



Ukraine: An Official Candidate to Join the EU - But How Exactly?

VOCAL EUROPE



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zoom

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WEBINAR REPORT

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*This report was co-authored by **Daniel Marco** and **Ali Zuppello**.



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*On 19 July 2022, Vocal Europe organised webinar discussion on the EU candidate status of Ukraine under the question “Ukraine: An Official Candidate to Join the EU – But How Exactly?”.

SUMMARY

PART I: Overview on Rights and Obligations of a Candidate’s Country in the Particular situation of Ukraine at War

Mr. Helmut Geuking, Member of the European Parliament (EPP Group)

Ukraine is far away from law and freedom of the press and the country has a lot of work to do with this respect. Indeed, NGOs have evidence of the situation in Ukraine concerning the persecution of journalists and press representatives. This highlight the presence of an oligarchic system that is not interested in the freedom of the press. Moreover, considering other Copenhagen criteria, economic stability is not effective yet. Furthermore, Ukraine has a high degree of corruption. An example is the Pandora Papers; \$41 million was possessed by 38 Ukrainian members of parliament among them President Zelensky. This was the situation in Ukraine in 2021, but the war did not change it. There are hopes that being an official candidate to join the EU will help Ukraine towards changes, but accession is subordinated to the evidence of these changes and should not be immediate. It is important to bring peace back to Ukraine and then establish a basic democratic system. There is a need for reforms in the field of tax, justice, and economy to prepare Ukraine to be part of the European Union, and Ukraine has a long road to go. Moreover, being a member of the EU does not mean member of NATO.

Mr. Henri Malosse, Former President of the EESC during Maidan, Chairman of Vocal Europe

Attention is given to the aspect of civil society. Since the Maidan event is complicated to establish contact with civic society organizations in Ukraine. The reason behind this is that there is a coexistence of traditional socio-economic partners, trade unions, employers federations, and others, and the new civil society which appears during the Maidan’s events. A democratic government hasn’t to make a choice and can’t privilege “its own civil society”. The European Economic and Social Committee waited for years before it was possible to establish a paritair committee. Hence, there is a need from the European side to help the Ukrainians to understand the necessity of providing a democratic space for everybody without discrimination and the need to find proper criteria and a democratic way to organize it. To achieve this it is important to understand democratic rules in Ukraine.

Mr. Bertrand Malmadnier, Secretary General of the German-French Economic Circle

Ukraine needs to understand that the protection of human rights and fundamental procedural rights must be a national concern of its own and that the rule of law is an important pillar for the development of a healthy civil society. In the 5th July 2022 interim report of the UN High Commissioner for Human Rights, various violations of human rights in Ukraine are presented, including rule of law issues. The rule of law in Ukraine is endangered by the arbitrary detentions from the Security Service of Ukraine (SBU), the corruption in the Ukrainian courts, and the lack of judicial independence. Moreover, in Ukraine there is a widely used practice of exploiting the law to settle political disputes, hence eliminating political opponents. The case of Mr. Viktor Medvedchuk, Leader of the main opposition to President Volodymyr Zelensky, is an example of violations of the rule of law and fundamental procedural rights(access to justice, violations of his Rights) It is fundamental for

Ukraine to respect the law, protect opposition politicians and be a role model for other candidate countries notwithstanding war times.

PART II: Journalists' and civil society's Opinions

Mr.Guy Mettan, Tribune de Genève, Die WeltWoche

Ukraine is very far from fulfilling the political conditions (independence of justice, human rights, rule of law) now, in no field Ukraine can become an EU member. The main problem that concerns Ukraine is security & defense. For most Eastern European countries, membership in NATO is a precondition to becoming a member of the EU. If Ukraine is willing to become an EU member, it must become a NATO member first or at least remain a neutral state. Moreover, based on history and the internal tensions that caused the collapse of past unions. If Ukraine becomes an EU member this means it will be the breaking point of the EU because of the tensions with Russia. Before getting Ukraine into the EU, it's essential to establish peace with Russia.

Mr.Mikulas Krivansky, Brussels based Journalist, expert on minority rights

The focus on minorities and the human rights questions in the case of Ukraine mainly concerns the Russian community. The main question is what will be the consideration of the EU concerning this community, what are the criteria? What is the EU expecting from Ukraine? In the Baltic states, it's seen that Russian communities are not tolerated sufficiently from the European point of view on civic rights. Consequently, the EU has to take a decision and precisely define what the minority rights are and how the states should exercise them and how they can be controlled by the EU. In the Ukrainian case, the EU must determine what it's asking from Ukrainians regarding the rights of minorities and what they are able to guarantee for their citizens.

Ms.Camille Cerise Gessant, Agence Europe

The country will have to make a lot of progress before it could be able to open its negotiations. It's a political gift to give the candidacy status to Ukraine, however, the Commission is aware that a lot of progress needs to be done before moving ahead. Related to this in a report the Commission underlined the seven areas where the efforts need to be developed: the judiciary sector, the fight against corruption at all levels, money laundering legislation must be in compliance with international standards, anti-oligarch law, media law (freedom of the press) and reform of the legal framework for national minorities and the functioning of the administration. Moreover, priority must be given to the reconstruction of the country before winter time even if the negotiations are important.

Ms.Joan Delaney, Community House of Europe

There is a huge security issue, in addition to a quite big Russia problem. We need to wonder why we are now on an agenda that seems to take the ongoing conflict as a given. The concerns now are about energy alternatives and we don't hear any more about how we can end this conflict. In addition, we need to rethink how we are going to re-organize our relations with Russia and how we can end this war. There won't be any pathetic façade of NATO membership because of the ongoing deep security issues and inside Ukraine even without the war things were far from perfect and Ukrainians needed to make efforts to meet the criteria or even come closer to the number of conditions that would be involved. Giving Ukraine recognition of EU membership application may help Ukrainians psychologically but they need to realize they are located in the heartland of Russia which is an issue and that it won't be done for political reasons. It's essential to underline that this war is limited

geographically and hence it's important to focus on it and end it in order to prevent more movement through other unstable zones.

