

EUROPEAN INTEGRATION OF UKRAINE: PROBLEMS, CHALLENGES AND PERSPECTIVES

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RESUMEN:

Reflexionamos sobre los problemas de la integración de Ucrania en la Unión Europea. La naturaleza y el nivel de la cooperación de Ucrania con la UE ampliada así como la perspectiva de la integración ucraniana dependerá, en primer lugar, de las transformaciones internas en Ucrania, la creación de requisitos previos para el desarrollo democrático estable y el crecimiento de la economía nacional.

ABSTRACT:

We reflect on the problems related to the integration of Ukraine in the European Union. Given the nature and level of Ukraine cooperation with the enlarged EU, the perspective of Ukrainian integration will depend, first of all, on internal transformations in Ukraine and the creation of prerequisites for stable democratic development and growth of the domestic economy.

PALABRAS CLAVE: *Unión Europea, integración, Ucrania*

KEYWORDS: *European Union, integration, Ukraine*

Thesis 1. One of the global development laws is expansion of integration processes, facilitated at the turn of the millennium, having combined with disintegration trends.

International integration processes influence on functioning of both regional international systems, new global order establishment and separate societies and states, their domestic policies, people's everyday life.

The European Union, which is undoubtedly the leader among the outstanding integration organizations of the world, is the main epitomizer of such ideas in Europe. The European Union is the main engine to combine interests of the majority of Europeans, aspiring for security and prosperity, so the choice of Ukraine made in

favor of the European integration, is well-reasoned.

Thesis 2. Since the European communities were created, representatives of different social sciences, mainly lawyers, political analysts, sociologists, economists have been involved into researching a wide range of issues, related to defining the legal essence of the European Union (hereinafter referred to as the EU) and measuring its institutions impact on the state and legal development of European states. Eventually all the research, both theoretical and practical, is aimed at forming the European integration theory to assist states and peoples, aspiring for the EU membership, particularly Ukraine, to better comprehend how their EU membership will influence their sovereignty;

how the EU institutions can be involved into the main state functions realization and how it will affect their realization efficiency; what the EU membership will provide for citizens of Ukraine in terms of ensuring and protecting human rights and freedoms; what practical steps in reforming the power organization and realization, as well as the national legislation development should be taken not only to become an EU membership, but also to jointly with other European states to develop United Europe as the environment of freedom, prosperity, security and justice.

Thesis 3. As Ukraine identifies its strategic target — the EU integration, including the international union membership, — an important task is adjusting the national legislation to the EU law, determining the total national legislation transformation. The EU integration way presupposes human rights and freedoms genuine insurance and content, creation of a law-governed, social and democratic state, which is destined to occupy a decent place in the world community. The process, *inter alia*, stipulates a large scale reform of the Ukrainian legislation on the basis of principles and standards, established at the general European level, based on the modern international law as a result of European regional international organizations activity. These organizations, alongside with the EU, include the Council of Europe and the Organization for Security and Cooperation in Europe.

Thesis 4. The significance of the processes of legal institutions and «European standards» practical usage in different spheres of legal regulation, the topicality of the Ukrainian legislation harmonization with the EU legal norms, in particular, and the European integration in general, determine the necessity of a thorough and complete research of the issues in both practical, applied and general theoretical aspects.

Particularly, integration is considered the highest regionalization stage, based on the

territorial bordering of states, actively developing various social relations. The term of «integration» (from Latin *integratio* – restoration, unification; deriving from *integer* – complete) is interpreted as a process of mutual adjustment, expansion or unification of something separate into the whole. Scientific sources do not provide non-ambiguity in defining the notion of integration and of its essence. Understanding certain drawbacks of the existing integration theory, only scientific sources make it possible to compare national behavior forms and social groups role, define conceptual extents of characterizing and forecasting the integrated values further development. They provide real transformation methods, international systems transition from anarchy to the rational order.

Thesis 5. Undoubtedly, current integration of Ukraine into the European Union is predetermined by entering into force of the Agreement on the Association between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their member-states, on the other part (the Association Agreement). The Association Agreement is not only a new legislative basis for the cooperation of Ukraine and the EU, but also the embodiment of the declaration of the will of the people of Ukraine to become a part of the European community.

Thesis 6. On the basis of the general rules of interpreting international instruments, the notion of «association» content should be revealed while interpreting the whole of the Agreement standards. However, as the last decades practice proves, applying and interpreting each association agreement is carried out on the basis of the EU *acquis* concerning the association relations with the third states. Thus, the Association Agreement defines peculiar relations of the association and Ukraine, based on the established principles and traditions. As it was Ukraine to insist on «a new improved agreement» to be the association agreement, the EU

legitimately expects the Ukrainian party to completely understand the content of the notion of «association relations» and is ready to follow it. First of all, association agreements are the most advanced type of international instruments, that can be concluded by the EU with the third states, – the states, with which the EU is ready to develop intensive sustained ally relations, grounded on the mutual trust and respect for common values.

