrease of the level of support and to the increase of pro-European moods among the youth.

The most important factor today is that the support of the European perspective first of all unites the representatives of different generations in Ukrainian society. This is a balanced change of the integration preferences in the Ukrainian society according to the age distribution. Obviously the events of the last months, the understanding of the consequences of Yanukovych regime and direct aggression from Russia, union with which was traditionally supported by the people of the older age, became a serious argument for them to incline towards the European choice. This factor can be a fruitful ground for the loyal attitude to the pro-European reforms if the support of the European integration grows in the groups that earlier perceived it in the most critical way. The stipulations of this support in different age groups are different: youth has a strategic and conscious choice, which has already became the characteristic feature of this generation, and further surveys will show if the choice of the older generations becomes a trend.

In general it can be said today that further fluctuations of the European integration support in all age groups will depend on the domestic effect of the European integration (effectiveness of reforms) and the international situation (Russia's policy regarding Ukraine and the position of the EU in terms of the European choice of Ukrainian society).

### **Trend 3. New regional distribution of integration priorities.**

Regional differences in the attitude towards integration vectors continue to exist in Ukrainian society. Traditionally, European integration was supported by the inhabitants of the Western and Central macro-regions, at the same time residents of the South and the East preferred the idea of the membership of Ukraine in the Customs Union. This was the simple way to draw the line between the supporters and opponents of the European integration on a regional basis. The third extremely important trend that crystallized during the post-Maidan period is that this usual regional distribution has

already changed and can be changed in future. What are these changes?

First of all, the moods in Donbas today clearly differ not only at the from the Western and the Central, but also the Southern and the Eastern regions. Donbas today is the only region in Ukraine where the absolute majority of the population thinks that the priority direction for the integration should be the membership in the Customs Union – 68% of inhabitants of the region think so. At the same time Donbas has the lowest level of support of the membership in the EU as compared to other regions – 13%.

#### **Which integration direction should Ukraine choose? (May 2014)**

	West	Center	South	East	Donbas
Joining the EU	87,7	64,0	28,0	30,5	13,1
Joining the Customs Union of Russia, Belarus and Kazakhstan	1,0	6,9	25,1	29,5	67,8
Joining neither the EU nor the Customs Union	4,8	18,1	28,4	32,2	8,1
It is difficult to answer	6,5	11,0	18,5	7,8	10,9

In the South and the East (Dnipropetrovsk, Zaporizhia and Kharkiv oblasts) there is still no clear preference for the EU integration support, but the moods significantly differ from the public opinion in Donbas. Thus in the South and the East the public opinion is more or less equally distributed between the support of the integration into the EU, the Customs Union and non-aligned status of the country.

So, there is no ground to unite Donbas on the one hand with the South and the East on the other hand, on the basis of foreign policy orientations, as the support of the European integration in the East makes up 30.5%, in the South – 28%, and in Donbas only 13%. In the South and the East there is a significant reserve (28% and 32% accordingly) to join the EU supporters made of those who today thinks that Ukraine should remain out of any unions. In Donbass this index makes up only 8%.

The South and the East have their own peculiarities, as former supporters of the integration in the Euro-Asian direction will not change their views to the opposite at once, and will not support the membership in the EU. Rather, they will first join the «against all» camp, and only then will join the group of the supporters of European integration.

This is proved by the example of the Southern region, which, comparing to May 2013 survey, showed the decrease by 14% (from 39% to 25%) among

the supporters of the Customs Union, while the number of opponents of any integration (neither the EU, nor the Customs Union) grew two times – from 14% up to 28%. All this only adds to the picture of the understanding of the information policy type in the regions where either the support of European integration doesn't dominate (the East and the South) or the population is against the membership in the EU (Donbas).

#### **Trend 4. The number of Europeans is growing among Ukrainians.**

At this moment those Ukrainians who feel themselves Europeans are the minority – there are 38% of these people in the society, while the majority do not consider themselves Europeans (52%). Any data should be analyzed in dynamics, especially in the issues of the identity. During the last 6 years the number of those who identify themselves as Europeans was gradually growing. If in 2008 there were 25% of those who felt themselves Europeans and 70% of those who didn't, in May 2013 there were 34% and 55% of them accordingly. Years 2013-2014 were critical for the issues of the self-identification of Ukrainians and the data received during this period strongly confirm that significant and dynamic changes are possible even in these sensitive issues as a result of the reaction of the society to the current political and social events.

#### **Do you identify yourself as European? (Dynamics 2013 - 2014)**

	May 2013	December 2013	May 2014
Certainly, yes	10,0	18,4	10,0
Rather, yes	24,3	25,9	27,6
Rather, no	29,1	32,1	28,0
Certainly, no	25,9	17,5	24,2
It is difficult to answer	10,7	6,2	10,3

It means, that in December 2013 during the first phase of Euromaidan of, when the signing the association with the EU was one of the main demands of protesters, the unprecedentedly high index of identification of Ukrainians as Europeans was recorded. Thus, 44% of Ukrainians in December 2013 felt like Europeans, and 50% did not feel like Europeans. However, this was rather a situational emotional reaction, expression of discontent with the fact that the European integration course was failed by the President Yanukovych and the government of Azarov. Later the issue of the foreign policy course – movement towards the EU – was loosing relevance against the background of the aggravation of internal problems, strengthening of authoritarian tendencies in the political system, and attempts of the authorities to suppress the protest.

As a result the number of those who at the peak of the European integration aspirations felt themselves a part of the United Europe also decreased to 38% in May 2014.

It is not surprising that the most attracted to the EU Western region of Ukraine has the biggest share of people who feel themselves Europeans – 59%. The Center, as in the case of support of European integration, holds the second place with 43% of population who identify themselves as Europeans. Donbas is again «the farthest» region in this aspect and this is one more difference from the South and the East on one hand, and Donbas on the other.

#### **Do you identify yourself as European? (May 2014)**

	West	Center	South	East	Donbas	Ukraine in general
Certainly, yes	23,1	8,0	11,4	4,6	2,8	10,0
Rather, yes	35,8	34,7	26,2	23,9	8,2	27,6
Rather, no	25,5	29,6	26,7	30,7	26,8	28,0
Certainly, no	6,1	17,7	23,8	32,6	55,2	24,2
It is difficult to answer	9,5	10,6	11,9	8,2	6,9	10,3

In particular, if among the residents of the South 38% identify themselves as Europeans, in the East – 28.5%, in Donbas this figure is only 11%. These results are one more confirmation of the fact that previously traditional combination of all Eastern and all Southern regions of Ukraine into a single macro-region on the basis of common foreign policy orientation is not relevant any more.

#### **Consolidation problems: how to unite regions around the European integration.**

Thus, today we have actually new regional map of the population's attitude to the idea of the European integration. Donbas today differs by its complete orientation at joining the Customs Union with Russia, Belarus and Kazakhstan not only from the West and the Center, but also from the Eastern (Dniproprostrovsk, Kharkiv and Zaporizhia regions) and the Southern regions.

Donetsk and Lugansk regions together stand as a macro-region in which the support of the Customs Union is the highest one compared to other regions, the support of the EU is the lowest and the part of those who do not identify themselves as Europeans among the population is the highest.

Despite the fact that spreading pro-European position in Donbas will be

more difficult task than, for example, in the East or the South, it does not mean that this is impossible. It means that the information policy should be different from one region to another, and accents in the media policy in Donbas should differ from those in the South and the East. In Donbas the task of informing will be the top priority as only through raising the level of awareness there will be a possibility to later start the phase of convincing. In the South and the East, the situation is rather different and there is a need to convince those who are already disappointed in the Euro-Asian perspective as symbolically these citizens are standing between two directions – the European and Euro-Asian. If European integration will not get more attractive for this part of the population, it will further think that Ukraine should not join either the Customs Union or the European Union.

The transformation of public opinion in Ukraine and not only regarding the European integration is taking place against serious internal and external changes.

Summing up, it can be said that among all tasks of the foreign policy the main are, on one hand, implementing the democratic transformations and effective reforms, and, on the other hand, the policy of domestic consolidation and integration of the society.

One of the main tasks of the foreign policy is fully-fledged return of Ukraine to the European development, the integration into the European Union first of all as into the environment of democracy, freedom and standards of the effective governance. European integration can become a mechanism of domestic transformations. Then this integration vector will play the role of the link between the foreign priorities – the integration into the European environment, and domestic ones – the implementation of reforms and consolidation of the society. The Association Agreement between Ukraine and the EU, which has already been fully signed and ratification of which has already started in EU member states, is, first of all, the road map for reforms, which, on one hand, is necessary for the integration into the EU, and, on the other hand, for the Ukrainian state as an institution.

If the society is divided on regional basis in its integration priorities, then reforms can be a factor which will show the presence of common needs and expectations in different regions, promote the integration of the regions between themselves and also will play foreign oriented function – will reveal the added value of the European course of the reforms that will be conducted in frames of European integration.

Domestic factors, and in this case the need for fundamental reforms, will be much more important for the consolidation of society than the idea of joining the European Union even if these reforms will be directly connected with the movement towards the EU. In other words, it is possible not only to

overcome the split that actualized itself in the Ukrainian society, but in such indirect way to increase the support of the European vector of development through the accent on the domestic reforms, especially in the regions with most critical attitude towards the EU.

