

V4 AND EU INREGRATION PROCESS: THE CASE OF UKRAINE

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Abstract: *The assistance of V4 is a very important for Ukraine. V4 countries reiterated their readiness to assist the Ukrainian authorities in preparing a comprehensive reforms package that should be at the forefront of the new government agenda. Such package should be focused on strengthening the rule of law, the efficiency of national and local governments, the transparency of public procurement, the reduction of state regulations and the fight against corruption, as well as envisaging a self-government reform that will bring the decision making process closer to the Ukrainian people. Genuinely implemented reforms, as demonstrated by V4 countries will bring the country closer to the European Union and will contribute to achieving Ukraine's European aspirations, which are duly noted by the V4 countries. The international conference in support of Ukraine in 2015, as well as the Riga Eastern Partnership summit of 2015 represent important milestones in this respect.*

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Introduction

The Visegrad Group (also called the Visegrad Four or V4) is the formation of four Central European countries: Poland, Slovakia, Hungary and Czech Republic. It was created in Visegrad castle in Hungary on 15 February 1991, during the Summit of Heads of State and Governments of Czechoslovakia, Hungary and Poland. That's when the Warsaw Pact's mission came to an end. Presidents Vaclav Havel, Lech Walesa and Prime Minister Yozef Antal founded the so-called Visegrad three (V3), which transformed into the Visegrad four (V4) after consequent dissolution of Czechoslovakia. The original purpose of V4 was to promote integration within NATO and EU. Once it has been successfully implemented, the concept of organisation was rethought. During the summit in Czech city of Kroměříž in 2004, the member countries adopted a new Visegrad Declaration, which envisaged more active cooperation of organization with other states in the format of V4 +. The main objective of this cooperation became the transfer of integration experience and support of neighbouring countries that were interested in European integration. It should be mentioned that Ukraine occupies one of the main ranks among the countries invited to the partnership within the Visegrad Group.

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The goal pursued by Visegrad countries (coordination of cooperation on the path to European integration) has been properly achieved in May 2004 when all four states joined the EU. But even now the basic algorithm of V4 activity includes the exchange of ideas, elaboration of common positions on important international issues and political situations, particularly in Central and Eastern Europe.

According to the statutory documents, the annual presidency of V4 is determined on the basis of rotation, which is crowned by summits of heads of government. The foreign ministers hold their talks on the eve of important international events and forums. V4 extension with new members is not expected, but this does not rule out *ad hoc* consultations on some important issues with other countries. The formation is an important regional forum, with emphasis on the fact that its work is advisory. Thus, decisions taken in its framework do not have binding force for governments of V4. Concrete cooperation takes place on the level of interdepartmental contacts.

After the accession of V4 member countries to the EU and NATO, cooperation within this formation acquired features of regional forum for exchanging ideas. Two levels of dialogue (political and expert) have been clearly determined.

The political dialogue conducted within the regular meetings of Heads of State, Government and Foreign Ministers, during which there are no substantial debates, but parties voice their position and accept the documents with declarative contents. The cooperation of V4 member countries is based on concrete projects, on sectorial and inter-agencies cooperation. It provides expert dialogue with qualitatively new legitimization since it started to be implemented both on *regular basis* and *ad hoc*.

The foreign policy priorities of V4 countries include their willingness to actively participate in the implementation of EU policies towards countries of Eastern Europe (Ukraine, Moldova) and South-East Europe (Western Balkans).

1. V4 and Ukraine

It is of primary importance for V4 countries to ensure the democratic development of Balkan countries, as well as to promote the European aspirations of Ukraine. During multilateral negotiations, the representatives of V4 countries constantly stress their readiness to fully support Ukraine on its path to the EU and to present this position at V4 forums and international meetings of higher level.

The conflict in eastern Ukraine significantly influenced the political and economic situation in Central and Eastern Europe, increasing the differentiation of the so-called "New Europe". Such differentiation is caused by different strategic interests of regional players that, on the one hand, try

to get dividends from the situation on the borders of Ukraine, and, on the other hand – are compelled to reconsider conceptual approaches for ensuring national security in terms of cardinal fracture of geopolitical paradigm.

There is a number of applications to support Ukraine in order to preserve its territorial integrity, that have been approved in the framework of V4, on the level of Heads of Government and Foreign Ministers since the deepening of the Ukrainian crisis in 2014. Slovakia currently occupies the presiding role in V4 and actively uses the format of the V4 + for drawing The United Kingdom, Austria, Switzerland, Western Balkan countries, as well as Germany and France to support Ukraine.

The *chronology* of 2014-2015 indicates the increasing of EU's attention (including Visegrad countries) regarding the "Ukrainian case".

The working meeting of state secretaries in the format of V4 + Germany was held in Bratislava on *July 3rd, 2014*, on the Slovakian initiative. Following the meeting, the Slovakian State Secretary of Foreign Ministry Peter Burian noted that the situation in Ukraine directly affects the V4 countries. He stressed that Ukraine's path chosen, as a result of recent political and social changes must remain at the centre of European attention. At the meeting, Secretaries of State reached a common opinion on the necessity to coordinate efforts for assisting Ukraine in European endeavours.

