

# Towards Multi-level Security Community Building: The EU's External Governance in Ukraine

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# 1. Introduction

The initial objective of the European Neighbourhood Policy (ENP) was to expand the European zone of peace beyond the EU's borders through processes of external governance. It was seen as an instrument for promoting security in the region through processes of integration and association. Although initially developed as a rather coherent policy, it has over the years become something very different. In this paper, we examine what these changes have actually entailed.

Our main argument is that the framework of the European Neighbourhood Policy – the lead framework of the EU's external governance – has been developing from the original concept of a set of rationally planned processes coherent across countries of this Neighbourhood, towards a complex and ambiguous set of 'garbage can' type of processes in individual countries. We focus on the latter dimension, specifically analysing the nature of coordination of reform processes in Ukraine. Here, the original model of a rational process, with detailed action plans, monitoring, reporting and progress assessment of reforms, has given way to a set of loosely coupled processes involving various interests, problems, solutions and decision-making situations – what Cohen, March and Olsen (1972) termed the *garbage can model* of change. EU institutions and EU member states are involved in various forms of engagement with Ukraine, resulting in complex and often loosely coupled forms of adaptation. Nevertheless, Ukraine is experiencing unprecedented levels of extensive transformation processes connecting its various societal segments with the EU.

The paper provides evidence from the case of Ukraine, building on recent data collected from study of official documents as well as interviews with diplomats and officials of the European External Action Service (EEAS) and other EU institutions and of member states. Based on this analysis, we offer a novel conceptual understanding of the EU's neighbourhood policy incorporating the ideas of ambiguity and bounded rationality.

The paper proceeds as follows. First, we briefly revisit the conventional view of ENP as instrumentally rational external governance aimed at spreading a coherent set of EU standards beyond EU borders. We show that the original model is challenged by political developments on the ground, making it clear that there is a need for a complementary perspective that can take into consideration the complex and ambiguous nature of reforms. Second, we sketch out the 'garbage can' model originally developed in the context of studies of university bureaucracies, elaborating how it could be adapted to the study of the

EU's external governance. Third, applying the framework of the garbage can model we analyse empirical developments in the reform processes in Ukraine. Here, we focus on the period following the Maidan events, since late 2013. We analyse the involvement of EU institutions as well as selected member states – Germany and Sweden – and of the non-EU member Norway.

Based on this empirical evidence, we argue that reform efforts are characterized by three features. First, there is *parallelism* of reform programs conducted by the EU, its member states and associated non-member states leading to overlaps in reforms. Second, there is *path-dependence* of reform programs structuring new reform initiatives in ways that accommodate existing programs. Third, there is general *ambiguity* as to the goals of the reform processes, as the EU, the member states, associate non-member states and various organizations associated with them all work with various strategic goals and different visions for Ukraine and its relations with the EU. In conclusion, we offer some observations on the nature of the EU's external governance in the countries of the neighbourhood. We argue that ambiguity and complexity in the ENP reform processes may, in fact, be advantageous as a way of ensuring slow and gradual but relatively steady progress in connecting the ENP countries with the EU.

## 2. ENP as rational external governance

The ENP framework was introduced in 2004 as a by-product of the EU's 'big-bang' enlargement. A main motivation for introducing the ENP was the desire to prevent major rifts from emerging between countries that were invited to join the EU and other East European countries. The idea proposed by Romano Prodi was to have these neighbouring countries take part in European governance, with access to 'everything but institutions' (Prodi 2002). To this end, countries were asked to undertake comprehensive reforms of their economies and governance systems in exchange for gradual deepening of their ties with the EU and growing attachment to EU policy fields.

This ENP had two major characteristics. First, it was a process aimed at creating a 'ring of well-governed countries' around the enlarged EU. This entailed putting all countries encompassed in the ENP framework under one more-or-less coherent set of conditions, processes and procedures of external governance (Börzel and Van Hullen 2012).

The second characteristic of the original model was its highly rationalistic and rationalizing nature (Dannreuther 2006). The EU followed the same comprehensive pattern institutionally, legally and in terms of policy contents in all the countries concerned (van Vooren 2012:3). The methodology applied by the EU was built around a standardized model consisting of two elements. First, at the core of relations with each ENP country is a *contractual agreement* that is a prerequisite for signing Partnership and Cooperation Agreements (PCAs) in Eastern Europe, and Caucasus and Association Agreements (AAs) in the South. Second, based on these agreements, individual *ENP Action Plans* were developed with each of the ENP countries. These are standardized documents of about 35 pages that follow the same structure in all countries and focus on a relatively uniform set of topics for collaboration and governance reform.<sup>1</sup> ENP Progress Reports would then provide a regular opportunity for monitoring the developments and assessing the degree to which the goals and targets in the Action Plans were met. The European Commission and its Directorate-General for Enlargement and Neighbourhood Policy has been taking the lead in the management of these processes, in cooperation with the External Services of the Commission and, following its establishment, the EEAS. In principle, the overarching idea when the ENP was launched was to have a well-

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<sup>1</sup> Topics in ENP Action Plans include: economic development, environmental policy, energy cooperation, border control, food safety, organized crime, migration management, terrorism, regional conflict prevention, political dialogue, nuclear non-proliferation, tourism, education, tax policy and others (see Van Vooren 2012:3).

defined and orderly set of transformation processes to lead these 'neighbourhood' countries towards EU-oriented standardization of their legislative systems and governance that would allow them to share 'all but institutions' with the EU.

However, several factors have made today's ENP complex and ambiguous as compared to the original processes of relatively coherent, unified and instrumentally rational external governance conducted in relation to countries in Central and Eastern Europe. While a comprehensive analysis is beyond the scope and purpose of this paper, it is pertinent to mention at least four factors.

First, while the ENP framework uses similar instruments as the process of EU enlargement, the central component of the latter – the prospect of full EU membership – is missing. That makes the ENP is profoundly ambiguous in its aims and nature of relations with the countries in the neighbourhood (Cadier 2013). Partly as a result of this, countries encompassed in the ENP framework have varied in their preferences concerning attachment to the EU. Since 2011, the EU has been applying an increasingly differentiated and bottom-up approach towards the partner countries (EU 2015a,b). This shift has to do with the fact that ENP countries have been subject to a rather divergent set of domestic processes, putting them on diverging paths in their relations to the EU over the past decade. While the 16 ENP countries remain grouped together within the same framework, there is a clear difference emerging between the nature of relations to countries in the Eastern Neighbourhood and the countries in the EU's Southern Neighbourhood. While the latter cannot aspire to EU membership, some of the former possibly can, and that also influences the level of ambitions in reform processes (Rieker 2016). Moreover, while some ENP countries, like Georgia, Moldova and Ukraine in the east as well as Morocco and Tunisia in the south, have been seeking closer relations with the EU, consistently implementing various kinds of reforms to achieve this, other countries, among them Armenia, Belarus and Azerbaijan, have shown decreasing interest in deepener relations with the EU and have been seeking to develop a more detached form of relationship.<sup>2</sup> The macro-level dynamic of how neighbouring countries form their relationships with the EU is highly diversified.

Second, the EU and its member states are beginning to become more attentive to the geopolitical context (concerning relations with Russia in particular) in developing their approach to the neighbourhood (Rieker & Gjerde 2015). The interests of the 'neighbours of the neighbours' are increasingly recognized as a factor to be reckoned with. Compared to its original meaning when introduced by the European

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<sup>2</sup> Indeed, much to the surprise of the EU's external relations institutions, Azerbaijan was the first country from the EU's Eastern Neighbourhood to propose its own vision of a legally regulated relationship with the EU, in the spring of 2015.

Commission in 2006,<sup>3</sup> the concept today encompasses also the interests of Russia and other major geopolitical players in the neighbourhood. This shift is supported by a growing acknowledgement of the need to shift towards a more geopolitical approach to the EU neighbourhood (Fischer 2015).

Third, the ENP framework was designed in an ambiguous way, leaving room for manoeuvre for member states to accommodate their specific interests within the policy framework (Cadier 2013:53). Among other things, the question of whether the possibility of full membership should eventually be granted to neighbouring states has been perceived differently by the original member states and by those that have joined the EU since the 1990s (ibid.). In general, the latter states have been most supportive of keeping alive the prospect of further EU enlargement to the East (Berti et al. 2015). As a result of this ambiguity, EU member states continue with varying and parallel strategies in their relations to the countries of the neighbourhood. Despite similarities in member-state rhetoric in relation to ENP countries, the goals pursued in practice often differ (Börzel and Van Hullen 2012).

