

The uncertain future of the Ukraine-EU Association Agreement

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The European Union-Ukraine summit took place in Kyiv on 19 December, during which the end of the Association Agreement (AA) negotiation was announced, including the Deep and Comprehensive Free Trade Area (DCFTA) agreement. This document was not initialled and its preamble does not mention a perspective for Ukraine to gain EU membership. However, Kyiv deemed the end of the AA negotiations a success and stated that the agreement was not initialled due to technical issues to be handled by the EU. The parties in their joint declaration adopted at the summit undertook to initial the AA as soon as possible. At the same time, the President of the European Council, Herman van Rompuy, stated that the agreement would be signed and ratified on condition that the parliamentary elections in Ukraine scheduled for autumn 2012 are held in compliance with democratic standards.

Commentary

- The fact that the AA was not initialled is a defeat for Ukraine and is an effect of its failure to take action to release Yulia Tymoshenko from detention, which was expected by the EU. This proves that eliminating Tymoshenko from parliamentary elections next year has become a priority for Viktor Yanukovich, even at the expense of establishing closer relations with the EU. The launch of new investigations against Tymoshenko, who has already been sentenced to seven years in prison, is a clear sign that the Ukrainian government is unlikely to change its stance. However, Ukraine's consent for the prospect of it joining the EU not to be mentioned in the agreement and its declared determination to initial the AA may mean that the Ukrainian government wishes to continue the process of building closer bonds with the EU.
- It is still possible that the AA will be initialled even within the next few weeks. However, regardless of when this happens, the signing and ratification of this document will depend on Yulia Tymoshenko's release from arrest and rehabilitation and also on the holding of fair parliamentary elections in October 2012. This also means that the possible implementation of the AA has been postponed until some time in the future (perhaps even for several years).
- The Ukrainian government is presenting the Kyiv summit at home as a success. In fact, the summit's outcome reflects a crisis in Ukraine-EU relations, as a consequence of

which bilateral contacts may be limited to sectoral co-operation and visa dialogue. The long-standing deadlock over the AA may give rise to the concept of separating the DCFTA from the AA, although this option has been rejected by the EU so far. This solution has already been mooted by Kyiv. In turn, the opinion that real economic integration is a better solution than freezing the AA implementation process as a whole may take centre stage in the EU.

- The crisis in bilateral relations and the postponement of the signing of the Association Agreement's mean that Kyiv's position on the international arena will diminish, and the EU will not gain new tools to influence the processes taking place in Ukraine. This will reduce Ukraine's room for manoeuvre in relations with Russia and make Kyiv more prone to take part in integration projects initiated by Moscow, such as the Customs Union.