

CENTRAL AND EASTERN EUROPE AFTER THE END OF COMMUNISM: THE BEGINNING OF RELATIONS WITH THE EUROPEAN UNION.

THE CASE OF UKRAINE (1991-1999)

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Abstract: The countries that were part of the Soviet Union were forced to start on their own the democratic process after the disintegration of the communist bloc. These countries had to enter the new world order that had been unknown to them. Two ways were developed in order to achieve their development as newly independent states. Firstly, the new independence countries have opened up to the European Community in the 90s. And secondly, the countries that remained linked to Russia in order to achieve the stability of those first moments. In the case of Ukraine, its path as an independent country began on 24 August 1991, and since that year its main task has been to strengthen its position as a state. Ukraine initially remained linked to Russia somehow through different policies. However, there was a change due to Ukraine's need for assistance in different areas: from social and political to economic. From this moment the institutions of the European Union came into play in Ukraine to promote its modernization and democratization. It is necessary to know which were these means and how they have served to advance these relations until the entry into force of the Partnership and Cooperation Agreement in 1998. In order to carry out this analysis we will address with specialized monographs and articles related to these subjects, as well as the extensive documentation provided by the European institutions.

Key words: European Union; Ukraine; Soviet Union; Central and Eastern Europe; Partnership and Cooperation Agreement

1. Introduction

With the accession of Mikhail Gorbachev to power in the Union of Soviet Socialist Republics –USSR–, two new policies were launched in 1985 called

Perestroika and Glasnost¹. As a result, the voices of independence began to be heard more broadly in the various countries that were part of the Soviet Union. The secessionist tendencies appeared with force in the USSR, both in the Baltic Sea and in Ukraine, Belarus and the Caucasus (Núñez Seixas, 2002: 97). The results achieved by this policy were not expected by the Gorbachev government. Conflicts were spreading across most regions and covered different economic, social or political areas.

The year 1989 marked the beginning of the Soviet Union's decomposition, with the fall of the Berlin Wall on 9 November. This was the first step towards German reunification in 1990. To this event must be added the arrival in power of dissident leaders of Moscow's power in other Central and Eastern European countries and even the departure of former communist governments. Some of them were the arrival of Václav Havel in Czechoslovakia and Lech Walesa in Poland, and even the fall and execution of Nicolae Ceausescu in Romania. Another turning point came in the course of 1990 when the three Baltic Republics –Estonia, Latvia and Lithuania– re-established their sovereignty as independent countries.

Due to the rapidity of events, an attempted coup d'état took place in the summer of 1991. It was the final act to put an end to the USSR which was dissolved in December of the same year. From that moment on, the different countries that belonged to the USSR or that were part of its area of influence had to achieve international support in order to consolidate themselves as independent countries.

In this situation, it is necessary to analyse the direction followed by the policies of these countries, seeking support for their entry into the new world order. It is at this point that the European Community –EC– comes into play with its aid policies after the end of the Cold War. However, we must also keep in mind the position of Russia, which attempted a new union with the creation of the Commonwealth of Independent States –CIS–.

2. The course of the ex-Soviet countries after the disintegration of the USSR.

The initial thing to consider is that the post-Communist countries have been influenced by both the European Union –EU– and Russia. From the first moment these countries became independent, they found themselves between these two spheres of power. The duality presented by the choice of a rapprochement with the European institutions or the maintenance of relations with Russia marked the initial path of these countries.

¹ Policies that were developed in the USSR in the last years of its existence. Its main objectives were the attempt to modernize the communist economy and to give a certain degree of autonomy to the different governments of the Soviet countries.

It is necessary to consider the situation in which each country was integrated into the communist world. In the first group we find countries that came into contact with this ideology during the Second World War –Latvia, Estonia and Lithuania– or after its end –Poland, Czechoslovakia, Romania...–. In a second group we find countries that have been part of the Soviet world since the formation of the USSR –Ukraine, Belarus, Armenia, Azerbaijan...–. With this differentiation we must understand the direction these countries took after the fall of communism.

2.1. Rapprochement towards the European Union.

In this section we focus on knowing which countries were the ones that from the first signs of the USSR's weakness focused their attention on the EC. Since the late 80s, the European institutions have developed certain policies linked to supporting the construction of democratic countries in Central and Eastern Europe. In the words of Brzezinski (1998, p. 65) “Europe also serves as a springboard for the progressive expansion of democracy in Eurasia. European expansion to the east would consolidate the democratic victory of the 90s”.