Finally, within ENP countries, implementation of the reforms identified in the individual ‘ENP Action Plans’ and ‘ENP Progress Reports’ has not necessarily been a straightforward rational exercise. This has involved, for instance, the development and application by the EU of what Del Sarto and Schumacher (2011) term ‘pseudo-benchmarks’. This means that the EU has been assessing various formal indicators in the countries of the Southern Neighbourhood to measure their performance in democratic reforms, but that these indicators have not really assessed actual progress made. Also, reform processes aligning governance structures with the EU have progressed well in some governance sectors, while there has been less progress in others (Lavenex and Schimmelfennig 2011; Bátora and Navrátil 2016). Alternative sources of reforms have also played an important role. Non-EU countries like Canada, Japan, Norway and the USA as well as international actors such as the World Bank have been involved in supporting reform processes in the EU’s neighbourhood, often with their own specific agendas and goals.

The relevant EU institutions and their stakeholders have been reflecting upon this. There has emerged a clear realization that the ENP as a policy framework needs to be reformed to encompass *differentiation* of relations with partner countries as a key principle (EU 2015). This builds on the idea that the EU will respect partner countries’ strategic choices as regards how they wish to constitute their relations with the EU. With countries seeking closer association, the EU will seek to develop practical steps to deepen relations; with countries preferring a

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<sup>3</sup> See *On Strengthening the European Neighbourhood Policy*, COM(2006)726, Brussels: European Commission, p. 11

more detached form of relations, the EU will look for other forms of engagement in line with their needs (ibid., p. 3). In addition, the EU will to a greater extent take into consideration the whole region and the geopolitical context than the case thus far (ibid., p. 4).

Especially important in the context of the current analysis is that the idea of the EU's neighbourhood policy as a coherent, rationalistic and well-planned strategy is a convenient construct that may not hold up to closer scrutiny. To get an analytical grip on the nature of the EU's neighbourhood policy, it behoves us to drop default assumptions of instrumental rationality and instead consider lessons from approaches conceptualizing ambiguity and uncertainty in decision-making and political reforms (Simon 1955; March and Simon 1957; Cyert and March 1963; Cohen, March and Olsen 1972). Such an organization-theory-oriented approach may help us to focus on dynamics that characterize most types of political reforms in practice but tend to be overlooked in reform plans as well as in *a posteriori* accounts of reforms.

### 3. The ENP as a set of garbage can processes: an analytical framework

While the above-mentioned interpretation of the ENP may seem compelling, the reality of ENP is more complex and ambiguous. Policy initiatives of EU-level institutions are not always coordinated with those of the member states (Democracy Reporting International 2015). Reforms in ENP countries go through various cycles of swift and slower implementation<sup>4</sup> (Carnegie 2015). Decisions involve multiple actors from member-state governments, EU institutions and non-governmental organizations that promote various and shifting kinds of interests. Particular reform efforts coalesce around assemblages of actors and interests (Democracy Reporting International 2015).

The garbage can model of organizational decision-making proposed by Cohen, March and Olsen (1972) provides a useful analytical framework for examining the EU's involvement in complex and ambiguous reform processes like those unfolding within the framework of the ENP. The model conceptualizes organizational decisions and actions as resulting from more or less random assemblages of four factors. First, there are *problems* that need to be solved: this requires attention and various kinds of resources. Second, there are *solutions* that are available, often prior to identification and formulation of relevant problems: this means that solutions become answers that are looking for questions. Third, there are *participants* with various interests providing various kinds of input. The length of their presence relevant to a studied organizational process varies, as their attention and availability may shift elsewhere. Fourth, there are *choice opportunities* – the occasions on which decisions and choices regarding actions in a given organizational context are made. This includes negotiation and signing of agreements, allocation of financial and other resources, etc. The thrust of the garbage can model is the idea that these four factors develop in flows relatively independent of each other, with their relatively random combinations producing organizational decisions. Viewed from this perspective, organized processes are based, not on calculated rational choices, but on relatively random assemblages of problems, solutions, participants and choice opportunities.

Applying this framework used to study micro-level processes in organizations to the study of the EU's neighbourhood policy may not seem entirely self-evident. Yet, the primary focus here is on the opera-

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<sup>4</sup> <http://www.financialobserver.eu/cse-and-cis/ukraine/ukraine-should-be-forced-to-implement-reforms/>

tion of the ENP as an organized framework for promotion of EU-led reforms in the EU's neighbourhood. What interests us here are reform processes and how problems, solutions, participants and choice opportunities intermingle to form reforms. We use empirical data based on interviews and study of official documents to shed light on the processes of how the EU has been engaging with Ukraine in support of reforms. The scope of this study does not allow coverage of all activities of all member states, so we focus on EU institutions and on two selected member states – Germany and Sweden – as well as on one associated member – Norway. The choice of studying EU institutions and their engagement in Ukraine's reform processes is an obvious one, but our selection of Germany, Norway and Sweden as cases to study here requires further elaboration. Important here are two factors – level of engagement with Ukraine, and public availability of data. Regarding the first factor, in recent years, Germany and Sweden have been the most active EU member states as regards engagement with the countries in the Neighbourhood, Ukraine in particular (ECFR 2014, 2015). Norway is also among the highly active players in the EU neighbourhood, closely aligning its policies with those of the EU (NOU, 2012). Since the start of the most recent crisis in Ukraine, Norway has radically increased its aid to that country, so that the figure was about ten times higher in 2015 compared to the level in 2013. Moreover, a focus on Norway adds a useful dimension when we seek to capture the complexity of factors influencing reforms in Ukraine as the EU's neighbourhood policy continues to rely on resources and activities of non-EU member states.<sup>5</sup>

Regarding the second factor, the governments of Germany, Norway and Sweden, compared with those of many other EU member and non-member states, provide relatively extensive pools of publically available empirical data on their activities in support of reforms in Ukraine in the recent decades. Data accessibility was an important factor in our choice of these countries' engagement in Ukraine for the current analysis. Still, the empirical examples of processes we study are by no means exhaustive or all-encompassing – much more space would be necessary for that. These three serve merely as illustrations of the complex nature of the processes involved in the EU's engagement with Ukraine.

In operationalizing the analytical dimensions, we will explore how problems are defined in key strategic documents published by the EU and its member states in relation to Ukraine. This will allow us to speak to the degree of parallelism in the definition of problems and solutions. Second, we will measure path dependence in exploring the extent to which solutions currently offered had been available and implemented in Ukraine prior to the launch of major post-Maidan reform strategies in

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<sup>5</sup> The USA, for instance, has been a major donor of aid money to Ukraine. In the decade between 1990 and 2000, the USA provided more than USD 1 billion to Ukraine (Rotter 2011:34).

2014 and 2015. High degrees of path-dependence of solutions will mean that problems were defined in the context of numerous available solutions. Finally, we will explore the aims of the EU and of the governments studied in terms of their views on the nature of Ukraine's future relations with the EU. This expression of goals will be assessed as an indicator of overall clarity and/or ambiguity of the EU's engagement with Ukraine.

## 4. ENP in post-Maidan Ukraine

In the period between 2013 and 2015, Ukrainian reforms have been progressing at an extraordinary pace, on several indicators.<sup>6</sup> The ratio of gas supplies provided by the EU and Russia, respectively, has shifted from 5:95% to 67:33%. While in 2013 Ukrainian governmental agencies had as many as 1032 controlling functions, this was reduced to 680 in 2015. The number of regulatory agencies in the country was reduced from 56 to 28, and the number of state employees from 335,270 to an estimated 257,000. The tax system was simplified and the number of taxes was reduced from 22 to 11. Expenses for security and defence climbed from UAH 45.3 to 90.7 billion (approx. from € 1.7 billion to € 3.5 billion) and salaries of military personnel on all levels were tripled or quadrupled. Numerous other reforms were underway on a massive scale on all levels of government and virtually in all parts of the Ukrainian society. Yet, the post-Maidan wave of reforms has not come about in a vacuum. These reforms have been conducted in the context of long-term reform processes supported by the EU, its member states and associated non-member states as well as other Western actors since the early 1990s. Post-Maidan reform strategies and instruments have had to accommodate established reform programmes, national priorities, the priorities of various EU-level actors and, of course, also the interplay with domestic interests and the social structures. This has resulted in the varying degrees of parallelism, path-dependence and ambiguity that characterize the ENP in post-Maidan Ukraine. In the following, we examine these three dimensions.