PART III: Q&A Session

Mr. Humbert de Biolley, Deputy head of Brussels office, Council of Europe:

Ukraine is part of the Council of Europe since 1995 and it is a full member of the human rights body seated in Strasbourg. It participates in discussions on the rule of law, human rights and democracy issues. Also, Ukraine is a full party of 95 European conventions touching upon rule of law and human rights issues, hence it is committed to reaching these values. This does not mean that Ukraine has reached these benchmarks, but it is working with the Council of Europe. These conventions are followed by monitoring bodies that visit the country and observe the situation to report and give recommendations for progress. This is relevant for other institutions to carry out their own evaluations, for instance, for the European Union. The Commission's opinion granting Ukraine candidate status has references to this Council of Europe bodies and findings. Concerning the Council of Europe's reaction to the war in Ukraine, the Committee of Ministers, the deciding body of the Council of Europe, decided that Russia ceased to be a member of the organization as of the 16th of March 2022 and ceased to be a part of the Convention of Human Rights from the 16th of September 2022. Moreover, the Council of Europe adopted a plan of cooperation with Ukraine, to assist the country with its priority requests. At the moment it is mostly helping the Ukrainian judiciary to properly investigate war crimes and massive human rights violations. However, at the moment the territory of Ukraine is not accessible to the monitoring bodies. At the end of June, the Council of Europe Secretary General issued a report on the situation of human rights in Crimea and similarly the Commissioner for Human Rights of the Council of Europe issued a report on the human rights violation linked to the war in Ukraine. A plan of action has been endorsed by the Council of Europe Committee of Ministers and it is ready to be implemented in Ukraine as soon as the situation will permit it.

Mr. Helmut Geuking, Member of the European Parliament (EPP Group)

Minorities' protection of Russian-speaking people in Eastern European countries is not just an issue in Ukraine. Indeed, in other countries, the Russian language is forbidden, for instance, and this is not compatible with European values. The situation of Russian minorities has been overlooked for a long time. Moreover, there is a peace plan of 20 points that considers the need to reform NATO. If a country wants NATO membership neighbouring countries must have a right to veto. We suggested two kinds of NATO membership a protective membership and the full membership. If a neighbouring country would use the veto then protection membership would be possible. No NATO troops, equipment and missiles on the territory, but full protection is given. So the protection membership will make countries not to be afraid of Russia. There were missiles in Romania, Poland and troops on the Russian border before Russia went to Ukraine, as well as talks about Ukraine and Georgia's NATO membership, are considered a threat by Russia. This context has to be taken into consideration. Also, there is the need to go towards peace and not to speak about more violence or weapons strengthening.

Mr. Alexander Rahr, Member of German Parliament (Bundestag)

There is a lot of progress compared to 10-15 years ago on bringing Ukraine closer to the EU. However, problems remain present and there are a lot of obstacles to overcome. Apart from that some questions need to be addressed like what are we going to do with other countries like Moldova or Georgia who think they deserve the same treatment as Kyiv even if they are not at war with Russia? Are they going to be left for years because the concentration is now on Ukraine? Another question

is about the establishment of relations with Eurasian countries because it's essential to revive the idea of a wider Europe and to make strategic choices for the EU and maybe one day a rapprochement with Russia as well.

Mr. Guy Mettan, Tribune de Genève, Die WeltWoche

The war in Ukraine is affecting EU values and its role to influence the world. It's crucial to remind the values of the EU, in particular the establishment of peace which is the core value of the EU is today forgotten and this is why it should rediscover its core value. In addition, the loss of centrality also represents another major problem, the EU is today losing its capacity to influence the world and to set its core values.

Mr. Mikulas Krivansky, Brussels based Journalist, expert on minority rights

There is an instrument called “The Minority Safepack” which is supported by the European Parliament but was completely blocked by the European Commission. Hence, the European Commission needs to change its point of view and give an instrument to resolve minority issues it will be a hard way for the next years, that's why it could be a good chance to review “The Minority Safepack”.

Mr. Francesco Privitera, Associate Professor of the University of Bologna

A key element for the Ukrainian accession to the EU is to address first the Western Balkans accession. This is not only because of the time these countries have spent towards achieving this goal but also because of the influence on Ukraine of the EU approach and management of the issue of self-determination after the dissolution of Yugoslavia. There is a need to find positive solutions for the Western Balkans. The lack of solution will create trouble for the EU and affect its relations with Russia in the future. Moreover, future changes in the geopolitical environment, due to global warming, will make Russia to be a crucial country. Siberia will be one of the most prosperous regions in the world and will offer enormous opportunities in terms of commodities and the potential to transform this area into a fertile one. In addition, Russia will have access to the Arctic seas out of the control of Western countries. Furthermore, there is uncertainty about the kind of political stability that will be faced by European countries. For instance, Italy might have a right turn in the next winter-spring election. Hence, it is important to find long-lasting solutions over short-term ones. The EU should address the situation and offer solutions to the Ukrainian crisis without postponing it.

Conclusions by Henri Malosse

Let's take the candidate's statute to the EU of Ukraine as a chance for this country to conduct and achieve the reforms it needs to join the “European Family”. We all understand the necessity of times of war but we know also that the violations of Human Rights and of Rule of law have no Excuses.

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