The Cooperation and Trade Agreement between the Soviet Union and the European Community was signed in 1989 (Council Decision, 1990: 90/116/ECC). It was an agreement that opened the door to two specific objectives: the harmonious development of trade and trade and economic cooperation. This was a crucial step in relations between the western and eastern parts of Europe. It was a general agreement for all the countries belonging to the USSR, but it served as a basis for future bilateral agreements between the different countries and the EU.

In the same year, the Brussels institutions launched numerous aid policies for the countries of Central and Eastern Europe². One of the first programs to come to light was the so-called Poland-Hungary: Assistance for Restructuring their Economies –PHARE– (Council Regulation (EEC), 1989: No. 3906/89).

As its name suggests, the plan was first implemented only in Poland and Hungary, but since the 1990 it has been extended to include Bulgaria, Czechoslovakia, Yugoslavia and Romania. With the implementation of this instrument, a rapprochement was initiated between the two areas of Europe that for decades were separated by the 'Iron Curtain'. The programme had two consecutive phases at its inception. In the first phase, a political and administrative dialogue was established between the Commission and the governments of each country to establish priority objectives and allocate funds. And in the second phase, the national government itself was responsible for

² Within this denomination are: Bulgaria, Slovenia, Estonia, Latvia, Lithuania, Hungary, Poland, Czech Republic, Slovakia and Romania.

providing such technical assistance as needed (Commission of the European Communities, 1992: 9).

The EC had to be vigilant because of the rapid pace developments took place in USSR space. That is why it must be understood the speed with which the following instrument was implemented: the European Bank for Reconstruction and Development –EBRD–. In less than two years the EBRD was created. Negotiations started in October 1989 and its inauguration was in April 1991. Its main mission was to provide financial support to the business market of Central and Eastern European countries seeking to consolidate democracy within their borders.

With this initial support, this group of countries entered the orbit of the EU. Despite this, there were other former Soviet countries that initially remained closer to the policies of the Russian Federation.

2.2. The Commonwealth of Independent States.

While the disintegration of the USSR was an open secret in late 1991, some of the republics that were part of it tried to create a mutually supportive transition formula. Thus, on 8 December, the Commonwealth of Independent States –CIS– was created with the signing of the Treaty of Belavezha. The signatories of this treaty were: Boris Yeltsin, President of the Russian Federation; Leonid Kravchuk, President of Ukraine; and Stanislav Chuchkevitch, President of Belarus.

This new organization was called to be the heir to the Soviet Union and was therefore open to the rest of the Soviet republics. In addition, there was a key article in the Convention adopted between the parties that dealt with equality among the members of the Community on the basis of it. A few days later, on 21 December, the Alma-Ata Agreements were reached, and the following countries joined the CIS: Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan. The rest of the States that had belonged to the Soviet Union did not participate in the Summit. Although it was not part of the Community until the end of 1993, Georgia was present in this Summit.

However, there were two main problems at the outset of the formation of the CIS. The first of these was the degree of integration that each country wanted to achieve in the Community. Within the CIS, two tendencies had coexisted: the integrationist trend, driven by the Russia-Kazakhstan axis, and the no integrationist trend, led by Ukraine, which has never wanted to see the CIS as anything more than a transitional formula for carrying out the separation without a trauma (Sánchez Sánchez, 1996: 295). The second problem was the role to be taken by the Russian Federation within the Community, as it took the lead in new structures within the CIS and some of the countries disagreed. Thus, Ukraine

justified its position by refusing to accept the creation of supranational structures that could limit the sovereignty of Member States, especially in view of Russia's preponderance (Blanc Altemir, 2004: 69).

An example of this is the creation of the Economic Union within the CIS. At first, Ukraine did not participate, and its absence showed the little interest it had in this organization³ (García Andrés; González Martín; & Martín de la Guardia, 2017: 73).

3. The beginning of relations between the European Union and Ukraine.

The first official sign of independence took place in the Socialist Republic of Ukraine when the USSR still existed. On 16 July 1990, the Parliament of Ukraine – Rada– took advantage of the weakness of the Central Government to approve a Declaration of State Sovereignty that would pave the way for future independence. With this initial step, the Declaration of Independence of Ukraine took place on 24 August 1991. Ukraine's declaration of sovereignty was approved without excessive political resistance by a Supreme Soviet with a comfortable communist majority – by 365 votes in favour, 4 against and 26 abstentions– (Cucó, 1999: 293).