If reforms can become a core of society consolidation and the increase of attractiveness of the European perspective, then there is a need to pay attention to the reforms that are necessary for Ukrainians. Which spheres, in population's eyes, should be reformed first and foremost? Do the expectations of Ukrainians from various regions differ?

## REFORMS NECESSARY FOR THE SOCIETY – ARE THE REGIONS UNITED IN THEIR EXPECTATIONS?

The demand for reforms in the Ukrainian society has long been more than urgent. Today the top-five priority reforms awaited by the public looks like as follows:

1. Anti-corruption reform (supported by 63% of the population);
2. Health care reform (50%); pension reform and the reform of the social protection system (50%);
3. Judiciary reform. Reform of the Prosecutor's office (45%);
4. Reform of law enforcement agencies (39%);
5. Purging/lustration of officials/clerks (examination and possible dismissals) (38%).

Struggle against corruption, in public opinion, is a key problem of Ukrainian society. The demand for eliminating corruption unites Ukraine – in all regions this reform is a priority number one. The difference between regions is only in the level of support of the anti-corruption reform as a top-priority, but in all parts of Ukraine this reform holds the first place.

**Currently NGOs are preparing the package of reforms necessary to implement. In your opinion, which of them are of top priority?**  
May 2014.

(not more than 5 answers)

	West	Center	South	East	Donbas	Ukraine
1. Judiciary reform. Prosecutor's Office reform	53,0	45,1	48,6	43,8	30,6	44,6
2. Law enforcement agencies reform	43,6	40,8	38,6	35,5	35,0	39,3
3. Anti-corruption reform	74,0	58,7	55,8	68,0	55,9	62,8
4. Electoral legislation reform	7,9	11,1	13,6	6,7	6,6	9,2
5. Administrative reform	18,5	11,2	20,5	15,9	25,0	16,7

	West	Center	South	East	Donbas	Ukraine
6. Decentralization and regional development reform	28,4	18,3	22,4	30,6	41,7	26,9
7. Tax reform	24,7	29,0	27,0	41,9	19,0	28,7
8. Deregulation and stimulating development of entrepreneurship and investments	22,3	16,0	9,8	24,5	17,1	18,4
9. Pension reforms and reforms of the social protection system	43,4	54,6	50,0	42,7	55,3	49,7
10. Education reform	20,7	25,3	27,1	16,1	15,0	21,2
11. Health care reform	47,2	53,6	49,3	51,1	46,6	50,2
12. Land reform	12,0	19,2	13,5	13,4	7,5	14,2
13. Reform in the sphere of mass-media (Media reform)	3,6	2,2	6,1	2,7	4,7	3,4
14. Purging/lustration of officials and civil servants (examination and possible dismissal)	49,2	41,3	37,9	32,8	24,4	38,3
15. Other	0,2	0,6	2,3	1,1	4,4	1,4
16. It is difficult to answer	2,4	4,8	7,0	3,0	7,5	4,6

Turning to Donbas, the region that is «the farthest» from the idea of the European integration, top-5 reforms awaited by the inhabitants of this region look like this:

1. Anti-corruption reform (56% inhabitants of the region);
2. Pension reform and reform of the social protection system (55%);
3. Health care reform (47%);
4. Decentralization and regional development reform (42%)
5. Law enforcement agencies reform (35%).

So, eliminating corruption and issues of the social protection are as important for Donbas as for the rest of Ukraine and hold first places in the list of priority reforms. But Donbas has its own particular characteristics. For instance, only in Donbas, decentralization reform got into the top-5 of priority reforms.

The separate question is what people in Donbas understand as decentralization. In the light of separatism activities in the region, it is possible that under the term «decentralization» average residents of Donbas might

mean the certain form of distancing from Kyiv, but the forms of this dissociation can be not the real decentralization, which is the process of transferring the powers and competences to the local communities. Nevertheless these expectations should be taken into consideration while forming the agenda for the dialogue with the region and while conducting the information campaign regarding the European perspectives. Considering the low support of European integration in Donbas, it is possible to use the arguments of reforms similar to decentralization reform similar to decentralization reform that were successfully conducted in EU member states – Poland and Slovakia.

Dissemination of the information about subsidiarity practice both in cases of separate EU member states and the Union itself can be incorporated into the public discourse on decentralization awaited by Donbas inhabitants. This would allow combining the realization of two tasks at the same time: establishing the dialogue with the region considering its specific needs, and disseminating the experience and best practices of the EU member states, as well as objective information about European standards and practices.

Purging/lustration reform is less important for Donbas region comparing with the other regions and the country in whole. In general 38% of Ukrainian citizens want immediate implementation of this reform, in Donbas this reform is supported by 24% of people. Almost similar is the situation with judiciary and prosecutor's office reform: Ukraine - 45%, Donbas – 31%.

The peculiarity of the public opinion of residents of the East is the higher than in other regions demand for the tax reform (42%). The expectations of the Southern Ukraine completely coincide with top-5 of priorities in Ukraine altogether.

Thus in Donbas, the East and the South of Ukraine, where the level of support of the EU is lower than in the Center and in the West, the expectations regarding certain reforms correlate with the expectations in Ukraine as a whole. If the idea of EU integration is not supported by Donbas residents, their expectations regarding the priority reforms do not contradict with the expectations of other regions of Ukraine. Donbas does have its own peculiarities, in particular, the demand for decentralization and significantly lower support of the lustration. Yet, the basis of the mutual or similar expectations is the first factor that can unlock the potential for consolidation of the regions with the help of reforms.

It is necessary to state that none of the regions of Ukraine has strong beliefs that it will be possible to implement these reforms in the nearest future, i.e. already in 2014. Thus, the possibility of realization of the anti-corruption reform in 2014 is believed only by 12% of Ukrainians, health care reform – 8,5%, pension and social protection reform – 12%. Expectations regarding the possibilities of these reforms in Donbas are even less optimistic.

**In your opinion, which of these will be implemented until the end of 2014? May 2014 (provide all necessary answers)**

	West	Center	South	East	Donbas	Ukraine
1. Judiciary reform. Prosecutor's Office reform	14,1	7,0	13,1	7,0	3,4	8,5
2. Law enforcement agencies reform	15,1	11,6	13,5	9,9	5,3	11,2
3. Anti-corruption reform	20,1	10,6	12,6	12,4	6,3	12,4
4. Elections legislation reform	3,4	2,8	3,3	1,6	0,3	2,3
5. Administrative reform	6,2	2,9	5,6	3,8	6,3	4,6
6. Decentralization and regional development reform	11,0	5,8	7,4	12,1	11,2	9,1
7. Tax reform	8,6	5,8	6,5	11,0	3,4	7,1
8. Deregulation and stimulating development of entrepreneurship and investments	8,4	3,9	0,9	6,2	3,1	4,8
9. Pension reforms and reforms of the social protection system.	9,6	17,6	11,2	9,7	7,2	12,1
10. Education reform	4,6	8,3	5,1	4,6	1,2	5,4
11. Health care reform	10,6	12,6	9,8	4,6	0,6	8,5
12. Land reform	2,9	2,5	3,3	0,3	0,3	1,9
13. Reform in the sphere of mass-media (Media reform)	2,9	1,3	1,4	2,7	0,0	1,7
14. Purging/lustration of officials and civil servants (examination and possible dismissal)	27,3	20,2	12,1	14,8	5,3	17,4
15. Other .	0,5	0,1	0,9	0,0	0,0	0,2
16. It is difficult to answer	11,5	10,3	5,6	7,8	6,9	9,1

However, this factor of current mistrust in the possibility of realization of these reforms in practice can have an opposite effect over time. If there are no high expectations, consequently there can be no serious social disappointments. But if in conditions of disbelief in the possibilities of reforms implementation these reforms will be at least successfully started,

this will promote the increase of the level of trust in the authorities, growing of its legitimacy in the most problematic region, Donbas, and potentially can consolidate the society in support of the reforms.

Despite all sharp social and political problems that became obvious in Ukrainian society as never before, the personal readiness of the significant part of the society to join the public discourse on realization of the abovementioned reforms speaks in favor of the uniting potential of these reforms.

**Are you ready to participate in discussions regarding the implementation of the necessary reforms? May 2014**

	West	Center	South	East	Donbas	Ukraine
Yes	43,0	44,5	39,7	30,6	33,4	39,4
No	36,1	41,9	40,7	59,1	55,6	45,9
It is difficult to answer	20,9	13,5	19,6	10,2	10,9	14,7

In general Ukrainians demonstrate reasonably high level of readiness to participate in the discussion over priority reforms for our society – 39% of Ukrainians are ready to participate in this process personally. In the most problematic region, Donbas, this index makes up 33%, which in absolute numbers makes up the serious human resource to resolve conflicts that appeared, integrate Donbas internally and reintegrate it in Ukraine.