### 4.1 Parallelism and path-dependence in defining problems and solutions in Ukraine

The EU's engagement with Ukraine has been characterized by multiple parallel definitions of key problems facing the country and of solutions that will help in addressing those. Various actors involved have been working with differing albeit partly overlapping definitions of problems. The EU has had its ENP Action Plans for Ukraine since 2004, but the Maidan events in 2013 and early 2014 brought about a need to address newly emerging problems as well as update existing strategies. Following the visit by Commissioners Füle and Lewandowski to Kiev on 25–26 March 2014, the EU, the Ukrainian government and non-governmental actors set about working on a strategic document that

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<sup>6</sup> These indicators are taken from 'A Year of the Government of Ukraine', presentation at the International Support for Ukraine Conference, Kiev, 28 April 2015 (available at [http://supportforukraine.com/mediafiles/files/1year\\_en.pdf](http://supportforukraine.com/mediafiles/files/1year_en.pdf), accessed 29.11.15)

would include a list of key challenges facing Ukraine in the short to medium term (problems in the context of the current analysis), with a list of corresponding solutions as well as identification of actors on the EU and the Ukrainian sides, who would be responsible for addressing the problems. The resulting document, titled *EU–Ukraine: A European Agenda for Reform* and introduced on 4 July 2014, included nine key areas: political process; economic support; trade and customs; agricultural issues; justice and home affairs, including the fight against corruption; enterprise; energy; transport; and education, scientific and technological cooperation.<sup>7</sup> The document defines more than 60 challenges or ‘problems’ where which Ukraine would need support for promoting various kinds of reforms, as well as sources of funding for addressing the problems.

While the problems and activities identified in the document *EU–Ukraine Agenda for Reform* continued to be addressed, the EU and Ukraine adopted a new strategic document – the *EU–Ukraine Association Agenda* – on 16 March 2015.<sup>8</sup> Based on this document, Table 1 provides an overview of these problems as well as proposed solutions and actions for addressing them.

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<sup>7</sup> See *EU – Ukraine: A European Agenda for Reform*. Brussels: European Commission, July 4, 2014 (available at [http://ec.europa.eu/archives/commission\\_2010-2014/fule/docs/ukraine/a\\_european\\_agenda\\_for\\_reform.pdf](http://ec.europa.eu/archives/commission_2010-2014/fule/docs/ukraine/a_european_agenda_for_reform.pdf), accessed 10.09.15).

<sup>8</sup> *EU–Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement*; Brussels: EEAS, 16 March 2015.

**Table 1: Problems and solutions in Ukraine, as identified in the 2015 EU–Ukraine Association Agenda**

<b>Problem</b>	<b>Proposed solutions and actions for addressing the problem</b>
Constitution is defunct; does not regulate regional and local governance properly	<ul style="list-style-type: none"> <li>• constitutional reform to be re-launched</li> <li>• work in consultation with civil society and respect the recommendations of the Venice Commission</li> <li>• develop amendments enabling decentralization reform and reform of the judiciary</li> </ul>
Electoral system is inefficient	<ul style="list-style-type: none"> <li>• unify electoral legislation</li> <li>• reform of political party financing</li> <li>• revise law on local elections</li> </ul>
Corruption is widespread	<ul style="list-style-type: none"> <li>• work towards implementing of comprehensive anti-corruption legal package of 14 October 2014</li> <li>• establish a National Anti-Corruption Bureau and National Agency for the Prevention of Corruption</li> </ul>
Judiciary is not working properly	<ul style="list-style-type: none"> <li>• launch judiciary reform</li> <li>• adopt a Justice Reform Strategy in line with European standards, with detailed implementation plan</li> </ul>
Public administration is inefficient	<ul style="list-style-type: none"> <li>• launch public administration reform</li> <li>• initiate civil service reform and reform of service in local self-government bodies, based on European standards</li> <li>• adopt Law on Civil Service Reform</li> </ul>
Level of regulation for enterprises is too high	<ul style="list-style-type: none"> <li>• decrease the administrative burden for enterprises by reducing the number of permits and licenses required</li> </ul>
Public procurement is inefficient	<ul style="list-style-type: none"> <li>• launch reform of public procurement</li> <li>• improve transparency in public procurement processes</li> <li>• bring the list of exceptions from public procurement in line with EU public procurement directives</li> </ul>
Taxation system is inefficient	<ul style="list-style-type: none"> <li>• launch taxation reform;</li> <li>• improve efficiency of the tax administration, also in settlement of VAT refund claims</li> </ul>
External audit is lacking	<ul style="list-style-type: none"> <li>• continue to develop external audit function to strengthen the system of checks and balances</li> </ul>
Energy sector works inefficiently	<ul style="list-style-type: none"> <li>• launch energy sector reform</li> <li>• accelerate the reform of Naftogaz, adopting a law on a new regulatory body for gas, electricity and utilities;</li> <li>• draft new laws on gas and electricity market in consultation with the EU</li> </ul>

Source: Developed from *EU–Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement*; Brussels: EEAS, 16 March 2015, pp. 5–7.

Obviously, while there is some overlap between these two key strategic documents adopted in 2014 and in 2015, there are also areas in which the latter strategy is less comprehensive. This pertains in particular to problems in the areas of security sector reform and agricultural reform.

Member states of the EU have also come up with their *national* definitions of key problems facing Ukraine. *Germany* has been actively involved in supporting transformation processes since the early 1990s, with several major strategies of reforms defined by Germany. Between 1994 and 2005, Germany spent € 87.5 million via bilateral programmes to Ukraine and another € 115 million via the TRANSFORM Programme (Rotter 2011:34). In the context of post-Maidan developments, in early June 2015 the German government provided its own list of key problems facing Ukraine in its Action Plan for Ukraine (Federal Government of Germany 2015). The plan includes a list of five problem-areas and a list of solutions that Germany will provide to address those (see Table 2). The German government declared its willingness to spend about €700 mill. in 2015 to support attainment of goals in this Action Plan (Federal Government of Germany 2015:2). This is more than triple the amount of money spent by Germany on aid to Ukraine during the entire period 1990 to 2007.

Numerous German governmental and non-governmental organizations have also been actively engaged in addressing problems in Ukraine. This includes the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) (the German Association for International Cooperation), working in Ukraine since the early 1990s on behalf of various ministries of the German federal government. Their definition of key problems includes three areas: sustainability of economic development, energy efficiency, and spread of HIV/AIDS.<sup>9</sup> Various solutions have been proposed in these areas. The GIZ initiated numerous projects in cooperation with the ministries of the Ukrainian government and commissioned numerous reports on how the Ukrainian public administration and public services could be reformed – mostly using solutions operating in the Federal Republic of Germany as a source of comparison, good practice and benchmarking.<sup>10</sup> This included the provision of expert comments and suggestions on proposals for new legislative acts in the field of Ukrainian public administration reform in 2008 – again specifically from a German perspective and using German legal practices as examples.<sup>11</sup> Since 2006, the GIZ has also been working with the Ministry of Healthcare in Ukraine in support of efforts to curb the HIV/AIDS epidemics. It has organized workshops and trainings for healthcare professionals and teachers, supported by a budget of €3.5

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<sup>9</sup> See <http://www.ims-ukraine.org/en>, accessed on Sept 10, 2015.

<sup>10</sup> The GIZ has been publishing its expert reports on in Ukraine since 2008. See <http://www.ims-ukraine.org/en/publications> (accessed 10.09.15)

<sup>11</sup> See, for instance, Schimanke, D. und Zimmermann, H. (2008): *Stellungnahme zu Konzept und Gesetzentwurf zur Administrativ-territorialen Reform in der Ukraine*, Projektdokument N. 19, GIZ, Kiev, November 2008 (available at <http://www.ims-ukraine.org/sites/default/files/Nr-19-deutsch.pdf>; accessed 10.09.15).

mill.<sup>12</sup> Solutions for Ukraine's problems have also been proposed by foundations affiliated with political parties in Germany, such as the Konrad Adenauer Stiftung and Friedrich Ebert Stiftung. The former, for instance, has recently used German experience in sustainable economic development as a benchmark for solutions that could be implemented in Ukraine.<sup>13</sup>

**Table 2: Problems and solutions in Ukraine as identified in the June 2015 Action Plan from the German Federal Government**