The meeting in the format of V4 + Ukraine at the level of deputy ministers of foreign ministries was held in Lviv on *October 6th, 2014*. The Ukrainian side was represented by First Deputy Minister of Foreign Affairs of Ukraine Natalia Galibarenko.

The summit V4 + UK + Western Balkans took place at the level of Foreign Ministers in Bratislava on *30-31st of October, 2014*. The foreign ministers of the Visegrad Group countries called for the observance of the Minsk protocol for the establishment of regional peace and stability.

The summit of V4 Presidents + Germany + Ukraine took place in Bratislava, on *15-16th of November, 2014*. Within the summit, the President of Ukraine Petro Poroshenko held bilateral meetings with presidents of Slovakia, Poland and Germany.

The summit of V4 countries + Switzerland at the level of Prime Ministers was held in Bratislava on *December 9th, 2014*. It was focused on issues of energy security, strengthening economic relations, competitiveness, academic exchanges and education. The joint statement under results of the summit expressed support for Ukrainian integration steps to Europe and concerns over the deteriorated stability in Europe due to the events in Ukraine.

The meeting of V4 + Ukraine Foreign Ministers took place on *15-16th of December 2014*, in Kyiv. The adopted joint statement stated that the V4 member countries provide assistance in reforming separate sectors of Ukraine.

On *March 31st, 2015*, the European Commission made a decision to allocate last tranche of 250 mln.€ for Ukraine in the framework of the first macro-financial assistance program. According to the European Commission, in 2014 Ukraine received 1.360 bln. € of macro-financial assistance.

2. Possible options for deepening the Ukraine – V4 cooperation

V4 is actively developing. Member countries are aware of cooperation uniqueness in terms of their membership in the European Union. In general, these countries support substantial financial aid to Ukraine. Ministers of Foreign Affairs of V4 declared it at a meeting of seven Eastern European countries' representatives in Budapest. Visegrad countries have proposed the plan for Ukraine's support in the energy sector (in particular, the matter concerned with the supply of gas, purchased by European Union countries). The call for liberalisation of visa regime for Ukrainian citizens was announced on the meeting as well.

The idea to create a group of Ukrainian reforms' support emerged during the negotiations of V4 countries with Western partners in Bratislava. It was then decided to organize a joint visit of Polish, Hungarian, Slovakian and Czech Foreign Ministers to Ukraine (Doroga, 2015). In addition, V4 countries announced plans to create a special fund for Ukraine's support. Although the fund's assets have not been announced yet, it was pronounced that it is ready to provide Ukrainian students with 410 scholarships to study in Europe (Korba, 2014).

According to the announcement of Polish Foreign Minister Grzegorz Schetina, the essence of patronage over reforms in Ukraine "means expert support, joint development of programs and discussing of reforms course with the experts". Slovakia should become the main country in assistance of domains of energy and energy security, while Poland in decentralisation processes and reforms of government at the regional level, as well as in administration and civil service. Czech Republic will provide assistance in reforming the civil society, education and media. Hungary will be the main country which assists in economic development, small and medium enterprises (SMEs), as well as in the implementation of agreement on the foreign trade.

In the future, experts from Visegrad countries plan to arrange some kind of «road-show» in different cities of Ukraine, in order to find solutions to problems and determine the most actual among them. Following the expert discussion of reforms on self-government and decentralisation of power in Ukraine, some targets for priority actions were established. Thus, according to the Polish Foreign Minister, "the Ukrainian government should be closer to the people and do not have a huge apparatus of officials, otherwise it will be impossible to solve the corruption problem. If Ukraine does not

overcome corruption, it will gain nothing, but it cannot win without power decentralisation and deregulation". At the meeting with Deputy Chairman of The Ukrainian Parliament O. Syroyid, the Ministers of Foreign Affairs of V4 stressed the need for serious reforms in Ukraine, in particular through the creation of independent media, constitutional reform implementation, reforming the judicial system and principles of self-government of local communities. According to European diplomats, all the reform measures should be transparent and understandable to society.

During the official meetings in Kiev with the foreign ministers of Poland, Hungary, Slovakia and Czech Republic, the Ukrainian President Petro Poroshenko announced Ukraine's intention to join the "Visegrad Four", with subsequent conversion of this group to the "Visegrad five". Some countries of European "quartet" supported the abovementioned idea. Thus, the *Polish* Foreign Minister Grzegorz Schetina said that Poland is interested in Ukraine's integration in the European Union and, correspondingly, in its joining the "Visegrad Four".

Similarly, *Slovakia* is interested in creating a more effective union on the basis of the V4, provided that the main priority of such union would be lobbying the common interests of the Central and Eastern Europe (CEE) region countries at the EU forums. It is not excluded that, with this purpose, some amendments will be introduced regarding the composition of association members, as well as the organisational foundations of V4 work. Bratislava understands that, at the moment conditions for expanding the format and changing the principles of the group are not sufficient: firstly, some of the V4 countries come out against the members' expansion, and secondly, V4 countries have similar settings of socio-economic development and similar positions on most issues. However, Ukraine reckons on the support of Slovakia as a country whose geopolitical interests are mostly concentrated in the Eastern European area.