The strongest factor that will promote increase in the level of the European integration support in the Ukrainian society can be the successful implementation of reforms and their notable positive effect. This opinion is expressed by majority of analysts that were interviewed within the expert poll conducted by Ilko Kucheriv Democratic Initiatives Foundation on June 18-25, 2014. Majority of the experts also thinks that the change of the public opinion in Donbas in favor of the increasing support of the European vector is possible and will happen in the mid-term perspective of 5-10 years<sup>1</sup>.

<sup>1</sup> Expert poll «European integration of Ukraine today: problems, challenges, tasks» was conducted on June 18-25, 2014. 22 experts were polled - <http://www.dif.org.ua/ua/publications/press-relizy/hnhiofjojeopjo.htm>

## CONCLUSIONS

Despite all sharp angles, the reinforcement of centrifugal and even separatist tendencies, the European integration still has the potential for uniting Ukrainian society, but this potential has to be realized. This is possible through the presentation and implementation of the course of European integration primarily as a policy of internal transformations and reforms. While there are still significant regional differences in the foreign policy orientations of Ukrainian, the public demand of domestic nature - request for reform - vice versa unites different regions.

Nevertheless, today Ukraine lives through the unique moment when social, political and economic crises can really become a window of opportunities for the consolidation of the society, real implementation of reforms the on one hand, and for the successful realization of the European integration course, on the other.

European integration today should not be perceived first of all not as foreign policy issue, but as complex domestic public policy aimed at the implementation of the actual reforms for the Ukrainian society.

Information campaign in the sphere of the European integration should be closely connected to the domestic dimension of the transformation. The presentation of the advantages of the European integration course should be made through the prism of internal reforms and effective implementation of the Association Agreement. Media support of reforms should be very active, comprehensive and more effective than reforms themselves, especially in the South and the East, where there is a reserve for support of European integration in the category of those who are disappointed in the Euro-Asian alternative and belong to the category of «non-aligned». The content of European integration, not just its form, should be moved to the forefront. At the same time there is no need to always stress that these or those changes are necessary only because they make up the part of the road map of the Association Agreement.

The dialogue with Donbas is to be built considering the peculiarities of the moods in this region. The accents in this dialogue should be made on the most challenging for this region problems and possibilities of their solution in frames of the European integration course. Those reforms that people in Donbas wait with the same eagerness as inhabitants of the other regions – anti-corruption reform, health care reform, pension and social protection reform – can become a basis for consolidation of the Ukrainian society and prevention of threats of rising differences and split. The expectations peculiar only to certain regions can also form the base for explanation of the added value of the European course implementation. For Donbas it is an

issue of decentralization, for the East it is a tax reform. Thus current needs and priorities in the sphere of reforms in those regions where the support of the European integration is not dominating should be used as a basis for grounded and practical discussion on the advantages of the European course of development.

The changes in the sphere of identity, of course, will be going slower than institutional transformations. But in the case of the Ukrainian society we can forecast that the institutional changes will precede the changes in the political culture and appearance of the new trends in the sphere of the self-identification.

The changes in the aspect of the identity will most likely come as response and reaction to specific reforms, institutional innovations and transformations. That is why reforms inside the large framework of the European integration course gain extremely important meaning for the present and the future of Ukraine. Effective implementation of the reforms will be the best basis for the internal consolidation of society, and over time will improve the level of support for European integration if both in political and information areas these reforms will be presented as part of the integration of Ukraine into the space of United Europe.

# REFORMS AND EURO-INTEGRATION IN SLOVAKIA: LESSONS FOR UKRAINE

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## 1. INTRODUCTION

After Ukraine reached the independence, country's choice of the optimal model of society's development and the fate of independent state were two key issues that national political elites permanently dealt with. Due to various factors the process of finding the clear answers to these questions was considerably long in time. The final answer came up only recently. During the same period, however, other Central and Eastern European countries succeeded to give plausible answers to similar questions, quickly and clearly, and subsequently they demonstrated the important achievements in the process of social changes after the fall of communism.

## 2. UKRAINIAN SPRING: HARD CHALLENGES AND LIGHT OF HOPE

The key events of 2013–2014 in Ukraine indicated the breakthrough for the overall society's life, for the further process of political and socio-economic reforms, for the fate and character of independent Ukrainian state, its position in the system of international relations and participation in the integration process in Europe. Viktor Yanukovych's refusal to sign the Association Agreement with the European Union in November 2013 has sparked the mass protests of Ukrainian public in Kiev and other cities. State power has initially responded by brutal violence against participants of protest rallies and later (in January 2014) by adoption of repressive laws, which changed the nature of political regime (in fact, it was the effort to dismantle the democratic system). Culmination of the violent clashes in Kiev, accompanied by shooting and killing of protesters by members of special police units at the end of February 2014, resulted in president Yanukovych's decision to flee from the country, the subsequent Russian military aggression in the Crimea, the annexation of the part of Ukraine's sovereign territory and launching of the separatist rebellion in Luhansk and Donetsk regions inspired and supported by the Russian Federation. Presidential elections held at the end of May 2014 and

election of Petro Poroshenko in the first round in such turbulent circumstances contributed to enhancing the legitimacy of democratic power and helped to stabilize the overall political situation.

Analyzing the circumstances surrounding the culmination of the power struggle in Kiev in February 2014 as well as all further events one can come to conclusion that the main motivation of Russia's aggression against Ukraine was Kremlin's disagreement with the vector of Ukraine's move to the West – both in direct and figurative sense. Implementation of the democratic reforms, that lead to the entrenching of liberal-democratic regime of Western type in Ukraine (with all its characteristics and parameters) and Ukraine's movement on the path of European integration (from signing of the Association Agreement through the gradual accession process to the perspectives of reaching the status of full-fledged member of the EU) was perceived by Russian leadership as a threat to its own power positions inside the country and as danger for its «geopolitical» plans envisaging Ukraine as a part of Russia-inspired inter-state groupings, in which Russia should play the role of hegemon and the former Soviet Union countries would be sentenced to position of the satellite states. In the Russian-Ukrainian conflict, the democratic West (EU, USA, NATO) took position of clear support for independence and territorial integrity of Ukraine, continuation of democratization and reforms. Events associated with Ukraine in the first half of 2014 served as a catalyst for intensifying the communication between the EU and Ukraine in terms of the Association Agreement, and as a result the political part of this document was signed at the end of March and economic part was signed at the end of June 2014.

Challenges that Ukraine is faced with in the whole their scope and nature are incomparable with the challenges that Central European countries were confronted with after removal of the communist regimes and launching the transformation process. Ukraine today is exposed to diverse threats – from the overall political destabilization due to continuation of separatist activities through the possibility of open military invasion of Russia, the occupation of large part of Ukrainian territory (or even the entire country) till the factual or formal loss of national sovereignty. No Central European country that after 1989 embarked on the way of society's transformation faced such challenges.

In coping with challenges of this type Ukraine will have to use mainly its own internal potential. It will have to employ different solutions (including non-trivial ones) to maximize the efficiency of existing political, economic, civil and administrative capacities. Obviously, the strong support for the persistence and development of Ukraine as an independent, united, democratic and stable state from the democratic countries of the West can play a role of important factor in success of the whole reform process.

The positive role that would increase the ability of Ukrainian political and

economic elite and civil society actors to solve the problems emanated from the above-mentioned challenges can also be obtained from the usage of experience accumulated by Central European countries, members of the EU and NATO since 2004, in their transformation processes and participation in European integration.

### 3. SLOVAKIA'S EXAMPLE

From this point of view, Slovakia's experience during its democratic transition (1990–2004) may be particularly useful, since the country's development in this period was non-linear and complicated, with variety of possible options and outputs. It was a combination of successes and failures, the temporarily impeded participation in the European integration process as a result of internal political problems, authoritarian tendencies, democratic deficits and the subsequent renewal of integration chances, overcoming the consequences of authoritarianism, implementation of radical reforms, finalizing the EU accession process and acquisition of full-fledged membership.

In addition, the example of Slovakia may be particularly interesting to Ukraine also because among all the Central European countries, Slovakia is closer to Ukraine in some of its internal characteristics: it is a country with multi-ethnic composition of the population (more than 15% of inhabitants belong to ethnic minorities), with relatively high degree of confessional diversity and peculiarities of regional development (large regional differences in terms of socio-economic indicators, cultural specificities of individual regions etc.). In transition period, Slovakia had to deal with the legacy of the socialist-type-modernization, in particular with the consequences of one-sided industrialization, which distorted the structure of production and economy as a whole.

After 25 years of transformation, Slovakia represents a country with stable democratic political system, functional market economy and the developed welfare system. As a result of the undertaken restructuring of production capacities (including conversion of defense industry), the overall liberalization of economy and influx of foreign investments, Slovakia is today a state, occupying a prominent place in the world rankings indicating per-capita-production of products made by modern technology (cars, LCD TVs, electronics, etc.). Slovakia is a full-fledged member of the EU and NATO, member of Schengen zone and Eurozone, it is the most integrated part – together with Slovenia, Latvia and Estonia – of the former «socialist camp» in the contemporary united Europe. This status plays an important role in the overall development of the country, it is de facto the systemic factor. Current state of the country in 2014 is mostly the result of the implementation of particular reform measures in various society's areas in the period of 1990 – 2014.