Problem	Solutions and actions for addressing the problems
Low efficiency of energy and resource usage	<ul style="list-style-type: none"> <li>• updating the Ukrainian electrical power networks to enable their compatibility with EU standards</li> <li>• refurbishing electrical switching stations in Eastern Ukraine</li> <li>• launching pilot projects on efficient energy use in buildings</li> </ul>
Inefficient infrastructure in the economy	<ul style="list-style-type: none"> <li>• support for SMEs</li> <li>• counselling in agricultural reform</li> <li>• improving local infrastructure</li> <li>• support reforms of toll/tax administration</li> <li>• support to the Ukrainian Ministry of Agriculture in preparing the 'Strategy for the sustainable development of Ukraine's agricultural sector 2015–2020'</li> <li>• support to the Ukrainian government in road and railway infrastructure development</li> </ul>
High levels of centralization	<ul style="list-style-type: none"> <li>• support to the Ukrainian government in decentralization and municipal government reforms</li> <li>• work with the Czech Republic, Hungary, Poland and Slovakia in setting up partnership networks for sharing good governance practices with Ukrainian municipalities</li> <li>• contribute to improving capacities for local crisis management</li> </ul>
Limited rule of law; high levels of corruption	<ul style="list-style-type: none"> <li>• support to the establishment of institutions for rule of law and anti-corruption work</li> <li>• comprehensive legal counselling in constitutional reform and reform of the judiciary</li> <li>• support to the fight against corruption in the judiciary</li> </ul>
Limited role of civil society and media	<ul style="list-style-type: none"> <li>• support the establishment of NGOs focusing on human rights, rule of law and societal conflict prevention</li> <li>• expand the Ukrainian- and Russian- language programmes of Deutsche Welle</li> <li>• support the establishment of public TV and radio broadcasting in Ukraine</li> <li>• training of journalists</li> </ul>

Source: Developed from the document *Aktionsplan Ukraine*, of the government of the Federal Republic of Germany, 5 June 2015 (available at [http://www.kiew.diplo.de/contentblob/4539124/Daten/5510808/pdf\\_aktionsplan.pdf](http://www.kiew.diplo.de/contentblob/4539124/Daten/5510808/pdf_aktionsplan.pdf), accessed 14.10.15). The document contains far more detail than captured in the above table.

<sup>12</sup> See [http://www.bmz.de/de/was\\_wir\\_machen/ziele/ziele/MDGs\\_2015/unser\\_beitrag/ukraine.html](http://www.bmz.de/de/was_wir_machen/ziele/ziele/MDGs_2015/unser_beitrag/ukraine.html) (accessed 10.09.15).

<sup>13</sup> See *Nachhaltige Entwicklungspolitik: deutsche Erfahrungen bei der Lösung ökologischer und sozialer Probleme, Perspektiven deren Anwendung in der Ukraine*. KAS Policy Paper 23, Kiev: Konrad Adenauer Stiftung, 2 September 2015 (available at <http://www.kas.de/ukraine/de/publications/42407/>, accessed 14.09.15)

Also Sweden has been working with Ukraine in supporting reform processes since 1995. In the years 2009 to 2013, its efforts were concentrated in two problem areas, identified as key challenges where Sweden could be of assistance to Ukraine: democratic governance and human rights; and natural resources and environment. Sweden provided SEK 180 mill. (approx. € 18 mill.) in financial support in 2009; SEK 200 mill. (approx. € 20 mill.) in 2010 and about SEK 220 mill. (approx. € 22 mill.) in the years 2011–2013.<sup>14</sup> As the Swedish government explains, the choice of the two focal areas of reforms was made ‘based on reform needs identified by Ukraine in its communication with the EU, Sweden’s comparative advantages and activities carried out by other donors.’<sup>15</sup> In response to the recent conflict, Sweden has increased its annual support to Ukraine by about SEK 235 mill. (approx. €23.5 mill.) since 2014.<sup>16</sup> Sweden has also updated the definition of problem areas in which it supports development cooperation projects. There were, as of the time of writing (December 2015), four key areas: enhanced economic integration with the EU and the development of market economy; strengthened democracy, with greater respect for human rights and a more fully developed state under the rule of law; a better environment, with reduced climate-change impact, and enhanced resilience to environmental impact and climate change; and humanitarian support.<sup>17</sup> Of particular importance here are activities of Swedish International Development Cooperation (SIDA), which has been supporting projects in at least five areas (see Table 3). In 2014, SIDA provided more than SEK 181 mill. (about €18 mill.) in aid to Ukraine.<sup>18</sup> As of September 2015, there were 52 projects supported by Swedish governmental funds developing solutions in various areas in Ukraine. Of these, 31 projects had been initiated in November 2013 or earlier (with some ongoing projects launched as far back as 2007).<sup>19</sup> As can be seen from Table 3, several of the issue-areas feature solutions based on experiences of Swedish actors – in particular in the area of local governance, energy and civilian security sector reform.

<sup>14</sup> See *Samarbetsstrategi for utvecklingssamarbetet med Ukraina januari 2009 – december 2013*. Stockholm: Swedish Ministry of Foreign Affairs, 11 December 2008 (available at <http://www.regeringen.se/contentassets/14ff44c69d9141219ca5eb51130a20be/strategi-for-utvecklingssamarbetet-med-ukraina-2009-2013>, accessed 23.11.15).

<sup>15</sup> *Ibid.*, p. 2

<sup>16</sup> <http://www.government.se/opinion-pieces/2014/11/swedens-commitment-to-ukraine-deepens/>

<sup>17</sup> For a complete list of projects supported, with brief descriptions and financial allotments see <http://www.swedenabroad.com/en-GB/Embassies/Kyiv/Development-Cooperation/Development-Cooperation-with-Ukraine/>; accessed 14.09.15.

<sup>18</sup> See <http://www.sida.se/English/where-we-work/Europe/Ukraine-/Cooperation-in-figures/>, accessed 22.11.15

<sup>19</sup> For an overview of project aims, funding and duration see <http://www.swedenabroad.com/en-GB/Embassies/Kyiv/Development-Cooperation/Development-Cooperation-with-Ukraine/>, accessed 14.09.15)

**Table 3: Problems and solutions in Ukraine as identified by Swedish International Development Cooperation (SIDA)**

<b>Problems</b>	<b>Solutions and actions for addressing the problems</b>
Low market integration with the EU	Support projects of OECD, World Bank, EBRD to promote: <ul style="list-style-type: none"> <li>• increased transparency</li> <li>• favourable investment climate</li> <li>• improved conditions for SMEs</li> </ul>
Sharp deterioration of human rights standards <ul style="list-style-type: none"> <li>• Over 1 million internally displaced persons (IDPs), many lacking basic security</li> <li>• National minorities – primarily Crimean Tatars and the Roma population – as well as LGBT people have become more vulnerable</li> <li>• Ukrainian society is heavily male-dominated; domestic violence against women is widespread</li> </ul>	Support human rights organizations dealing with these problems: <ul style="list-style-type: none"> <li>• Charkiv Human Rights Group and the Ukrainian Helsinki Human Rights Union (documentation, policy work and dialogue with the government)</li> <li>• Gay Alliance Ukraine</li> <li>• National Democratic Institute (working to increase the number of female political leaders and to reform Ukrainian legislation and practices, aiming at implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence)</li> </ul>
Inefficient public sector: <ul style="list-style-type: none"> <li>• Public administration skills at the local level are low in municipalities</li> <li>• High levels of corruption</li> <li>• High levels of centralization</li> <li>• Underdeveloped e-governance</li> </ul>	Support projects addressing these problems: <ul style="list-style-type: none"> <li>• cooperation between the Swedish Association of Local Authorities and Regions (SALAR) and the Ukrainian Ministry for Regional Development to promote decentralisation (including expert advice, training, study visits and seminars)</li> <li>• project between the Estonian organization e-governance Academy and Ukrainian authorities aimed at providing the public and entrepreneurs with more transparent and more efficient public services with the help of web services</li> </ul>
Energy sector is inefficient; no tradition of saving energy	Support projects aimed at increasing energy efficiency: <ul style="list-style-type: none"> <li>• investments in energy saving at the local level, through the Eastern Europe Energy Efficiency and Environment Partnership (E5P) and Nordic Environment Finance Corporation (NEFCO)</li> <li>• environmental organizations working to improve energy efficiency</li> </ul>
Massive humanitarian crisis following Russia's annexation of Crimea and the war in Eastern Ukraine	<ul style="list-style-type: none"> <li>• Provide humanitarian assistance channelled through organizations including UNHCR, UNICEF, OCHA, ICRC and Save the Children, aimed at providing people with shelter, access to water and sanitation, and psychosocial support</li> </ul>

Source: *Our work in Ukraine*. Stockholm: SIDA, updated 5 August 2015, available at <http://www.sida.se/English/where-we-work/Europe/Ukraine-/Our-work-in-Ukraine/>, accessed 22.11.15.

