



*Understanding the EU's Association Agreements
and Deep and Comprehensive Free Trade Areas
with Ukraine, Moldova and Georgia*

3DCFTAs Youth Essay Competition – Prize winner

EU-Ukraine Association Agreement: Values can(not) be spread on bread, or how the Agreement has become a handbook for all

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My name is Yevhenii Konovalov and I am a 20-year old student of National University of Kyiv Mohyla Academy. It is my pleasure and a source of great pride to study law in one of the top Ukrainian universities and to do here what I really like. During the first years of my studies, I got interested in EU law and since then I was involved in three summer schools in this field, twice as a student and once as a coach. In 2017 and 2018, I was a part of my university team participating in the EU law moot court competitions. The 2018 case, for example, included the issues of EU internal market, EU Common Foreign and Security Policy, EU data protection and human rights in the EU. As a part of my EU legal studies, I keep track of all developments in the EU-Ukraine relationships with a particular focus on the implementation of the Association Agreement.



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Back in the fall of 2013, Ukraine was in the middle of nowhere. Then-incumbent President Yanukovich and his government desperately tried to pretend that Ukraine is moving towards Europe. Of course, Ukraine was always in Europe, in geographical terms, but mostly everything in this country told its citizens that things were not going right and that Ukraine's political drift has very little in common with Europe.

Still, the pro-Russian Yanukovich government made all its best to hide its genuine nature. It seemed that the whole country held its breath in alarming wait. Even after 20 years of corrupt and fraudulent government, many people couldn't believe that the lie would be so arrogant: the President publicly urged Ukrainian Parliament to pass all the bills necessary to move forward with the EU-Ukraine association agreement, while the very same President knew that it would go nowhere and kept his head looking towards Russia.

At that time, I was a 15 year old schoolboy, profoundly interested in the history of my country and my nation. I also had some very basic knowledge of politics – sufficiently enough to be suspicious of the President's manoeuvres. For me, as for most Ukrainians, Europe was something too distant to comprehend, something to be just amazed of. On the contrary, the Russian presence in Ukraine was hard to overestimate. At least since 1654, for almost 360 years, Ukraine had been in close ties with Russia, under different forms of governance, or, more specifically, of subordination.

Russia was much closer than Europe – both physically and mentally. Russian participation was everywhere – in the economy, in trade, in popular culture and in personal links between people. In 2013, it would not be a surprise if Ukraine returned under Russian control after 22 years of independence from the Soviet Union – a union, where Russia, although formally one of the socialist 'republics', exercised indisputable power over the other republics that were supposed to be equal parts of the Soviet 'Union'.

Even in those circumstances, such a drastic reversal that happened in November 2013 triggered a huge and unexpected wave of public resistance. During those days, the Ukrainian government ordered the 'suspension' of the EU-Ukraine Association Agreement talks and to conduct additional negotiations with the European Union about the terms of the future agreement, even with Russia as a party to those negotiations.

From Lviv to Donetsk, from Chernihiv to Sevastopol – people all across the country started packing their bags and pouring in Kyiv to voice their utter disagreement. To understand the roots of this unified outrage, to see why people from different regions came to Kyiv in rainy days of November 2013 – even from the regions claimed to be pro-Russian - we need to see what Ukrainian people were looking (and are looking still) at in the close relationships with 'Europe'

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The answer is partly buried in the title of this essay: values that can(not) be spread on bread. Ukrainian people, back in November 2013 and now, have an extremely diverse image of Europe and this is why they mean various things when they say that Ukraine has to be in Europe.

Some of them exemplify the benefits of social welfare in the European Union countries. Others see Europe as a transparent and thus incorruptible way of government that treat its citizens fairly and with dignity. The third category admires the cultural richness of the European civilization and thinks that spiritual values on which Europe stands are native for Ukrainians. The thing that brings all of them together is a vision of Europe where it serves as an example of life where working people get what they deserve.

I remember talking with men and women who participated in the protests in Kyiv and told me that they were standing not only for themselves but for a bright future of their children. They were ready to build this future with their hands, what they needed was the building material. I believe that they were pretty aware of the fact that fine roads, modern infrastructure, high-standard healthcare and decent salaries are the result of European values, traditions and democratic model of government. That is the primary goal we need to achieve.

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This long introduction was necessary to smoothly reach the understanding of how this historic agreement came to reality – seven titles, three annexes to them, three additional protocols and 2135 pages. After gaining independence in 1991, Ukrainian authorities have been known for their controversial internal and external policies. Needless to say, Ukraine has become an odious symbol of corruption, while Ukrainian ex-officials frequently ranked as top embezzlers according to international anti-corruption organizations. Not surprisingly, Ukrainian people have a record of complete disbelief in officials and government institutions.