## 4. SLOVAK REFORMS AND THE FACTORS OF THEIR SUCCESS

Major systemic economic and social reforms took place in Slovakia simultaneously with the reform of political system, the establishment of an independent state after the breakup of Czechoslovak federation in 1993 and building of its institutional basis, integration into Euro-Atlantic political, economic and defense and security structures. In political area these changes included: elimination of legacy inherited from the communist regime (process of political and judicial rehabilitations, property restitutions, screening procedures/illustrations), formation of political system based on pluralism and democracy, efficient mechanism of checks and balances, rule of law, free and fair elections, creation of functional system of protection of human and minority rights, formation of modern civil society and development of self-government and local democracy, including decentralization.

Profound systemic reforms in different areas were carried out over a relatively short period of time, often in their mutual interconnection. Their constituent elements were sectorial reforms, affected by variety of internal and external factors. These reforms included reform of ownership relations, reform of entrepreneurial environment, tax reform, reform of system of public finances, constitutional reform, public administration reform, pension system reform, welfare system and labor market reform, health care system reform, education system reform, judicial reform, military reform. Not in all of these areas the reform efforts led to identically positive results. In some areas considerable progress was made, in others results were more modest compared to initial expectations and reform processes have not been fully completed.

The effectiveness of reform steps depended mainly on the impact of three determining factors: first, Slovakia's participation in the European integration process, the attempts to join the European Union (EU) and the actual membership of the EU; second, the ability, readiness and commitment of the dominant political forces to pursue reforms; third, activities of pro-reform segments of civil society.

### 4.1. European integration

Country's participation in the process of European integration played a role of key factor in carrying out of the transformation process. After the collapse of communist regimes in 1989 the most popular slogan in Slovakia – similarly as in other Central European countries – became the slogan of «Return to Europe». This slogan quickly became synonymous with joining a community of states which embodied the idea of the united Europe. Transformation of

society and the endeavor to join the EU constituted two sides of the same coin.

Generally, the process of European integration acted as a catalyst of transition in Central European countries. In fact, in the final stage of the accession process, the strong integration conditionality has been established. This conditionality lead to two outcomes – the policy of encouragement for those countries which met the criteria for membership and policy of refusal for those countries which did not meet the criteria (in this case this approach was aimed to generate pressure for motivation of internal changes which should activate political forces with the pro-integration program).

Slovakia can serve as good example how the process of EU enlargement fundamentally affected the country's internal development. Slovakia signed association agreement with the EU in October 1993 and in June 1995 it officially applied for membership. However, Slovak Republic was the only Central European country that after the communist regime's 1989 collapse had to struggle for democracy and principal character of its political regime again and due to the troubled domestic political development between 1994 and 1998 it failed to comply with political criteria for EU membership. Slovakia was left outside the so-called Luxembourg group of EU candidate countries in 1997.

Slovakia's chances to be part of European integration were fully renewed after parliamentary elections in 1998 which brought landslide victory to the coalition of democratic forces of different ideological orientations. In 1999 Slovakia was included into the so-called Helsinki group of the applicant countries and at the end of 2002 it successfully completed the negotiations with EU about membership – at the same time as nine other applicant countries, including Slovakia's immediate neighbors – Czech Republic, Poland and Hungary. In May 2004 Slovakia became the full-fledged member of the EU. In 2007 it entered the Schengen zone, in 2009 it joined the Eurozone. Without integration pressure Slovakia would be barely able to implement a large number of reform steps during short period of time.

High popular support for the idea of membership in the EU played significant role in successful society's transformation during the accession period. European idea enjoyed an exceptionally strong support in Slovakia. Backing the country's accession to the EU has become the main determinant of public opinion in the area of foreign policy orientation, and it consistently reached very high values. Public support for membership in the EU oscillated between two thirds and three quarters of the population.

## 4.2. Political elites

Reforms, especially in socio-economic area, have been enforced in Slovakia in more intensive way when the country was governed by coalitions of center-

right political formations (parties of liberal and conservative orientation). Parties of another orientations (national-populist, nationalist, leftist) came to power several times since 1990. After forming their coalition governments these parties usually re-evaluated the results of some reform measures conducted by center-right formations. They, however, accepted the existing framework of fundamental systemic changes that was formed in the early stages of transformation (introduction of parliamentary democracy and market economy, orientation to membership in the EU and NATO) and did not question them. It can be concluded that with few exceptions there has been a consensus about systemic (major) reforms among the main political actors in Slovakia.

The basic principles of economic transformation in the former Czechoslovakia, which Slovakia has been a constituent part of until 1993, were formulated in 1990. The reform strategy accounted with the process of marketization of economy. The sequences of the whole process included: liberalization of business-doing, prices and foreign trade, the introduction of real interest rates and the exchange rate of the Czechoslovak currency, achievement and maintenance of fiscal and monetary balance, privatization and creation of new ownership relations, restructuring of industry and economy as a whole. Neo-classical and monetarist school of economy served as theoretical basis for economic transformation. Privatization has become the core of marketization.

For better understanding of the broader context of socio-economic reforms in Slovakia in 90s, it should be noted that HZDS (Movement for a Democratic Slovakia led by national-populist politician Vladimír Mečiar), the winner of parliamentary elections in 1992 and 1994, mobilized their voters in election campaign particularly by criticism of the so called «federal» (coming from Prague) model of economic reforms as allegedly «disadvantageous» for Slovakia. This criticism used as a pretext for emphasizing the negative collateral phenomena which accompanied the initial economic reforms in Slovakia in more excessive manner than in the Czech Republic (deeper economic downturn, higher rate of unemployment, lower level of foreign direct investments). HZDS argued that all these negative phenomena were caused by economic reform itself, not by peculiarities of Slovakia's economy, which was deformed during the communist regime (large share of defense industry, dependence on Soviet bloc markets, technological backwardness). Despite this criticism, however, HZDS continued the economic policy, key trends of which coincided with the reform strategy applied in 1991–1992, particularly in fiscal and monetary areas. Mečiar's government approved the economic program based on the principle of continuity with the inherited transformation path. In practice, however, it made efforts to establish a patronage system with significant elements of state interventionism.

### 4.3. Civil society

An important role in the overall process of social transformation and promotion of reforms has been played by civil society actors: NGOs, civic initiatives, think tanks, professional associations, business unions, trade unions, independent media, public intellectuals, representatives of the churches. They participated in elaboration of reform strategies in some areas, advocated the specific reform measures, sought to influence the approach of government officials, and tried to shape the public opinion. Civil society actors belonged to the most pro-reform and pro-European oriented forces in the country.

## 5. SECTORIAL REFORMS: SUCCESSES AND FAILURES

Some sectorial reforms, undertaken in Slovakia, can be mentioned as examples of successes or failures with the subsequent possibility to learn the lessons and to use the accumulated experience in other, less advanced transitive countries, including Ukraine – either to lunch and speed up their own reforms efforts or to avoid unnecessary mistakes.

### 5.1. Public administration reform

Public administration reform is an example of the successful enforcement of social change in terms of its content, achievements and public support. Reform of public administration in Slovakia began by introduction of low-level municipalities in 1990 (adoption of the law on local self-government, elections of mayors of cities and municipalities, election of city and municipal councils). However, in the subsequent years the process did not continue and only after the change of the government in 1998 it was restarted and led to creation of another – regional – level of self-government, massive transfer of competences from the central level to the regional and local ones, and from the government (executive power) to the elected local authorities (regional and local self-governments) in 2001. Constituent part of the reform was the fiscal decentralization. The public administration reform strategy, comprising the concept of its modernization and increasing of its efficiency, has been elaborated by experts from the non-governmental environment (think tanks, academia). It was clearly supported by the reform-minded part of the public. According to public opinion polls, this reform has gained the sympathy of majority of country's citizens. Thanks to public administration reform Slovakia is today a decentralized unitary state, enjoying sufficient degree of political stability. The reform also created favorable conditions for development of individual regions and cities, and gradual reduction of existent considerable regional disparities.

### 5.2. Pension system reforms

The aim of the pension system reform was to achieve the long-term sustainability of public finances, endangered by long-term unfavorable demographic trends, to strengthen the elements of merit in the system in so that the expected pensions would reflect the level of citizens' contributions paid into the system and to increase the incentive for making savings during the longer period. In 2005, the three-pillar pension system was established. The first pillar includes the continuous pay-as-you-go system, the second (private, capitalization) pillar based on pension savings and the third pillar consisting of various forms of voluntary pension savings or insurance. The retirement age was increased and the new valorization mechanism of the already appointed pensions was introduced.

### 5.3. Reform of welfare system and labor market

Another important sectorial reform was the reform of welfare system and labor market. Its urgency was determined by the fact that from the beginning of 1990s one of the most pressing problems in Slovakia was unemployment. Trade liberalization, privatization of state assets and restructuring of the economy were accompanied at the initial stage of transformation by massive redundancies, especially of workers employed in unprofitable state enterprises. At the end of 1990s the rate of unemployment in Slovakia has arisen to 20 percent of labor force (at the middle of the first decade of this century it decreased to 7 percent, but mainly due to the global economic crisis it increased again, in 2014 it oscillated around 13-14 percent). The state had to cope with this new social problem by creating a separate system of social assistance and professional retraining (re-qualification) of workers. The aim was to provide citizens who lost their jobs the opportunity to start their professional career again.