Thesis 7. Entering into force of the Association Agreement is a long process, demanding not only Ukraine to take real steps, but also all 28 EU member states. To enter into complete force it is necessary for the Agreement to be ratified by all its parties – the EU, the European Atomic Energy Community, 28 EU member states and Ukraine, and the General Secretariat of the EU Council to be notified about it by all the parties. The Agreement enters into force three months after its last ratification.

The signing of political and economic sections of the Agreement by the parties preceded the ratification process. The ceremony of signing the Agreement provisions on political cooperation, security and fight against terrorism (Preamble, article 1, issue 1 «Common principles», issue 2 «Political dialog and reforms, political association, cooperation and convergence in the sphere of foreign and security policy», issue 7 «Institutional, common and closing provisions»). It was also made a declaration on the summit in the name of Ukraine that the obligations of Ukraine acquired in the frames of the article 8 of the Ratification Agreement of the Rome Statute of the International Criminal Court (1998) will be fulfilled after introducing proper amendments to Ukrainian Constitution. Economic part of the Agreement providing creation of valuable free trade zone and concerning the access to markets, trade in energy carriers, cooperation in the sphere of agriculture, transport, metallurgy, cosmos, scientific research, tourism, business activity,

intellectual property protection, adjudicating procedure and taxation conditions was signed by Ukraine on the 27th June 2014.

Thesis 8. It is worth to realize that the Association Agreement does not define a concrete date of Ukraine's acquisition of EU membership. At the same time, having made the commitments in the frames of the Agreement, Ukraine would realize large-scale transformations in different directions in the process of implementing its provisions into national legislation what would closely approach our state to European standards. In the frames of the Agreement, Ukraine would have the opportunity to demonstrate from the practical point of view its readiness to the membership in EU. And the EU interest in the most rapid integration of Ukraine would depend exceptionally on effectiveness of functioning new mechanism Ukraine-EU.

Thesis 9. The repeated accentuation in the text of the Agreement on importance of ensuring law supremacy by the parties also attracts our attention. And there are essential reasons for that.

Law supremacy in the value aspect is a main instrument of democracy consolidation as long as establishing only electoral democracy itself does not ensure effectiveness and success of state development according to the experience of post-Soviet countries as well. The filling of association relations with real contest in instrumental dimension is realized with the help of organizational and legal mechanisms which are able to function only on the condition of practical implementation of law supremacy.

Thesis 10. Reformation of judicial system with the purpose of ensuring access to justice and effective judicial protection according to European standards was defined as the key task of the Program of Ukrainian Cabinet of Ministers activity approved by the Regulation of the Ukrainian Supreme Soviet № 26-VIII of 11th December 2014, the Coalition Agreement as well as the Strategy of sustainable development «Ukraine 2020»

approved by the Decree of the President № 5 of 12th January 2015.

Thesis 11. For strengthening local and regional government and conducting decentralization, it was approved:

- Law on amendments to the Budget Code of Ukraine (on reform of intergovernmental dealings) » № 79-VIII of 28th December 2014, directed on regulation of budget legal relations concerned with implementing new model for financial provision of local budgets and intergovernmental dealings, decentralizing powers and finances, granting budgetary and financial independence to local budgets, improving treasurer service of budget funds, strengthening responsibility of main budget funds managers, functioning Ukrainian budget system in special period, establishing new mechanism of budget smoothing, simplifying procedure of local guaranties granting and taking loans from international financial organizations.

Thesis 12. The internal factors, like the need in fundamental reforms in this case, will be more important for social consolidation than the idea to join European Union even if these reforms will be directly connected with the movement to EU. That is, through the accent on internal reforms, it is possible not only to overcome the actual split in Ukrainian society but also to increase the support of European vector for development especially in the most critical to EU regions of Ukraine in such an indirect way. It is exactly the reforms that could become the core of social consolidation and increase attractiveness of European perspective.

In conclusion, it is worth to notice that the western frontiers of Ukraine would

become the eastern ones of European Union with the end of current stage of EU expansion. This political situation of new quality would define to a great extent both the nature of contacts with EU and the perspectives for the further development of Ukraine. It is quiet understandable that the ensuring peace and stability around its borders, getting stable, democratic and economically developed states with friendly predictable foreign policy as its neighbors are in the interests of EU. Therefore, it is worth to expect increasing of EU political pressure on Ukraine, and first of all in the field of strengthening democratic institutions, ensuring human rights and mass media freedom, intensifying the fight against organized crime and corruption in power structures. We suppose that the EU movement towards Ukrainian borders against the background of the Common European Security and Defense Policy development would let Ukraine to participate more actively in strengthening security on the continent. It is the sphere of security where Ukraine could make a real contribution in ensuring stability in the zone of EU interests already today – in the area of peacekeeping, liquidation of emergency situation consequences, strategic transportation etc. Generally, the EU approaching to Ukrainian borders strengthens objectively the impact of European community on Ukraine. This process could be holding positive from the political point of view as long as it encourages the implementation of European standards in Ukraine. At the same time, the EU transformation could cause a lot of problems for Ukraine. Undoubtedly, the nature and level of Ukraine cooperation with the enlarged EU, the perspective of Ukrainian integration will depend, first of all, on internal transformations in Ukraine, creation of prerequisites for stable democratic development and growth of domestic economy.