Norway has been active in Ukraine recently, and it explicitly supports the approach of the EU. In the period since the Maidan events in late 2013 and early 2014, the Norwegian government has increased its financial support substantially. Norway provided NOK 106.5 mill. (more than € 11 mill.) in development aid to Ukraine in 2014 – up from NOK 34.6 mill. (€3.6 mill.) in 2013, NOK 22.8 mill. (€ 2.4 mill.) in 2010 and a mere NOK 1.4 mill. (about €150,000) in 2005.<sup>20</sup> Norwegian official development aid to Ukraine has increased 100-fold in the last 10 years, with the most significant year-on-year increase between 2013 and 2014. In 2015, Norway's overall support to Ukraine amounted to NOK 310 mill. (approx. € 36.35 mill.);<sup>21</sup> Norway has committed itself to NOK 390 mill. for 2016. Earlier support from Norway had been some NOK 40 mill. annually since the mid-1990s. As explained by Norway's State Secretary (junior minister) for Foreign Affairs in late April 2015, Norway focuses on the following priorities in its support to Ukraine: budget support; energy reform; European integration; good governance, transparency and accountability; strengthening of civil society and free media; and the fight against corruption (Brattskaar 2015). All recent projects aim at assisting Ukraine in complying with EU standards.<sup>22</sup> In 2015, Norwegian support has been allocated as budget support (NOK 100 mill. or € 10.3 mill.); to security sector and constitutional reform (NOK 73 mill. or € 7.5 mill.); energy reform and nuclear safety (NOK 77 mill. or € 7.9 mill.); trade facilitation and EU integration (NOK 20 mill. or € 2.06 mill.) as well as general humanitarian aid (NOK 40 mill. or € 4.12 mill.).<sup>23</sup> At the time of writing (December 2015), the Norwegian government was supporting 37 different projects in Ukraine.<sup>24</sup> As of mid-October 2015, main priorities for Norway's support to Ukraine were defined as follows: judicial reform and good governance; energy sector reform and efficiency; improving the country's competitiveness; strengthening the private sector and entrepreneurship; and help to IDPs from Crimea and Eastern Ukraine.<sup>25</sup> In addition to the Ministry of Foreign Affairs, Norway's Ministry of Defence actively supports reforms in Ukraine. For instance, the Centre for Integrity in the Defence Sector (SIFS) in the Norwegian Ministry of Defence has recently offered Ukraine support and assistance to the process of adapting the Ukrainian human resource management system in the defence sector to EU standards by raising awareness of integrity and anti-corruption issues.<sup>26</sup> Finally, Norway has agreed with the EU to intro-

<sup>20</sup> See <http://www.norad.no/om-bistand/norsk-bistand-i-tall/>, accessed 22.11.15.

<sup>21</sup> See [http://www.norway.com.ua/News\\_and\\_events1/Grants\\_and\\_projects/Norways-support-to-Ukraine-in-2015/#.VIFOTHYveM8](http://www.norway.com.ua/News_and_events1/Grants_and_projects/Norways-support-to-Ukraine-in-2015/#.VIFOTHYveM8), accessed 22.11.15.

<sup>22</sup> [http://www.norway.com.ua/News\\_and\\_events1/Grants\\_and\\_projects/#.Vjlnu8mEr9c](http://www.norway.com.ua/News_and_events1/Grants_and_projects/#.Vjlnu8mEr9c)

<sup>23</sup> <http://nucc.no/norway-increases-its-support-to-ukraine/>

<sup>24</sup> <http://udtilskudd.regjeringen.no/#/nb/sector/details?country=14&year=2015>

<sup>25</sup> <http://www.eu-norway.org/news1/Norway-to-increase-support-to-Ukraine-by-NOK-80-million/#.VjDdhcmEr9c>

<sup>26</sup> See <http://www.tnp.no/norway/panorama/5121-norway-supports-ukraines-efforts-to-combat-corruption>

duce regional funds in the EEA grant scheme, which opens up these grants for projects undertaken by new member states in collaboration with partners in Ukraine and Moldova.<sup>27</sup>

As these examples show, EU member states as well as associated member states like Norway have their own lists of problems they have been seeking to address in Ukraine with the support of their own financial frameworks and programmes, while also supporting the work on problems defined by the EU, as discussed above. In all cases, there has been a significant expansion of the volume of finances provided to Ukraine since early 2014, as well as an expansion of the problem areas that donor countries and their organizations seek to address by tailor-made solutions drawing on resources at their disposal. On the other hand, some of the problems and programmes for dealing with them have been around for a decade or longer, and there is also significant overlap between countries in the problems their programmes address in Ukraine.

**Table 4: Problems and solutions in Ukraine as identified by the Norwegian government**

<b>Problems</b>	<b>Solutions and actions for addressing the problems</b>
Lack of retraining of military officers	<ul style="list-style-type: none"> <li>retraining of military officers and family members</li> </ul>
Low levels of energy efficiency	<ul style="list-style-type: none"> <li>support to energy efficiency and humanitarian support (NEFCO)</li> </ul>
Lack of possibilities for SMEs	<ul style="list-style-type: none"> <li>competence transfer from Norwegian Innovation System to Ukraine and institutional capacity-building for the Ukrainian Innovation System aimed at developing and supporting SMEs and start-ups with innovative business ideas</li> </ul>
Lack of reintegration of victims of human trafficking	<ul style="list-style-type: none"> <li>reintegration assistance to 1500 victims of human trafficking in Ukraine based on their individual needs and psychological care, legal representation; requalification and economic empowerment</li> </ul>
Low level of green technology	<ul style="list-style-type: none"> <li>support to the development of energy technology facilities in conjunction with the establishment of a knowledge and training centre for bioenergy.</li> </ul>
Limited bilateral business relations	<ul style="list-style-type: none"> <li>developing business relations Ukraine–Norway (import, export, investment, good corporate governance)</li> </ul>
Need for local government reform	<ul style="list-style-type: none"> <li>capacity-building for local governments in service provision; evidence-based policy dialogue within the social sector sphere (health, education and social protection), as well as promoting participatory governance and a robust local democracy</li> </ul>
Lack of support to IDPs	<ul style="list-style-type: none"> <li>support to long-term integration of IDPs from Crimea and Donbass regions of Ukraine in host communities, covering socio-economic, infrastructural and cultural dimensions</li> </ul>
Lack of a free and independent media	<ul style="list-style-type: none"> <li>support to justice and accountability by working with and supporting journalists, independent media outlets and activists, to achieve transparency, access to information and justice for abuses</li> </ul>
Lack of respect for human rights	<ul style="list-style-type: none"> <li>Financial support to national human rights organizations.</li> </ul>

Source: Norwegian Ministry of Foreign Affairs. Information from:

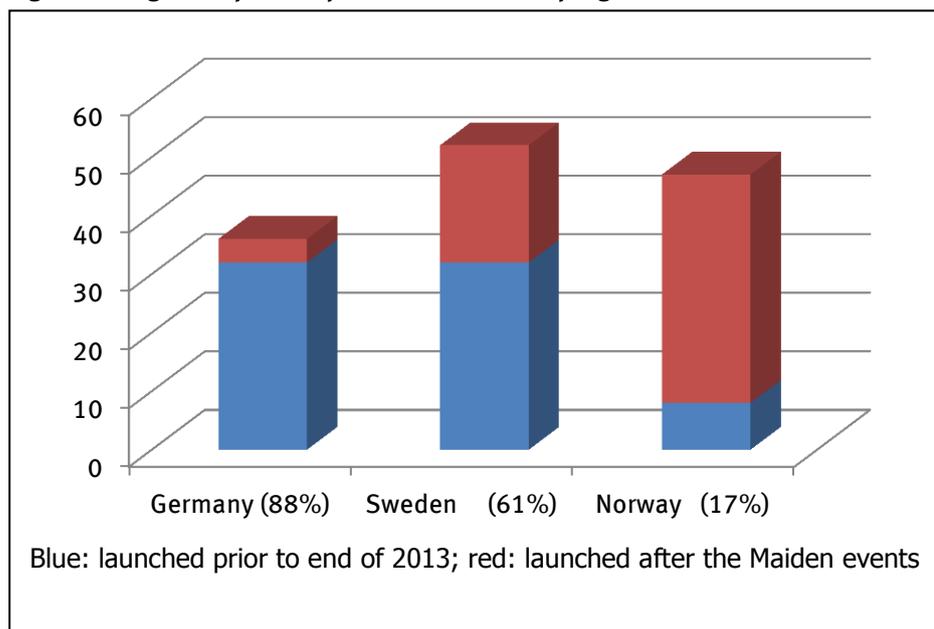
<http://udtilskudd.regjeringen.no/#/nb/partner/details?country=14&year=2015> (December 2015)