Slovakia's experience showed that the unemployment rate had a direct correlation with the type of governmental socio-economic policy. After 1993, the lowest unemployment rate in Slovakia was recorded in the period when the country was ruled by political forces that introduced economic reforms of liberal type which improved the overall business environment, created favorable conditions for the inflow of foreign capital and introduction of new technologies. Conversely, in a period when the country was ruled by parties which rather emphasized the state regulation and refused to further liberalize the market environment, unemployment was growing.

#### **5.4. Reform of health care system**

An example of incomplete reform is represented by the health care system reform. It was launched in 2002 by center-right government, however, the cabinet led by Smer-Social Democracy party that came to power in 2006 refused to continue it. The aim of the reform was to create model of flexible tools for implementing the health care policy, to modify the role of the state in health care system, to ensure the balanced and financially sustainable management and prevention of abuse of the health care system, to improve the quality of health services and to form the competitive environment. Key measures in the health care reform included the removal of indebtedness of health care system, introduction of symbolic fees for basic health services such as visits to physicians, drug prescriptions, hospitalization and use of ambulance transport (these measures were canceled by Smer-SD government in 2006), the transformation of health insurance companies and hospitals into the joint stock companies (transformation of hospitals was stopped by the new government too), cancellation of redundant capacities. Situation in health care system is the topic of sharp political debates due to persisting problems emanating from the incomplete reform.

#### **5.5. Reform of education system**

Another case of incomplete reform is an education system reform. Although some measures have been taken (transformation of state administration of education at the regional level), the attempt to introduce the multi-source-model of financing (including payment for study at universities and creation of student loans model) failed, mainly due to political reasons. The model of equal funding of public and private universities has not been established yet and education market was not opened for foreign high schools and universities.

#### **5.6. Judiciary**

In terms of ultimate results, the most problematic example is reforming of Slovakia's judicial system. Judiciary is clearly lagging behind in transition process compared to other society's spheres. An independent judiciary did not become the leader of transformation despite the role that courts should play in creating background for stability of democratic political system, respect of legal norms, equality before the law, the implementation of citizens' basic rights and freedoms, and fulfillment of principle of justice.

Although on the base of the adopted new legislation, the institutional changes took place in the area of justice and the separate and independent

branch within triple division of power has been formed, in judiciary, unlike in political and economic areas, the quick «reformatting» of the elite – the personal composition of the corps of judges – did not occur. Democratic mechanisms of changing the personnel in courts were introduced after 1989 slowly, with long-lasting search of the appropriate model of selection and installation of judges, adequate assessment of their activities in the past and present and procedures for appointment of presidents and vice-presidents of the courts. Elements of continuity with the situation that existed in times of non-democratic regime persisted in judiciary due to the above mentioned reasons longer than in other areas. Therefore the real break with the past was here less radical. Moreover, judiciary did not become the central point of attention of politicians, opinion leaders and media. The stress was made rather upon the formal aspects of decision-making and competence independence of courts than on the personal side of the issue – who really represents the guarantees for that independence. Structural, institutional changes in judiciary have overtaken changes in the personnel as well as changes in internal setting of judiciary. The mentioned problem was deepened by other difficulties such as authoritarian practices of power after establishment of the independent state (especially in the years 1994–1998), operation of national-populist parties and their strong power position, politicization, conflicts between judges, corruption, low level of credibility of judicial system among the public etc.

### **CONCLUSION**

The prospects for reforms and gradual integration of Ukraine into the EU will depend on country's internal abilities to find solutions of existing problems and to implement these solutions in state policies. Activities of domestic actors (policy-makers, state officials, politicians, businessmen, media, public intellectuals, civil society activists etc.) will play the main and irreplaceable role. However, the use of experience of Central European countries accumulated during the transformation and drawing lessons from their accomplishments and failures could help Ukraine to speed up and to deepen the reforms as well as to avoid doing unnecessary mistakes.

# POLISH – RUSSIAN RELATIONS. COMPLICATED 25 YEARS OF COMMON HISTORY

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## INTRODUCTION

Over the last 25 years, Poles have been witnessing serious changes in their own country. When the communist system finally collapsed, Poland had to face challenges in internal situation (inevitability to modernize economy and fight with unemployment that occurred after 1989; necessity of reforming Polish legal system according to democratic standards), but also to re-design its international policy. After almost half of century of being a member of enforced alliance with Soviet Union, democratic Poland decided to move closer to Euroatlantic structures and later to apply for a membership in the North-Atlantic Treaty Organisation and the European Union.

The choice of a new road on an international stage, meant at the same time that Poland had also build from scratch its relation with Russia, a successor of the heritage of the Soviet Union. But this time these relations were supposed to base on partnership, not a supremacy and subordination as it was during the communist era.

This text is aimed to explain the readers how complicated were Polish-Russian relations in the last quarter-century and what kind of problems Poland had to face. At the beginning it has to be reminded what was the starting point for the country: in July 1989, already after partially free elections to the Parliament and free elections to the Senate in Poland, Soviet Union was still existing, Poland remained a member of the Warsaw Pact and Council for Mutual Economic Assistance and at least 50 000 Soviet soldiers were deployed in their bases in Poland. And moving from the perspective of 1989 to the point where Polish-Russian relations are now, various difficulties had to be faced – some of them have been successfully resolved, other are still negatively influencing mutual relations.

The author decided to describe these most visible problems but also some successful stories and categorise them in three chapters – the first chapter is devoted to history, the second to political affairs and the third described

successes in mutual relations. The division between history and politics is of course an arbitrary decision of the author as some topics are very interconnected, while other cover more than one area at the same time. What is more, the format of the text allows to analyze only some of the problems. The choice of this problem was an exclusive decision of the author.

The 'Author finalizes his text with deliberations whether the experience of Polish-Russian relations in the last twenty five years can be somehow useful for Ukrainians in shaping their policy with Eastern neighbour.

It has to be emphasized that the author decided not to include in his text the analysis of the influence of current crisis between Ukraine and Russia (annexation of the Crimea, role of Russia in uprisings in eastern Ukraine) on Polish-Russian relations. This problem has to be analyzed in a separate report.

## HISTORIC AFFAIRS

Perception of mutual history is one of the biggest problems in relations between Poland and Russia. Hundreds of years of common harms has created a deep wounds, that are hardly curable. From the Polish perspective the following historical events need nowadays special attention. The first is Katyn massacre – the execution of more than 20 000 Polish officers and civilians on the command of highest representatives of the Soviet Union (Politburo of Communist Party of Soviet Union) during the Second World War (1940)<sup>1</sup>. The name Katyn massacre derives from a village of Katyn, a place where first mass graves of Polish officers has been found in 1941. Seventy five years after the massive execution the problem of perception of Katyn massacre is still far for reaching the consensus. While Poles stand on a position that all evidences (documents, testimonies of eye-witnesses of the massacre, on the place researches) reveal that the massacre should be treated as a genocide on Polish nation, position of Russia, after ten years long investigation, is that the execution of Polish officers and civilians was only an abuse of power by the people belonging to the highest command of the Soviet Union State and Russian Red Army<sup>2</sup>.

Another problem in the history of mutual relations is the general perception of the role of the Soviet Union and the Red Army during the second world war. The Russian Federation, successor of the Soviet Union heritage, wants to be treated as a country that liberated Central Europe from the Nazi Germans, but

<sup>1</sup> To learn more about Katyn massacre please visit: [http://www.katyn-pamietam.pl/o\\_katyniu.html](http://www.katyn-pamietam.pl/o_katyniu.html) [PL] or [http://www.historylearningsite.co.uk/katyn\\_wood\\_massacre.htm](http://www.historylearningsite.co.uk/katyn_wood_massacre.htm) [ENG].

<sup>2</sup> A. Gurjanow, The actions of «Memorial» Association with regard to Katyn massacre, [in] Katyn massacre in the perception of nowadays' Russians, Warsaw 2007, [http://arch.ipn.gov.pl/ftp/katyn/ZESZYT22-Zbrodnia\\_katynska\\_w\\_oczach\\_wspolczesnych\\_rosjan.pdf](http://arch.ipn.gov.pl/ftp/katyn/ZESZYT22-Zbrodnia_katynska_w_oczach_wspolczesnych_rosjan.pdf), p. 22.

Poles rather see it as a time when one hostile regime (nazism) was replaced by another (communism). And this attitude resonate also today, for example in perception on how to treat monuments of Soviet and Polish communist officials that were installed in Poland and names of the streets given after famous communists activists in the previous century.

To deal with historical problems, Polish and Russian authorities decided to establish a body capable to gather historians from both sides, that will be ready work together on sensitive affairs. Such group was created in 2002 and named «Polish-Russian Group for Difficult Issues». Although in theory this group was an important step forward in improving understanding of mutual history, in practice, also because of the political problems, it achieved very limited success<sup>3</sup>.