Our people are the force that rescued this country from rolling into the depth of tyranny and autocracy, at least twice so far. Consequently, the narrative of this essay is about people and how they will make the EU-Ukraine Association Agreement something far greater than just a bunch of papers which this very Agreement was printed on. At least two times in Ukrainian modern history, people stood up to change the course of their country: once in 2004 - in order to defend the right to democratically elect the country leader, and once in 2013 – to reaffirm their pro-European aspirations. Obviously, this does not include hundreds of minor manifestations which contributed to the general rise of the civil society in Ukraine.

At the time of this writing, I am 20-years old Ukrainian law student with strong interest in the European Union, its *acquis* and its relationship with my country. From my own observation throughout my young life, I can outline three milestones for Ukrainian euro integration to be the story of success: **safe and prosperous local communities, non-governmental organizations as cellars of Ukrainian civil society and educational exchange together with so-called people's diplomacy.**

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I was born and raised in a middle-size provincial Ukrainian city named Cherkasy. My whole childhood was spent there, my views were shaped by those realities. Cherkasy is 200 kilometres south from Kyiv. If someone asks me what is special about Cherkasy, I cannot answer instantly and clearly. As most post-Soviet cities in Ukraine, it had several factories

making the city just one of a chain in the Soviet industrial mechanism. Many of them continue working these days. It seems like my native city has all the necessary infrastructure to maintain a life of people, but most of them are still looking for migration opportunities to find better living conditions.

And this demonstrates a dangerous reality that Ukraine inherited from the Soviet Union: there can be only one strong and prosperous community – an administrative centre or capital, while all the other regional cities and communities are supposed to enrich the way of life of the abovementioned centre. All the best that regional communities could produce – from food and household goods to machinery and technology – was subject to immediate transfer to Kyiv. This tendency remains in all kinds of human activity: education, employment and career opportunities, culture, business environment etc. “I cannot find anything here, I am going to Kyiv” – a phrase like this is not a rare occasion in almost every part of Ukraine.

This has been leading to fundamental distortion of Ukrainian society: the devastation of regional communities, especially in rural areas, ‘brain-drain’ disaster on the one hand, and overpopulation of Kyiv on the other hand. In long perspective, it makes small rural communities fade out along with the Ukrainian economy gradually failing. Many villages are disappearing as the tendency keeps its path.

However, the shift happened in 2015-2016. With the start of decentralization reform, Ukrainian local communities began saving more collected taxes for their own needs, instead of sending revenues to Kyiv. Many small communities got a chance to be united within big ones with a purpose to gather public funds and to wisely spend them on socially-targeted projects. Finally, small indigenous communities with great hard-working people and beautiful nature got a fresh breath in such a devastating environment.

In course of EU-Ukraine cooperation, especially what concerns the EU aid programs aimed to promote social projects enhancing the quality of human life, a key accent should be made on developing local communities. I believe that **small entrepreneurship, creative social projects, and effective self-governance** may revive the engine of these local communities and EU aid funds should be specifically attributed to such projects. Innovative enterprises will raise employment, attract local inhabitants keeping them from migration and make a whole community more prosperous thanks to higher tax payments. Consequently, raise of the economy will cause a raise of career opportunities, stimulate a revival of local educational centres and restore cultural diversity of the regions. Small towns and communities across Ukraine will not be treated as intermediate stations in the life of people, but as places where people are willing to best apply their talents at skills. Meanwhile, the task of the state is to keep decentralization reforms going on which let more tax revenues stay within communities for renovating infrastructure and facilities.

My message here is simple – strong and prosperous Ukraine can be based only on equally strong, safe and prosperous local communities.

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According to the most recent polls I managed to find (December 2017), Ukrainians trust the least the Verkhovna Rada of Ukraine (Parliament of Ukraine), the state apparatus, political parties, the government of Ukraine, the President of Ukraine, the courts, the prosecutor's offices. Instead, Ukrainians trust most the volunteer organizations, the Ukrainian Armed Forces, the Church, and NGOs.¹ And these results are of no surprise, as Ukrainians did not much trust political institutions and authorities from the very beginning of Ukrainian independence in 1991. If such polls had been conducted in the Soviet era, I think that they would have shown the same numbers. As I see, the reason is a Soviet model of governance where elections were fictional, elected officials were out of touch with people and thus people did not see themselves as decision-makers in their own country.

This state of affairs climaxed in 2010-2013 where the whole governmental mechanism served as means and decorations to extremely corrupt political elite and its goals to embezzle state funds. In 2014, it resulted in the total incapacity of official authorities to manage economic and security crisis of the country so Ukrainian people, especially its civil and military volunteers took their turn in order to rescue the country from fatal collapse.

After the re-election of the President and the Parliament in 2014, complete change of the government, the start of massive open calls for high official posts and creation of new anticorruption institutions (agency, bureau, prosecution office and finally - court), the situation is slowly improving, but still far from being normal. For this reason, it is not surprising that Ukrainians prefer trusting the volunteer and other non-governmental organizations to relying on state authorities. Of course, it does not add to the credentials of Ukraine as a state, but as many other challenges, this one can be turned in an opportunity.