However, it was not until 1 December when the Referendum was held. Then the Ukrainian people were called upon to approve the Rada declaration. Thus, Ukraine's independence was approved with more than 90% of the votes in favour. On the same day were held the Ukrainian presidential elections won by Leonid Kravchuk. We must pause for a moment to look at the figure of the first president of Ukraine as an independent country since 1918 to understand his policies. Kravchuk was part of the Communist Party of Ukraine; however, he did stand for election as an independent.

Among its main lines of government were the strengthening of the country and the development of closer relations with Western Europe. Kravchuk was therefore a great driving force behind the rapprochement with the EC, although he was always under pressure from the Russian Federation through the CIS.

Returning to Ukraine's independence, this was the end of the USSR as most of the leaders of the other countries did not see a new Union without Ukraine's presence within it. For Ukraine, the recognition of its independence by its neighbours from that time on was "the first and most important step in the process towards wider international recognition of the country" (Natorcki, 2009: 308).

³ However, in 1994, due to the precarious economic situation in which Ukraine found itself, it acceded to the CIS Economic Union as an associate member.

As we have seen in the previous section, Ukraine was part of the CIS to try to make a rapid entry into the new international system after the end of the Cold War. However, the EC also provided support for the creation of a genuine rule of law and democratic values.

3.1. The first general rapprochement between the European Union and Ukraine.

The Council Regulation concerning the provision of technical assistance to economic reform and recovery in the Union Soviet Socialist Republics. (Council Regulation (EEC, EURATOM), 1991:Nº 2157/91), should be highlighted as the first event carried out by the EC and the one that affected Ukraine. This aid was intended for all the countries that were part of the USSR, since when this Regulation was adopted it had not yet been dissolved. Through this regulation an amount of financial means is approved to ensure the transition of these countries towards a market economy during the years 1991 and 1992.

This Regulation launched the programme so-called Technical Assistance for the Commonwealth of Independent States –TACIS–, which marked future relations with the New Independent States –NIS–.

From that moment on, aid to Ukraine became more specific after the break-up of the Soviet Union. In 1993 took place a second TACIS⁴ Regulation (Council Regulation (EURATOM, EEC), 1993: No. 2053/93) for the period 1993-1995. One of the main innovations is the extension of the fields of action: human resources development, restructuring and development of enterprises, infrastructure, energy and production, food processing and distribution. There is a need to look at the third Regulation (Council Regulation (EURATOM, EC), 1996:Nº 1279/96) of the TACIS programme in 1996 for the period 1996 to 1999.

In this new document there was an extension of its financial envelope and a new area of development was implemented, the environment. In the case of Ukraine, TACIS has in turn been divided into other programmes for better achievement within the country: national programme, nuclear safety programme, regional programme and cross-border cooperation programme.

After learning about this instrument and its basis, we must take stock of the funding provided by the institutions in Brussels through this programme. The TACIS programme has been present in Ukraine from the outset, with Ukraine being the second largest beneficiary after Russia [...]. The assistance by TACIS granted amounts to a respectable EUR 809.1 million correspond to the period 1991-1999 (Blanc Altemir, 2007: 120).

⁴ Reception countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

The aid coming from Brussels was allocated to different aspects, including education. A Decision (Council Decision, 1990: 90/233/EEC) on trans-European mobility for university studies –TEMPUS– was launched in 1990 for the PHARE countries. In this first phase, the aid was intended for the restructuring of the higher education system and for cooperation with European countries. Due to the success of the programme in 1993, a new Decision –TEMPUS II– was adopted extending the scope of the programme to certain Republics of the former Soviet Union which were under the TACIS programme, including Ukraine.

The aim of TEMPUS II was to assist the higher education systems of the eligible countries in the following areas (Council Decision, 1993: 93/246/EEC): curriculum development, reform of higher education structures and institutions, and development of specialised training. Subsequently, a new Decision (Council Decision, 1996: 96/663/EC) was issued in 1996 extending the period of action to 2000.

Another area of action by the EU took place in 1996 with the creation of the International Energy Cooperation Programme –INOGATE– which cooperated with 11 countries divided into three geographical areas⁵. Regarding to Ukraine, it focused on various areas of the energy sector, including support for energy security, renewable energy, energy efficiency and energy investment.