<sup>27</sup> <http://eeagrants.org/News/2015/Agreement-secured-on-new-funding-round>

An analysis of the dates when projects were initiated by donor countries – in this paper focusing on Germany, Norway and Sweden – shows relatively high degrees of path-dependence in the reform programs. Some 88% of German projects and 61% of Swedish reform projects in Ukraine were launched in the pre-Maidan period, i.e. before the end of 2013 (see Figure 1). Turning to the number of aid projects provided by all EU-level institutions combined, we find that of the 1805 EU-funded projects active in Ukraine in 2015, as many as 1696 (93%) had been launched in the pre-Maidan period.<sup>28</sup> New comprehensive reform strategies by the EU launched in 2014 and 2015 (e.g. EU – Ukraine Agenda for Reform) have had to work with numerous solutions that were made available *before* the problems were defined in these strategies. This in turn indicates that, in formulating the 2014 and 2015 strategies and in defining problems, the solutions already being offered to Ukraine by the EU and by the three states studied here have structured the choices and formulations of new reform strategies. As compared to Germany and Sweden, Norway shows a relatively low degree of path-dependence in its reform efforts in Ukraine (see Figure 1). This has to do with the fact that Norway had not been very active in Ukraine in the pre-Maidan period, and began focusing on problems in response to post-Maidan events. This may mean that Norway's solutions may be more up-to-date and better for dealing with actual needs in Ukraine today than the case with other reform efforts launched previously.

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<sup>28</sup> Data on the EU projects from the EU Aid Explorer database (available EU Aid Explorer: <https://euidexplorer.ec.europa.eu/SearchPageAction.do>; accessed 12.12. 15)

**Figure 1: Degree of path-dependence in reform programs in Ukraine**

Sources: Federal Ministry for Economic Cooperation and Development, Germany, project database; Swedish Embassy to Ukraine and Norwegian Ministry of Foreign Affairs Grants Portal.<sup>29</sup> Percentages were calculated from all active projects funded by the respective government in Ukraine in 2015. Projects launched before the end of 2013 were seen as being launched in the pre-Maidan period (shown in blue).

## 4.2 Coordinating multiple actors

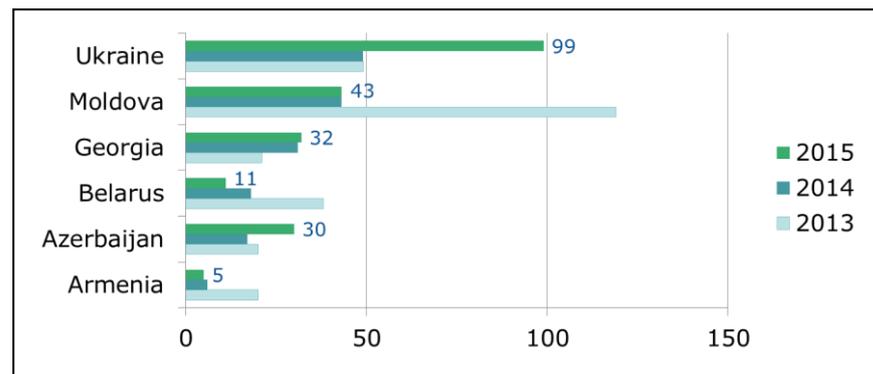
ENP processes in Ukraine have been characterized by a dynamic flow of participants and their shifting constellations. This has included EU institutions and EU-level initiatives as well as member-state governments and other organizations and their initiatives. Below we review efforts to coordinate key EU-level participants as well as those from Germany, Norway and Sweden.

Various EU-level institutions have been involved in supporting reforms in Ukraine since the early 1990s. The focus of our analysis here is on the actors and actions of EU institutions in the wake of the crisis since early 2014. On 5 March 2014, the European Commission announced the *Support Package for Ukraine*, set to bring approx. € 11

<sup>29</sup> Federal Ministry for Economic Cooperation and Development, project database (available at [http://www.bmz.de/de/was\\_wir\\_machen/wege/transparenz-fuer-mehr-Wirksamkeit/iati/index.jsp](http://www.bmz.de/de/was_wir_machen/wege/transparenz-fuer-mehr-Wirksamkeit/iati/index.jsp);; Swedish Embassy to Ukraine (<http://www.swedenabroad.com/en-GB/Embassies/Kyiv/Development-Cooperation/Development-Cooperation-with-Ukraine/>; accessed 12.12.15); Norwegian Ministry of Foreign Affairs Grants Portal (<http://udtilskudd.regjeringen.no/#/en/sector/details?country=14&year=2015>. All accessed 12.12.15.

billion in EU funding and an additional €1.4 billion in grants from member states over the next seven years.<sup>30</sup> Between 2013 and 2015, there was a sharp increase in interaction between EU institutions and the Ukrainian authorities, for example the activities of the *Technical Assistance and Information Exchange instrument* (TAIEX) of the European Commission (see Figure 2).

**Figure 2: Technical Assistance and Information Exchange Instrument (TAIEX) activities of the European Commission in Eastern Partnership countries, 2013 to 2015 (source: Gozzi 2015)**



According to the *Support Package for Ukraine*, investments, distribution of grant money and management of various reform initiatives are to be conducted by the European Commission in cooperation with several other organizations, most notably the European Investment Bank and the European Bank for Reconstruction and Development, as well as drawing additional funds from the World Bank and the International Monetary Fund. The same document notes the need to establish an *international donor coordination mechanism* in the form of an international platform based in Kiev, to coordinate the efforts of EU institutions, EU member states as well as other international donors in Ukraine.<sup>31</sup> The platform is to meet regularly in Brussels, to enable close coordination of donor efforts. On the ground, the EU Delegation will be responsible for coordination.<sup>32</sup> The international donor coordination platform was established on 27 May 2014, holding its first meeting on 8 June that year. A *Development Assistance Database* for Ukraine has

<sup>30</sup> See [http://ec.europa.eu/enlargement/neighbourhood/countries/ukraine/index\\_en.htm](http://ec.europa.eu/enlargement/neighbourhood/countries/ukraine/index_en.htm), accessed 24.11.15.

<sup>31</sup> See *Support Package for Ukraine*. Brussels: European Commission, 5 March 2014, p. 4 (available at [http://europa.eu/newsroom/files/pdf/ukraine\\_en.pdf](http://europa.eu/newsroom/files/pdf/ukraine_en.pdf), accessed 24.11.15)

<sup>32</sup> *ibid.*

also been established to provide an overview to donors of projects implemented in the country.<sup>33</sup>

In exploring efforts to coordinate, we focus here on two key initiatives set up in the wake of the crisis, i.e. since spring 2014. First, the *Support Group for Ukraine* (SG) was set up by a decision of the Council of the EU on 9 April 2014. It is administratively based in DG DEVCO, is composed of between 30 and 40 Brussels-based officials and is led by Peter Balas – a senior Commission official. These experts assist Ukrainian governmental ministries and other institutions (e.g. the Verkhovna rada (parliament)) in drafting legislation, preparing reform proposals, developing communication strategies about reforms, etc. Members of the SG do not have a central coordination point on the Ukrainian side. The *EU–Ukraine Agenda for Reform* – adopted jointly by the EU and the government of Ukraine on 4 July 2014 – had foreseen the creation of an ‘institution to be set up within the Government of Ukraine dealing with the process of political association and economic integration with the European Union’. As of the time of writing (December 2015) such an institution was still not in place, and cooperation with the Ukrainian side was conducted through multiple channels. SG experts were mostly attached to state secretaries in the various respective ministries, which brought a degree of fragmentation in their work. Realities on the ground also complicated their work, as state secretaries in some ministries were appointed only three or four months after the October 2014 elections in Ukraine. Hence, SG members often found themselves working without stable counterparts on the Ukrainian side.<sup>34</sup> There were efforts to coordinate the work of the SG on the level of the EU Delegation in Kiev. However, not all activities could be coordinated; moreover, and member states do not always provide information on their activities on the ground to the SG or to the EU Delegation.<sup>35</sup> In autumn 2015, the SG was re-organized into sector teams in the following areas, corresponding to the reform packages outlined in the EU–Ukraine Association Agenda: agriculture; economic; education, science, health and social policy; energy and the environment; justice and home affairs; political; trade and industry; transport and infrastructure.<sup>36</sup>

The second structure established by the EU was the *EU Advisory Mission for Civilian Security Sector Reform Ukraine* (EUAM Ukraine) – a

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<sup>33</sup> See <http://ukraine-gateway.org.ua/international-organizations/assistance-database.html>, accessed 24.11.15.