For many years, Ukrainian civil society remained weak facing abuse of human rights by the state and its law enforcement agencies. People were complaining to each other, sharing witty jokes which demonstrated their cynic and optimistic at the same time attitude, but doing very little to change things, even within their communities. Nobody, except for very few among corrupt politicians, was happy about where the country was going.

This could not continue in 2014 when the representative of Ukrainian civil society took responsibility for the functioning of their country. Naturally, they wanted to have a louder voice in decision-making. In essence, we can talk about the rebirth of civil society in Ukraine from 2014 till now.

This is the second point of my essay – **I believe that non-governmental organizations are capable and, moreover, deserve to become 'agents of change' in Ukraine.** They have more trust than officials and they earned this trust, it was not given. Today, non-governmental organizations in Ukraine are profoundly engaged in everything - from the development of affordable education and medical care to anti-corruption projects and the growth of public awareness about the authorities' activities.

¹ <https://www.ukrinform.net/rubric-society/2387979-poll-ukrainians-trust-volunteers-armed-forces-and-church-most.html>

Notably, during the 27 years of independence, there has been no effective system of "checks and balances" in Ukraine, whereas each of three branches of government controls others to prevent abuse and usurpation of power. Since nobody exercised the function of democratic control over government, there was a vacuum. This could lead to the empowerment of dictatorship, but Ukrainian society rejected this option several times over the last two decades. Another way, which Ukraine ultimately pursues, is the control of society that has no place in the government ruling apparatus. Undoubtedly, such a balance of power does not provide effective and sufficient control of the authorities for preserving democracy, but the very activities of non-governmental organizations contribute to the growth of society's awareness, thus more people demonstrate their citizenship through participation in public organizations, projects or movements and defend their rights within the framework of the specialized NGOs. For instance, NGO "Chesno", which controls the elections and activities of elected representatives, "Open Court", which implements the transparency of the judiciary, NGO "Center for combating corruption", which promotes anti-corruption initiatives are clear examples that great work and useful initiatives result from non-governmental organizations. **While the European Union continues to assist in the establishment of new state institutions, which is right and effective, it should not cease to grant support to civic initiatives.**

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Nelson Mandela once said: "Education is the most powerful weapon which you can use to change the world". The majesty of education is not only that it gives people an opportunity for self-fulfilment and creativity, but also that it enriches an inner world of a man, making judgments wiser and more balanced. Good education separates a person who leads, or at least, goes his own way, from one that will always blindly follow the other. I owe a lot to education and I saw many times how education became an effective tool against human powerlessness.

I do not know how many of my peers share my thoughts, but most of them still get higher education (according to the latest data - 79% of Ukrainian youth receive a higher education). What do we have?

Ukrainian higher education differs from other spheres of public life, at least, by the fact that the basis of its nature is the youth, and youth, by definition, denies tolerating the stagnation or domination of anachronism in their world. That is why, despite the fierce resistance of the Soviet old-school functionaries, Ukrainian higher education is changing and keeps looking at its European counterparts. But there is one indispensable thing, even European or American educational system cannot exist without, not to mention the Ukrainian one and this is **the value of academic exchange**.

Educational exchange enriches all its parties and allows to think globally. At the end, it is a tool that works directly on the personal level of the students who travelled by exchange, but its far-reaching effects have a wider dimension. I thank the European Union for hundreds of exchange programs, including Erasmus +, which for a long time allow tens of thousands of Ukrainian students to come closer to Europe and its civilizational values. From my own

observations, I can assure you that these students, coming back from different European countries, inspires the boldest ideas that rejuvenate Ukrainian education. These young people gradually commence serving the state and bringing their experience and values to renew both the political class and the class of effective performers.

Thus, I want to express my third opinion - the way to deep and qualitative changes that will ensure real European integration of Ukraine and its implementation of the provisions of the Association Agreement lies, particularly, through **the education of young people**. Therefore, the existing European projects to support Ukrainian youth in gaining foreign education should be maintained and multiplied.

Thanks to the visa-free regime effective from 2017, Ukrainian people, including youth, enjoyed many occasions to share their life experience with European people. With Ukrainians travelling to Europe and Europeans coming to Ukraine, Ukraine is approaching Europe much faster than it might seem.

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This essay is about the people who made the earth shift beneath their feet. About the people who will help my young country to reach the goals manifested in the Association Agreement. I tried to write this essay as a heartfelt narrative and a presentation of the thoughts of a 20-year-old Ukrainian student who sincerely supports the European integration of his country and is therefore interested in this subject (especially in the legal aspect, as a law student). I have my own opinion, formed during my young life and influenced by the atmosphere of my lifetime.

My three points are three things that I often reflect on, while answering the question of how Ukraine can overcome its problems and become a better place to live for everyone.