## POLITICAL AFFAIRS

Another group is constituted by problems that the author has classified as political issues. Among them are problems that 1) Polish authorities managed to deal with, although they were considered to be very complicated and having negative impact on bilateral relations, 2) issues that were only a small, not serious problems in mutual relations and 3) those that at the beginning were not considered as trigger of conflict, but later provoked escalation of misunderstanding.

One of the political issues that had a crucial influence in shaping Polish-Russian relations was the process of Polish accession to the NATO. Russia was strong opponent of this move from the very beginning. From the Polish perspective, the road to the NATO was a policy of small steps that was taking into consideration present situation of Poland on international area.

First deliberations on how to bring Poland closer to NATO were visible already in the 1990, nevertheless there were only unofficial statements, because at that time Poland was still a member of the Warsaw Pact, the opposite military alliance. Janusz Onyszkiewicz, former Minister of Internal Affairs of the Republic of Poland wrote in one of his reports that at the beginning of the nineties membership of Poland in NATO was a fantasy not only for the USSR/Russia, but also for the partners from the EU and the USA<sup>4</sup>. At the beginning Poland had to take care, with the agreement

<sup>3</sup> Shortly after creation in 2002, the functioning of «Polish-Russian Group for Difficult Issues» was suspended. The group started to work again on 2008. Now experts of the group meet regularly, usually twice a year. Until now two books has been published with the patronage of the group.

<sup>4</sup> J. Onyszkiewicz, On the way to NATO. Pieces of memories, [in:] National Security. 15 years in NATO, National Security Bureau, Warsaw 2014, p. 23 [PL].

USSR and later Russia, of such issues as leading out Russian soldiers from the territory of the country and confirmation of western border of Poland.

But at the same time Polish authorities decided to intensively develop contacts with representatives of NATO on a neutral ground, through visits of NATO generals in Poland, visit of Polish generals to NATO headquarters in Brussels or participation of Polish politicians in NATO Parliamentary Assembly<sup>5</sup>.

To promote national interests toward NATO Polish authorities were also keen on exploiting personal resources – people that could create a positive image of the country abroad. On the one hand, this group included representatives of Polish Embassy in the US, Ministry of Internal and International Affairs and on the other the pro-Polish lobby (for example Zbigniew Brzeziński) that counterbalanced pro-Russian lobby.

First official statements of Polish willingness to join NATO were presented in September 1991, when Polish Prime Minister Krzysztof Bielecki, who participated in North Atlantic Council in Washington came out with a postulate of accession of countries of Central and Eastern Europe to the Alliance. In September 1993 Lech Wałęsa, president of Poland addressed a letter to the NATO's Secretary General, where he stated that Polish NATO membership is one of priorities of Polish foreign policy<sup>6</sup>.

These declarations didn't gather much international support at the beginning. No matter who was trying to oppose the membership of Poland in NATO – Russian authorities, Western countries or Polish politicians - the main reason of this reluctance was always the position of authorities in Moscow and their potential reaction to the process of enlargement. There were questions raised by many, whether the accession of new countries to NATO would provoke the second cold war or would negatively influence the process of democratization of Russia and halt constructive dialogue with Moscow. But Polish authorities managed to prepare very reasonable answer. According to their opinion, refusal of enlargement would not protect the world from new cold war, but would rather cause further deepening of old divisions. What is more, membership of Poland in NATO would bring Poland peace and stability, and would protect the country from any nervous actions in case of problem with harshening of relations with Moscow. Another argument was even more practical – Polish authorities tried to aware NATO members that in case of any conflict in the Eastern Europe it is better to face it on the Eastern boarder of Poland, than on the Eastern boarder of Germany<sup>7</sup>.

<sup>5</sup> Ibidem, pp. 24-25.

<sup>6</sup> Polish road to NATO, Ministry of Foreign Affairs of Poland ,[http://www.msz.gov.pl/pl/polityka\\_zagraniczna/organizacje\\_miedzynarodowe/nato/polska\\_droga\\_do\\_nato/](http://www.msz.gov.pl/pl/polityka_zagraniczna/organizacje_miedzynarodowe/nato/polska_droga_do_nato/).

<sup>7</sup> J. Onyszkiewicz, On the way...pp. 29-31.

Eventually, activities of Polish side constituted only a part of final success on the road to NATO. It has to be emphasized, that Russia, which was considered as a main barrier in the enlargement process, came also as a part of a solution. Problems in internal politics<sup>8</sup> of Russia showed instability of this partner and united different political environments in Poland in their pro-NATO attitude, whereas the ambiguous policy of Russian authorities on international level towards NATO membership of Poland<sup>9</sup> (something that is not possible to witness today) have convinced other countries that Russia is not ready for huge sacrifices to stop Poland from entering NATO. Poland took its chance and successfully accomplished mission of membership in NATO, becoming a member of the organization in March 1999.

For Poland, 1990s and the beginning 2000s were the time of conducting negotiations with another international organization - the European Union. Fortunately, at that time Russia did not present itself as strong opponent to the process of enlargement. Such attitude of Moscow-based authorities resulted from various reasons. One of them was that at the turn of XX and XXI centuries Russia was in the process of political changes, and newly elected president of Russia, Vladimir Putin wanted to present himself on an international area as person ready for strengthening its relations with the European Union. What is more, the perception of the EU by Russia in general was at that time different – not as an opposite of the Eurasian Union project that fights for the areas of influence (i.e. Ukraine, Moldova, Georgia and other countries of Eastern Europe), but more as a partner organization. And the third reason was that newly elected President Putin decided to concentrate on internal issues, such as conflict in Chechnya, going out of 1998 crisis and fight against domestic oligarchs, and not on international affairs.

Nevertheless some small problems with regard to EU membership of Poland were also visible. Especially the problem of bringing back visa regime between Poland and Russia and the influence it would have on Kaliningrad region, a Russian enclave within the EU borders<sup>10</sup>.

The last political issue is the catastrophe of Polish Aircraft in Smolensk on

<sup>8</sup> Political instability was visible for example during the constitutional crisis in Russia in 1993. To learn more please visit: <http://www.rferl.org/content/russia-players-1993-crisis/25125000.html>

<sup>9</sup> On the one hand MFA of Russia stated that Polish membership in NATO «is like digging up ideas that smells with napthalene», on the other President Boris Jeltsyn, during his visit to Poland in September 1993 claimed that «entrance of Poland into NATO do not disturb main interests of Russia and is a confirmation of principle that every state has right to choose alliances on their own». Jeltsyn call off his words shortly after.

<sup>10</sup> To learn more please visit: [http://www.stosunkimiedzynarodowe.info/kraj,Rosja,stosunki\\_dwustronne,Polska](http://www.stosunkimiedzynarodowe.info/kraj,Rosja,stosunki_dwustronne,Polska) [PL].

10 April 2010. Shortly after the catastrophe, it seemed that it paradoxically would have a positive impact on bilateral relations. Russian authorities declared it willingness to give as much support as necessary to investigate the tragedy, while random people demonstrated huge sensitivity and compassion to Polish citizens. The opinion poll research conducted in Poland in May 2010, one month after the catastrophe, showed that Poles appreciated attitude of Russians. Half of interviewed people assessed positively actions undertaken by the Russian side to explain the reasons of the air crash in Smolensk, only 34% thought the opposite. At the same time 58% of Poles claimed that they believe that Russians want to find an explanation of the catastrophe<sup>11</sup>.

Unfortunately, the positive attitude towards Russia with regard to the engagement of the country in investigation of the airplane crash in Smolensk has soon finished. Russian side occurred not to be as much in favor of proper investigation as they declared at the beginning. Instead, the Interstate Aviation Committee (MAK) published a report, which almost entirely accused Polish side of being a culprit of the tragedy. The report was questioned by the Polish experts<sup>12</sup>.

The policy of Russia was soon reflected in Polish opinion poll research. In February 2011 only 17% of Poles assessed positively actions undertaken by the Russian side to explain the reasons of the air crash in Smolensk and only 33% claimed that they believe that Russians want to find an explanation of the catastrophe<sup>13</sup>. Since then, the situation is deteriorating even more, because of the reluctance of Russians of bringing back to Poland the so called «black boxes» and wreck of the plane to conduct proper investigation by Polish experts<sup>14</sup>.

<sup>11</sup> Opinions about Polish-Russian relations after the catastrophe in Smolensk and about action undertaken to reveal its reasons, CBOS, Warsaw, March 2011, [http://www.cbos.pl/SPISKOM.POL/2011/K\\_028\\_11.PDF](http://www.cbos.pl/SPISKOM.POL/2011/K_028_11.PDF) [PL], pp. 5,8.

<sup>12</sup> To learn more please visit: <http://www.komisja.smolensk.gov.pl/kbw/komunikaty/8695,8695,Raport-koncowy-MAK-ze-wskazaniem-zmian-do-projektu-raportu.html> [PL, RU]

<sup>13</sup> Opinions about Polish-Russian... [PL], pp. 5,8.