<sup>34</sup> Interview with two senior Slovak NGO experts involved in Ukraine reforms, Bratislava, 20 June 2015

<sup>35</sup> Interview with senior diplomats, Permanent Mission of Slovakia to the EU, Brussels, 28 May 2015; interview, Permanent Mission of Germany to the EU, Brussels, 29 May 2015; interview with two senior Slovak NGO experts involved in reforms in Ukraine, Bratislava, 20 June 2015.

<sup>36</sup> See [http://ec.europa.eu/enlargement/neighbourhood/countries/ukraine/sgua/index\\_en.htm](http://ec.europa.eu/enlargement/neighbourhood/countries/ukraine/sgua/index_en.htm), accessed 20.11.15.

civilian mission within the framework of the EU's Common Security and Defence Policy (CSDP), set up by Council decision on 22 July 2014. The purpose of this unarmed non-executive mission has been to assist the Ukrainian authorities in reforming their security sector, including police and rule of law.<sup>37</sup> The mission has been headed by Kalman Miszei, a Hungarian official with experience from working in various EU missions in the Neighbourhood; it is staffed by about 50 officials from the EU member states. Miszei arrived in Kiev on 8 August 2014,<sup>38</sup> and was officially introduced to the Ukrainian Prime Minister, Arseniy Yatsenyuk, on 22 August by the head of the EU Delegation to Kiev, Jan Tombinski. Arguably, the purpose of this meeting was to explain the rationale and goals of EUAM to the country's prime minister. As Miszei explained in an official press release: 'This meeting was of utmost importance, as I could directly present our mandate and our current level of development to the Prime Minister. We discussed the best ways to cooperate in the future.'<sup>39</sup> At this point, EUAM already had a team of 17 officials in Kiev preparing for mission deployment. However, it was not until 22 October 2014 that EUAM could report in an official press release on its website that it was 'officially recognized as a coordinating interlocutor by the Ukrainian authorities'.<sup>40</sup> This recognition was perceived as given due to the fact that the EUAM Chief of Operations, Peter Appleby, and EUAM Senior Advisor to the Ukrainian Ministry of Interior, Hanneke Brouwer, were invited to comment on a proposal for comprehensive reform of Ukraine's security services at an 'enlarged meeting of the Ministry of the Interior' featuring the presence of the Speaker of the Verkhovna Rada, the Minister of Interior, Minister of Defence, head of the Ukrainian security service, as well as some 100 participants from government and civil society organizations (*ibid.*). Formally, the EUAM started operations in December 2014. The level of coordination of EUAM and the SG with activities of EU member states was perceived as low or limited. As one senior German diplomat declared: 'It seems we are repeating the mistakes we made in Kosovo or East Timor. All the donors rush in and there is lots of overlap, duplication and low coordination.'<sup>41</sup>

Various organizations connected with the EU member states operate on the ground in Ukraine with relatively little coordination with the EU Delegation and/or EU institutions. Indeed, many of the current reform

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<sup>37</sup> 'EU establishes mission to advise on civilian security sector reform in Ukraine', Press Release, ST 11974/14, PRESSE 405, Brussels: Council of the EU, 22 July 2014

<sup>38</sup> See [http://www.eeas.europa.eu/statements/docs/2014/140808\\_02\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2014/140808_02_en.pdf), accessed 20.11.15

<sup>39</sup> See [http://www.eeas.europa.eu/csdp/missions-and-operations/euam-ukraine/docs/220814\\_hom\\_meeting\\_with\\_pm\\_.pdf](http://www.eeas.europa.eu/csdp/missions-and-operations/euam-ukraine/docs/220814_hom_meeting_with_pm_.pdf), accessed 20.11.15

<sup>40</sup> See [http://www.eeas.europa.eu/csdp/missions-and-operations/euam-ukraine/news/20141022\\_2\\_en.htm](http://www.eeas.europa.eu/csdp/missions-and-operations/euam-ukraine/news/20141022_2_en.htm), accessed 20.11.15.

<sup>41</sup> Interview, senior diplomat, Permanent mission of Germany to the EU, Brussels, 29 May 2015.

efforts were preceded by initiatives launched earlier. One example is Germany's GIZ, which has been operating in Ukraine since 1996, on the basis of an agreement between the German Federal Government and the Government of Ukraine. The GIZ is a German-registered, state owned corporation; in Ukraine it works mostly on projects of German governmental agencies, including the Federal Ministry of Economic Cooperation and Development; the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety; the Federal Ministry for Economics and Technology; the Federal Ministry of Finance; the Federal Ministry of Economics and Technology; and the Federal Ministry of the Interior – as well as on projects of the EU and its member states. As of September 2015 the GIZ had offices in 16 locations in Ukraine, with approximately 100 employees.<sup>42</sup>

While Germany has various actors on the ground, Sweden seems to be channelling its assistance primarily through Ukraine state institutions (through twinning and technical assistance), with the aim of building institutional capacity; or through Ukrainian civil society organisations, international nongovernmental organizations (such as National Democratic Institute, East Europe Foundation and Global Action Plan), intergovernmental organizations (such as the Council of Europe and the OECD), as well as development banks (EBRD, the World Bank, NEFCO, EIB) through investment grants and technical assistance.<sup>43</sup> Norwegian assistance is given primarily as project grants to various Ukrainian state institutions.<sup>44</sup> In some areas, such as energy safety, Norway works closely together with Sweden. The Norwegian government has pointed out that it tries to provide its assistance in close cooperation and coordination with the EU and the member states to avoid overlap, but this may prove challenging at times.<sup>45</sup>

In addition to governments, expertise has been made available to the Ukrainian side by senior-level politicians from the EU, the USA and other NATO countries in the format of the *International Advisory Council on Reforms* (IACR) official founded by Ukrainian President Poroshenko on 13 May 2015. Press releases announced that senior figures like US Senator John McCain, former Swedish PM Carl Bildt, former Slovak PM Mikuláš Dzurinda, German MEP Elmar Brok and others were joining the group.<sup>46</sup> However, Senator McCain announced one

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<sup>42</sup> See <http://www.ims-ukraine.org/en/reform-municipal-services-eastern-ukraine> (accessed 14.09.15).

<sup>43</sup> <http://www.swedenabroad.com/en-GB/Embassies/Kyiv/Development-Cooperation/Development-Cooperation-with-Ukraine/>

<sup>44</sup> <http://udtilskudd.regjeringen.no/#/nb/sector/details?country=14&year=2015>

<sup>45</sup> Information provided by the Norwegian embassy in Kiev, November 2015.

<sup>46</sup> See 'Poroshenko Approves Composition of Advisory International Council of Reforms and Dissolves Advisory Council of Reforms', USAID Rada Program, available at <http://radaprogram.org/en/content/poroshenko-approves-composition-advisory-international-council-reforms-and-dissolves#sthash.YByOgBNq.dpu>; accessed 01.08.15.

day later that he could not join the group due to legal constraints not allowing Members of Congress to take on such an active role. Former president of Georgia, Mikhail Saakashvili, was originally named chairman of the IACR. However, he was appointed as governor of the Odessa region by President Poroshenko only two weeks later, on 30 May. It appears that Saakashvili assumed the post of governor of Odessa without informing all members of the IACR.<sup>47</sup> In the summer 2015, the role of the IACR and its high-level advisors remained relatively unclear, with some of them still waiting for clarification on what the Ukrainian side actually expected them to do.<sup>48</sup> Moreover, there seemed to be neither official nor unofficial direct coordination contact between the IACR and the EU's SG or member-state governments (ibid).

In addition to this lack of coordination comes the fact that the member states and other actors have been promoting differing priorities and approaches to the processes of EU-oriented reforms in Ukraine.