3. V4 experience and judicial reform in Ukraine

Copenhagen criteria (of 1993), which established the general political and economic guidelines for countries seeking to join the EU, stipulate that the EU membership "requires achieving by the candidate country stability of institutions guaranteeing ... the legality ...". Thus, accession demands not only political, constitutional and legal framework that will guarantee the legality, but establishment of quite independent and effective judiciary. However, EU legislation contains a relatively small catalogue of regulations related to the judiciary. Judicial systems of EU countries differ significantly, including matters of judges' selection, judicial self-government or the structure of the higher national courts. "Tough" EU law directly settles only a limited number of legal issues,

including those related to the ability of judges to properly apply EU law, for instance, by means of relevant references to the EU Court of Justice, as well as direct application of selected EU standards in internal procedures or effective sanctioning of the EU rules' violations by individuals. The EU is relatively more ambitious in the issues of judiciary transformation in candidate countries.

The status of the judicial system has been discussed within the relevant sections of the Commission regular reports, dwelling on the progress (or lack of the progress) in the accession candidate countries. Sometimes, the Commission analysis is characterised by inconsistency and lack of clear guidelines. For example, the *Kochenov* critical analysis, related to the EU impact on the rule of law in the candidate countries, describes the case when the European Commission asked Romania to establish a fully independent institution of judicial training (as a guarantee of the independence of justice), and vice versa, the decision of the Czech Republic to set up training of legal personnel in semi-autonomous body under auspices of the Ministry of Justice, rated as a positive step towards coordination of education process (De Ridder, 2011). However, in other situations, the European Union could send a clear signal to candidate countries. For instance, the Slovakian Government's disregard for the conclusions of the Constitutional Court was one of the reasons for delaying negotiations between Slovakia and the EU on the issue of accession (Šlosarčík, 2013).

Ukraine badly needs real, not apparent judicial reform, which will be the pledge of providing affordable, transparent and fair justice, genuine guarantee of judicial independence, will significantly improve the state of court decisions implementation, and will create the terms for improving circumstances for professional judges. These reforms should start with improving the constitutional foundations for strengthening the judiciary as truly independent and fair in terms of creating a new Constitution of Ukraine. In particular, Ukrainian experts propose to recreate the article 6 of the European Convention on Human Rights (which protects the right to a fair trial) in the draft of the new Constitution. It has also proposed to add to the draft of Constitution the provision that judges do not have to bear political commitments to the organs or persons who appointed or elected them. Changes in the legislation should necessarily include: the reform of the judicial self-government, the reform of the system of judges' selection, the reform of disciplinary responsibility of judges, as well as strengthening the role of the Supreme Court in shaping a coherent judicial practice and revising the rates of court fees (Zaharov, 2014, pp.77-85).

Conclusions

On the grounds of the abovementioned arguments, we may conclude that it is of paramount importance to deepen cooperation between Ukraine and Visegrad countries, particularly in the context of Ukraine joining a more active dialogue with the aim of borrowing the European experience and further develop cross-border cooperation in the process of the European Union enlargement (the use of certain benefits of free economic zones, development of joint cross-border projects, development of the border infrastructure, improvement of cross-border control, etc.), as well as conducting consultations on other matters of mutual interest. In addition, special attention should be paid to issues related to promotion of political and economic interests of Ukraine in the international institutions and attracting effective assistance from the Visegrad countries in the form of additional financial resources with the aim of supporting and stabilising the Ukrainian economy.

At the same time, it is necessary to take into account the problems and issues in the context of bringing Ukraine closer to the EU, particularly, the plight of Ukraine's economy and the complexity of implementing parts of the Association Agreement which are related to the objective difficulty of adaptation of Ukrainian economic capacities to the European standards.

Launching of real, not declarative implementation of European integration reform' package by new leadership of Ukraine requires the conversion of Ukraine's relations with the countries of Visegrad on the level of strategic partnership, given the fact that the successful implementation of these objectives should lead to final drifting of official Kyiv into European 'milieu' (with expansion of Central and Eastern Europe region after including Ukraine). The abovementioned, as a whole, meets the interests of Central and Eastern Europe countries, but requires them to apply their joint efforts towards a consistent support of Ukraine's course towards European integration.

For further development of cooperation between Ukraine and the Visegrad Four, it is expedient for Ukraine to participate in meetings at all levels in the format "V4 + Ukraine" and to hold consultations with four countries on the level of experts with the aim of taking into account Ukrainian interests in determining the areas of cooperation within these formats.

In the future, the main purpose of dialogue between Ukraine and V4 should concentrate on borrowing the V4 countries' particular experience in the process of European integration, further development of cross-border cooperation in the context of enlargement of the European Union (using of the benefits of free economic zones, development of joint cross-border projects, development of the border infrastructure, improvement of border control, etc.), as well as consultations on other matters of mutual interest.

It is also important to provide effective assistance to Ukraine within international institutions, using the established networks of V4 countries with them.

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