<sup>14</sup> Another problems that are also considered as having a visible influence on mutual relations between Poland and Russia, such the construction of a missile defence system in Poland and the construction of the North Stream pipeline have not been described in the paper, because of its format. The author encourage anyone interested in the topic to learn more about these problems on their own. Example sources of information: <http://www.fni.no/doc&pdf/FNI-R1508.pdf> (Nord Stream) [http://en.wikipedia.org/wiki/US\\_missile\\_defense\\_complex\\_in\\_Poland](http://en.wikipedia.org/wiki/US_missile_defense_complex_in_Poland) (missile defense system in Poland).

## SUCCESS STORIES

The history of mutual relations between Poland and Russia in the last twenty five years is very complicated and full of problems. Some of them have been already resolved, while others are still far from finding a compromise. But at the same time one shouldn't forget that some positive aspects of cooperation are also visible.

The example that comes first is the Kaliningrad triangle launched in 2011. The triangle functions in the form of annual meetings of Ministers of Internal Affairs of Poland, Russia and Germany. The idea and the format of consultations were adopted from the Weimar triangle – trilateral meeting between Polish, German and French officials.

The first trilateral meeting was held in Kaliningrad on 21 May 2011. According to diplomats, «Kalinigrad had been deliberately chosen to host the first trilateral dialogue meeting because, as a Russian exclave situated between Poland and Lithuania, the Kaliningrad region is regarded as a hub for relations between Germany, Russia»<sup>15</sup>. During a meeting Foreign Ministers from Poland, Germany and Russia have discussed visa free regime for Kaliningrad citizens, cooperation in the field of higher education and sanctions for the regime in Belarus. Next triangle was organised in Berlin, where Ministers of three countries met on 21 March 2012. The scope of discussions summit was broadened in comparison to 2011 and included topics like Syria, energy security and cooperation of scientists<sup>16</sup>. The third meeting took place in Warsaw on 10 May 2013. During the 2013 talks, the ministers discussed such issues as NATO-Russia, EU-Russia cooperation and again, key international developments – including Syria<sup>17</sup>. The last meeting was organized in June 2014 in Petersburg with a situation in Ukraine as a main topic.

Thanks to the meeting in Kaliningrad format and smooth cooperation between Poland and Russia and the support of Germany on the European level, Poland and Russia achieved something, that can be considered as the biggest success in the last twenty five years of mutual relation - the agreement on Local Border Traffic. The agreement that was signed in December 2011 and launched in July 2012 allows people from two Polish voivodeship and the Kaliningrad region to travel to each other without obtaining a visa.

<sup>15</sup> To learn more please visit: [http://www.auswaertiges-amt.de/EN/AAmt/zz\\_Archiv\\_BM-Reisen/2011/05-Polen-Kaliningrad/110521-Kaliningrad-node.html](http://www.auswaertiges-amt.de/EN/AAmt/zz_Archiv_BM-Reisen/2011/05-Polen-Kaliningrad/110521-Kaliningrad-node.html) [ENG]

<sup>16</sup> Meeting of Ministries of Foreign Affairs of Kaliningrad Triangle, Polish MFA statement, 21 March 2012 – [http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/spotkanie\\_ministrow\\_spraw\\_zagranicznych\\_trojkata\\_krolewieckiego](http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/spotkanie_ministrow_spraw_zagranicznych_trojkata_krolewieckiego)

<sup>17</sup> Meeting of the Kaliningrad triangle in Warsaw, Polish MFA statement, 10 May 2013 – [http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/spotkanie\\_trojkata\\_krolewieckiego\\_w\\_warszawie](http://www.msz.gov.pl/pl/aktualnosci/wiadomosci/spotkanie_trojkata_krolewieckiego_w_warszawie).

Local Border Traffic makes crucial impact on the region. On the one hand it has a positive influence on the economic development of the region and some effect in reducing high unemployment. But what is even more important is the fact the Local Border Traffic creates a possibility for people from Poland and Russia to interact more, get to know each other better and fight against long-lasting stereotypes<sup>18</sup>.

## CONCLUSIONS AND LESSONS FOR UKRAINE

When one is trying to summarize relations between Poland and Russia he will quickly come to the conclusion that it was a quarter of century of problems with only small successes. Nevertheless, Poland despite difficulties is always trying to pursue its relations forward. And this could be the first advice for Ukraine in their relations with Russia – never give up. Several years ago Poland wasn't an expected guest in the NATO and the EU, and the objection of Russia made the accession negotiation much more complicated (especially in the case of NATO). But Poland managed to overcome difficulties and Ukraine can do the same.

What is more, Ukraine should also take into consideration Polish experience in using human resources, i.e. people who can act as a pro-Ukrainian lobby in the world. Poland did so for example in the case of NATO membership, with Zbigniew Brzeziński as a protagonist of the enlargement. The bigger is the ring of friends (countries, but also individuals) of Ukraine in Europe and the world, the higher are the possibilities to finalize national interests with success rise.

Important example could be also the Kaliningrad triangle. In this format Poland derives from the experience of German policy towards Russia, and seek an ally in Berlin when dealing with the most complicated issues of Polish-Russian relations. The similar trilateral format of Russia, Ukraine and the third partner, if properly constructed, might also work in favor of Ukraine.

At the same time Ukrainian authorities have to remember that Poland can serve as an example only in some minor cases. After the breakthrough of 1989-1991, Poland has never been considered by Russia as a sphere of influence as Ukraine is today, but only as close neighbourhood. What is more, Poland paved its road to the NATO and the EU when the Russian foreign policy was definitely less consolidated than today. This two factors explain that Polish task was much easier than Ukraine has today. But if Poland managed to achieve its goals on international level, Ukraine can also succeed.

<sup>18</sup> Ł. Wenerski, P. Kaźmierkiewicz (cooperation), The Borderland Landscape: prospects and experiences of the functioning of the local border traffic regime with the Kaliningrad Region, Institute of Public Affairs, Warsaw 2013, <http://www.isp.org.pl/uploads/pdf/1273460855.pdf> [ENG].

# TRANSFERRING POLISH EXPERIENCE TO UKRAINE: CASE OF MIGRATION POLICY

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## OVERVIEW

Visa-free movement is a particularly crucial benefit of the process of reforms as it not only entails some fundamental reforms of the internal security sector, but also represents the most tangible and direct benefit of the European integration for the Ukrainian citizens. It is also likely to be the first positive signal that the European Union will send to the society at the difficult time of costly and painful reforms, welcoming the Ukrainians into the community of European nations. Poland for a long time has been an advocate of such a move, and it has taken care to alleviate any practical hardships that resulted from the growing gap between the two countries due to their differing geopolitical choices.

This article argues that notwithstanding the fundamental similarities between Poland and Ukraine as countries of continuing emigration and emerging immigration, the issue to what extent the Polish experience may be a useful guide to deal with Ukraine's current challenges must be addressed. It proposes that rather than certain specific solutions, which were appropriate in the context of the long evolutionary process of policy development in Poland, what may be considered by the Ukrainian decision-makers is the logic of the Polish reform process. Consequently, certain success factors and shortcomings of the Polish migration policy development are identified with a view to their relevance for the Ukrainian needs.

## «WINDOW OF OPPORTUNITY» FOR REFORMS

Although technical dialogue with the European Union on the issue of reforms of the internal security sector appeared to proceed during the Yanukovych presidency, the progress of talks stalled and was eventually halted in the runup to the Vilnius summit of the Eastern Partnership. By early 2014 it became clear that as with earlier attempts at reforms, there were clear barriers to reforms

that would be possible within the old structure of the state. International observers noted that by that time the Ukrainian democracy had slid to the bottom of the «defective» category, its capacity for managing transformation was acknowledged as «weak» and its economy exhibited «functional flaws»<sup>1</sup>. A strictly technical and state-centered approach to reform would not be viable unless these barriers were tackled as well. Paradoxically, the deterioration of the crisis put Ukraine at the geopolitical crossroads with a clear choice that needed to be made as to the general orientation of the state.

Seen from that perspective, the ousting of President Yanukovych and the resumption of dialogue with international financial institutions and the EU could be a «window of opportunity» favouring the implementation of necessary radical reforms. The new authorities are faced with the need to stabilize the rapidly deteriorating macroeconomic situation and to set a stable geopolitical course, which would eventually anchor Ukraine in the Euro-Atlantic community. While reforms were either stalled or upset in the wake of the Orange Revolution, it appears that the **Ukrainian policy makers are now aware of the absolute necessity of implementing deep changes in strategic areas of governance.**

## OPPORTUNITY FOR TRANSFER OF POLISH EXPERIENCE

The new political landscape is a unique opportunity for sharing Poland's experience of deep sectoral reforms. One factor that made Polish reforms in both the beginning and the end of the decade of 1990s (economic stabilization and so-called four reforms) is at last present in Ukraine: the governing elite is demonstrating a political will to modernize the country. This shared factor may be the basis for arguing that **Poland could provide an example of a reform process, in which external financial and technical assistance was made effective as the political elite had a strong will to reform** as it had become aware of the need for a rapid transformation to deal with new external challenges (industrial restructuring and integration with Euro-Atlantic structures). It is worth noting that the Polish reform model could match Ukraine's current needs for fundamental change. Unlike the countries with a more established tradition of liberal democracy and free market, in which changes had an evolutionary character and were driven from inside the country, the Polish reforms were carried out in a comprehensive manner, driven by external factors and managed centrally.