### 4.3 Ambiguity of reform processes in Ukraine

As the previous sections indicate, the EU, its member states and associated members (like Norway), together with their non-governmental organizations, have been involved in a wide range of reform processes in Ukraine. As our interviews with senior officials of the EEAS as well as member-state delegations to the EU confirm, member states have been involved in supporting various kinds of reforms – usually in areas where they have the necessary expertise and foreign policy priorities. Poland, for instance, has been actively involved in Ukraine, supporting anti-corruption measures and processes of decentralization. The Polish government's anti-corruption agency has been working with the Ukrainian government in setting up the Ukrainian anti-corruption bureau. Concerning decentralization, Polish experts have assisted the Ukrainian authorities in developing legislative proposals for reform of municipalities and municipal governance as well as the territorial structure of regions.<sup>49</sup> Similar assistance activities have been conducted by experts from Germany, as well as from France and the USA.<sup>50</sup> The Slovak government has been involved in two areas in particular: energy sector reform and security sector reform.<sup>51</sup> Energy sector reform has also been a key priority of work carried out in Ukraine with the assistance of the governments of Denmark, Germany and the Netherlands.<sup>52</sup> France has been involved several reform initiatives; a key priority area has been the reform of Ukrainian justice sector.<sup>53</sup> Civil society for-

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<sup>47</sup> Interview, member of IACR, Bratislava, 20 June 2015.

<sup>48</sup> Expert interview, Bratislava, 20 June 2015.

<sup>49</sup> Interview, Polish mission to the EU, Brussels, 28 May 2015.

<sup>50</sup> Interview, German mission to the EU, 29 May, 2015.

<sup>52</sup> Interview, German mission to the EU, May 29, 2015.

<sup>53</sup> Interview, German mission to the EU, May 29, 2015.

mation and reforms have been the mainstay of the work done with assistance from the Czech government.<sup>54</sup> Norway has given priority to reform of the justice sector and energy reform, but has also been involved in constitutional reform and nuclear safety issues.

In addition to the wide range of reform processes that EU member states have been involved in – often in parallel – approaches have also varied among member states as regards the nature of Ukraine's future association with the EU. As several interviewees pointed out, there has been one group of member states who favoured the development of the closest possible ties with Ukraine, not excluding the potential of offering full EU membership. This group has consisted mostly of the Baltic states, Poland, Slovakia, Sweden, Denmark and the UK. On the other hand, there have been several countries – most notably in the South of the EU – sceptical to offering Ukraine anything more than an Association Agreement within the framework of the ENP. That also applies to the latest official standpoints of the German government, which has been increasingly cautious about going too far in deepening its relations with Ukraine in order to avoid damaging relations with 'the neighbours of the neighbours – Russia.<sup>55</sup> Germany is apparently becoming more and more aligned with France's traditional position on ENP/EaP. While Germany has generally had a fairly open approach, the French have insisted on interpreting the ENP as clearly distinct from the enlargement process – and not even as a potential preparation phase for future membership.

To address these coordination problems on the strategic level as well as on the level of practical conduct of reforms, the EU and its member states have been considering various solutions. One of these is an idea voiced in some EU capitals: to appoint a 'high level coordinator' on the EU side to lead the effort in Ukraine. Conceptually and in terms of mandate, such a coordinator would correspond more or less to the role of the EU's High Representatives in Bosnia-Herzegovina or Kosovo. Proponents of this idea have envisioned a senior political figure from the EU taking on the post (e.g. a former prime minister or foreign minister) so that the Ukraine reform agenda could be elevated to a higher level and receive proper attention in governmental circles and in EU-level institutions.<sup>56</sup> However, as of summer 2015, such a post had not been established, and it seemed as though proposals for establishing such a post were no longer on the agenda. This could be explained by lack of member-state consensus as to whether establishing such a post would be useful, especially in view of existing disagreements concerning the long-term objective of the association process. It could also be explained strategically: the wish to avoid any further provocation of Russia. In such a perspective, a more effective option might be a less

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<sup>54</sup> Expert interview, Bratislava, 20 June 2015.

<sup>55</sup> Interview, German mission to the EU, 29 May 2015.

<sup>56</sup> Expert interview, Bratislava, 20 June 2015

visible ‘muddling through’ approach. In our interviews with representatives of selected member-state missions to the EU in May 2015, some confirmed that debates on this point were ongoing among the member states. Other representatives, however, said that such debates were no longer on the table, and still others flatly denied the very existence of such a debate.<sup>57</sup>

The reason for such an unstructured approach to Ukraine as opposed to, for example, Bosnia-Herzegovina since the late 1990s has been the fact that the latter did have a clear international governance structure in place, with a mandate to oversee societal transformation processes and approximation to the EU (Bildt 2015). Such a structure is lacking in Ukraine, and so the EU, its member states and other actors find themselves involved in supporting a multiplicity of transformation initiatives. The SG for Ukraine as well as the EU Delegation in Kiev have been seeking to coordinate efforts on the ground in Kiev but such coordination is highly dependent on member-state willingness and capacity to coordinate.<sup>58</sup> Moreover, as discussed in the previous sections, many member-state development projects in Ukraine have been initiated independently of each other, and follow time-lines and financing schedules without little direct intergovernmental coordination.

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<sup>57</sup> Interviews with the permanent missions of Germany, Poland and Slovakia to the EU, Brussels, 27–29 May 2015.

<sup>58</sup> Expert interview, Bratislava, 20 June 2015; interviews EEAS HQ Brussels, 27 and 28 May 2015.

## 5. Conclusions

In this paper we have argued that the EU's neighbourhood policy as a policy framework has been undergoing a profound transformation. This has been a process characterized by fragmentation of a once-coherent policy framework towards an umbrella term for a set of differentiated and fairly specific tailor-made policy approaches regulating relations with individual countries in the EU Neighbourhood. More profoundly, at the level of practice, the case of the Ukraine shows that the EU's Neighbourhood Policy, and the reform processes in the countries of this neighbourhood conducted as part of this policy, are *not* as rationally calculated as is often believed. Rather, much of what the EU and its member states are doing in Ukraine seems characterized by multiple and varying definitions of problems, a multitude of solutions generated and provided without clear connections with problems or before problems are defined, numerous participants and a plethora of reform processes with relatively little effective coordination.

We found, first, that the EU's reform efforts in Ukraine are characterized by parallelism – problems that need to be addressed are defined in multiple ways, with overlapping reform processes in initiatives run by the EU, by its member states, by associated non-member states as well as by other international actors. Second, we identified relatively high degrees of path-dependence in the reform programmes run by the EU and by Germany, medium-level path-dependence in Swedish programmes and low levels of path-dependence in reform projects run by Norway (see Figure 1). This indicates that major reform strategies launched in 2014 and 2015 for identifying problems in the post-Maidan period were constructed in the context of a multitude of solutions that were already being implemented on the ground, having been defined in the pre-Maidan period. This also makes it clear that the ENP is a highly socially embedded strategy, harnessing combinations of existing resources while also seeking to provide well-defined and rationally calculated reform proposals. Third, we have noted multiple and parallel coordination efforts by actors from the EU and from the member states, again challenging the view of the ENP as rationally managed process. Finally, the EU member states, associated non-members and the EU institutions and their various constellations are evidently operating with differing visions as regards Ukraine's future relations with the EU. This has made the ENP in Ukraine profoundly ambiguous.

Some of this ambiguity in the EU's role in the neighbourhood has already been discussed and criticized in the academic literature. Suffice it here to note the 'capabilities–expectations gap' (Hill 1993) or the

above-discussed view of the EU's reform agenda as consisting of symbolic actions and window-dressing (Del Sarto and Schumacher 2011). However, there has been less focus on the possibility that such ambiguity might actually be a source of strength and influence. As Olsen (2010) points out, the fact that the EU remains a rather ambiguous political entity which various actors associate with various meanings may in fact be a condition contributing to the EU's survival. If the EU were clearly identified and following steps towards a specific type of political order (e.g. a federation), it would be easier for internal and external opponents of integration to organize resistance and even derail the process.

Applied to the context of the ENP, the ambiguity of the EU's engagement with the neighbouring countries, featuring multiple and loosely coupled processes involving EU-level institutions as well as member-state initiatives, leads to uncertainty in terms of what is actually happening to the countries in the neighbourhood. As the case of Ukraine shows, there are competing and complementary visions as to the problems to be dealt with; it is unclear which solutions are useful and when; many participants are involved, and it is often uncertain who is responsible for which parts of the reform agenda, and when important decisions can and should be made.

While this may seem a chaotic situation, it is arguably also more difficult for opponents of reforms – whether internal to Ukraine or from outside the country ('neighbours of the neighbours') – to stage effective opposition to reforms implemented according to such a 'garbage can model'. And for these very reasons, it might be that this model will result in better governance structures in Ukraine, a deepening engagement of Ukraine with the EU, and thereby a different and more flexible type of security community building process – all more sustainable in the long run.

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