<sup>1</sup> Bertelsmann Transformation Index 2014 Ukraine Country Report, available at: <http://www.bti-project.org/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Ukraine.pdf>

## SIMILARITIES BETWEEN POLAND AND UKRAINE

One sector in which Ukraine might consider the Polish experience is migration management. Two factors highlight similarities between the two countries. Firstly, they are both countries, which are predominantly sending migrants to Western Europe while hosting an increasing number of immigrants. Secondly, located on an important East-West transit route, they have been busy strengthening their own controls of entry and stay for third-country nationals. These two circumstances have made necessary the transformation of national legislations, institutional systems and operational practices as well as stepping up of cooperation with the European Union and its member states. From the perspective of the EU, the security of the frontiers of these two states is crucial to preventing irregular migration on its eastern flank. In return, the assistance from the EU has been instrumental in raising the capacity of the border and migration services of both countries to deal with the challenge of transit migration.

However, the outcomes of the reform process in this area have been very different in the two countries. The most glaring contrast was in the regime for mobility of own nationals, emerging already in the 1990s but becoming more and more pronounced in the following decade. While Poland managed to conclude a readmission agreement with the Schengen states in 1991, which paved the way for visa-free movement of its nationals soon afterwards, Ukraine entered this agreement only in 2009, and the process of visa liberalization is still underway. In the wake of EU accession, Polish nationals gradually gained access to West European labour markets, which provided them with legal residence and protection of their working rights. In contrast, legal opportunities for entry and work have been limited for Ukrainian citizens, resulting in a significant share of them remaining employed illegally. The few options available to them were amnesty programmes in Southern Europe, and facilitated seasonal labour schemes, offered for instance by Poland since 2006. These measures were only partial solutions to the problem of an increasing burden, which introduction of visas by the new EU Member States represented since their Schengen accession.

## RELEVANCE OF POLISH EXPERIENCE TO DEAL WITH BARRIERS TO REFORM

Certainly, the key difference between the two countries was the clear perspective of EU accession, which represented a foundation for the structural reforms and was present in Poland but absent in Ukraine. At the same time,

the different outcome of reforms in the two countries cannot be explained only by the varying geopolitical choices, as a result of which Poland became a member of the Euroatlantic community, while Ukraine remained in limbo. As Andriy Starodub noted in his analysis of lessons from Polish reforms in the area of migration policy for Ukraine, «the similarity of the problems does not provide sufficient grounds for direct application of the Polish experience to the Ukrainian situation»<sup>2</sup>. The comparison of the Polish and Ukrainian reform paths reveals the following crucial barriers that need to be overcome by Ukrainian decision-makers in order to make use of the Polish experience:

- a) Need to adopt a strategic approach, in which individual reforms formed part of a long-term process, divided into clear stages and monitored accordingly. In Poland, since 1998 reforms of the border and migration control rules, procedures and systems were guided by such strategic documents as the Integrated Border Management Strategy and a series of revised Schengen Action Plans. In contrast, in Ukraine legal proposals were tabled individually either by individual state bodies or parliamentary groups, and no timetable was developed to synchronise the work on related pieces of legislation.
- b) Importance of establishing a comprehensive legal basis, which not only enumerates the norms and policy objectives, but also outlines implementation mechanisms, clarifying the prerogatives of all involved state bodies and set procedures for inter-agency cooperation. Thus, Poland commenced its reforms by adopting in 1997 a new type of Act on Foreigners, which was to regulate all matters of legality of entry, stay and departure of non-nationals. The Act was followed by a series of executive regulations, and was revised to include the new instruments for migration control, as required by the EU. Its last revision in 2013 had a fundamental character: the law was organized in such a way as to provide a full set of regulations on the rights and obligations of foreigners. Although Ukrainian Constitution requires that all the norms concerning foreigners should be included in acts of highest force (parliamentary and presidential), the exercise of foreigners' rights in a number of fields is limited due to imprecise or lacking regulations.
- c) Reform process should not be stalled or reversed as a result of conflicts over competencies of existing institutions or over establishment of new bodies. This was the case with the State Migration Service, which

<sup>2</sup> A. Starodub, „Poland's migration policy: lessons for Ukraine” in: Towards a comprehensive migration policy: Applying Polish Experience in Ukraine, Institute for Euro-Atlantic Cooperation/ Institute of Public Affairs, Kyiv/Warsaw 2010, available at: <http://www.isp.org.pl/uploads/filemanager/Rozne/Towardsacomprehensivemigration.pdf>

initially was unable to start working due to opposition from the Ukrainian President, and following a short period of operation was disbanded only to be revived some time later. The Polish experience suggests that rather than set up new institutions, which lack adequate staffing or budget, it may be more effective to build interministerial consultative bodies, in which all the relevant ministries and agencies are represented, and which are led by a strong body, such as the Interior Ministry<sup>3</sup>.

## GOING BEYOND VISA LIBERALIZATION

Some of the shortcomings of the Ukrainian reform process were addressed in the process of visa liberalization, which was ushered by the conclusion of the bilateral Action Plan. The path towards visa-free movement was divided into two stages in such a way that only following the successful completion of the first phase (legal and institutional approximation) could the Ukrainian authorities proceed to the second one (demonstration of capacity for controlling irregular migration). In May 2014 Ukraine has completed the first stage of visa liberalization with the EU. This concludes a long period, during which the country needed to align its legislation and institutions to the European standards.

Until now, the reforms required by the EU from Ukrainian authorities were mostly a matter of bilateral dialogue, and resembled a technical exercise in a well-defined area, which was not directly tied to the long-term priorities of national policy. However, there are some serious reasons for considering how meeting EU norms in this area could help address some fundamental needs of the Ukrainian state and society. Firstly, Ukraine must face the issue of continued emigration of its nationals, a significant share of whom reside in the EU. Secondly, the unfavourable long-term demographic outlook will sooner or later put the issue of immigration on the country's agenda. Finally, the ongoing struggle for territorial integrity highlights the issue of border security and control of legality of entry and residence. Solutions to all these issues could be found to some extent in the experience of Poland as that country modernized its border and migration control capacity on the way to EU and Schengen accession, and as it seeks answers to the pressing issue of emigration of a substantial part of its population once the barriers to employment abroad had been lifted.

<sup>3</sup> For more details, see V. Chumak, P. Kazmierkiewicz, O. Lvova, Coordinating Migration Policy in Ukraine: Lessons from Poland, Institute of Public Affairs, International Centre for Policy Studies, Warsaw/Kyiv 2009, available at: <http://www.isp.org.pl/files/13868749490420392001263287344.pdf>

Where Ukraine might want to take a different approach from Poland are those areas of migration policy, which are not regulated at the EU level but remain in national competence. Two examples may be provided: policy towards the Ukrainians residing abroad and integration assistance to returning migrants as well as newcomers to the country. The priority of meeting EU requirements meant that Poland concentrated in the decade leading up to its accession and directly beyond (1997-2007) on conditions of foreigners' entry, combating irregular migration and introducing ever stringent control measures. At the same time, the more «positive» aspects of migration policy, such as incentives for return of the Polish nationals from abroad and for attracting the labour migrants to meet the needs of the local labour market were given relatively less attention and are being elaborated only now (most intensively since 2011). Ukraine, which is facing at the same time the challenge of stemming the continued emigration of the working-age population and of addressing the demographic and labour needs, will have to address these issues alongside with the buildup of its capacity to control its borders and prevent irregular migration.

## CONCLUSIONS

Ukraine is not a «clean slate» onto which Polish systemic reforms could be transferred wholesale. Much work has been done as part of the dialogue with the EU (mainly review of the legislative base, establishment of new institutions), IOM and UNHCR (assistance to migrants and refugees) and key international donors (U.S., Germany). Therefore, we may no longer assume that there is a default best fit between the two countries, but instead we are advised to analyze each problem within this sector on its own terms, considering specific needs of Ukraine as the beneficiary. To determine to what extent Ukraine could successfully make use of the Polish experience, it is thus necessary to identify those policy areas, in which the Polish reform process corresponds with Ukraine's current needs as well as to refer to specific cases, which could be invoked to deal with certain problems in these areas.

While designing sectoral assistance programmes, it is worth assessing how to capitalize on the recognized strengths of the Polish way of providing know how and how to tailor the planned interventions to the current needs of the Ukrainian institutions. Initially, for each of the identified policy sectors, a matrix needs to be elaborated, in which apart from the key actors of change, a set of barriers to reforms and a corresponding type of intervention would be presented. Analysis of failures of reform initiatives in Ukraine reveals that some of the instruments that have been successfully used as part of Polish

assistance (training of low-and mid-level staff, presentation of actual cases of working reforms, informal communication with decision-makers) could be applied to tackle operational issues. Together with a change of rules of the game, institutional restructuring, coordination of activities at the central level and adequate financing, these operational reform activities could provide a necessary critical mass for the overall success of reform.