It should be mention the Interregional Technical Assistance Programme called Transport Corridor Europe Caucasus Asia –TRACECA–. The programme started in 1993 with eight countries in the Caucasus and Central Asia⁶, not including Ukraine at the outset. It was not until the period 1996-1998 that Mongolia, Moldova and Ukraine joined this programme.

From its inception it consisted of a programme aimed at developing the EU-Central Asia transport corridor. Ukraine's entry into this body had important benefits for the programmes it was developing because of the country's strategic position in the Black Sea.

All the strategies outlined in this section that were implemented by the EU generally reached the countries of the former Soviet Union. Ukraine was thus favoured by this aid from Brussels. But Ukraine not only received common measures shared with other countries. Similarly, bilateral relations between Ukraine and the EU began in the early 90s of the last century and will be developed in the following section.

⁵ Eastern Europe: Belarus, Moldova and Ukraine; Caucasus: Armenia, Azerbaijan and Georgia; and, Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

⁶ Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

3.2. Bilateral relations between the European Union and Ukraine.

President Kravchuk never gave up on the idea of the 'European option', despite Ukraine's entry into the CIS. But the situation that was developing in the international context between 1991-1992 prevented the EC from looking specifically at Ukraine –the reunification of Germany, the collapse of communist governments, the Balkan War–. This international panorama was accompanied by the many problems Ukraine faced after independence, which also served to delay the start of bilateral relations between the parties. Among them are the serious economic situation, the presence in the institutions of the country's oligarchic elites, and the low levels of democratization.

For these reasons, the first negotiations for a Partnership and Cooperation Agreement –PCA– between Ukraine and the EU were not opened until 1993. These rounds of talks were followed by the signing of the PCA on 14 June 1994, but it did not enter into force until 1998. The delay in its implementation was due to the need for ratification by the Ukrainian Rada, the European Parliament and all the national parliaments of the Member States. This was compounded by the entry of three new countries into the EU in 1995, which temporarily paralysed the implementation of the PCA.

The ratification of the PCA by the Rada had to wait a few months due to the difficult economic and political situation in Ukraine, which forced the presidential elections to be brought forward to June 1994. In July, the country's presidency was changed to Leonid Kuchma. The main line of his government was to seek a balance between the country's relations with Russia and with the EU. Finally, on 10 November of that year, the PCA was ratified in the Rada. A relevant piece of information showing support for the signing of the Agreement took place between 9 and 10 December 1994 in Essen, Germany. This was the meeting of the European Council where this institution welcomed the signing of the PCA. Similarly, Ukraine was encouraged to continue with the democratic and economic reforms under way in the country.

Although the entry into force of the PCA would still have to wait, the Temporary Agreement on Trade and Issues Related to Trade between Ukraine and the EU was concluded in June 1995 (Molchanov, 2003: 20). It meant real support for Ukraine from the EU for the economic rapprochement of the two sides.

As early as December 1996, the EU Council of Ministers adopted an Action Plan for Ukraine (Resolution on the Commission communication, 1998:COM(96) 0593 C4-0103/97), which was drawn up by the Commission, recognising its importance for security and stability in the Black Sea region. The actions set out in the document related to support for democratisation or environmental protection. This demonstrates the relevance of EU-Ukraine relations with the

development of closer cooperation between the two sides. However, as the loss of value of the economic and social reforms that had been taking place in Ukraine was also highlighted.

One year after the launch of this Action Plan, the 1st EU-Ukraine Summit took place. This meeting was held in Kiev on 15 September 1997 and has been repeated in subsequent years, except at times of high political tension. At this Summit, the EU again demonstrated its support for Ukraine's efforts in its reform policies.

At the beginning of 1998, the European Parliament and the national parliaments of the Member States ratified the Agreement with Ukraine. Thus, in March, the PCA entered into force, divided into ten titles containing 109 articles and accompanied by five appendices. As mentioned above, this agreement was intended to replace the 1989 Agreement between the European Economic Community, the European Atomic Energy Community and the Union of Soviet Socialist Republics on Trade and Economic and Trade Cooperation. The Agreement was concluded for a period of ten years and would be renewed year after year until its expiry date in 2008. Its main objectives (Official Journal of the European Communities, 1998: L 49/3-49/39) were to provide a framework for political dialogue, to promote the expansion of trade, to support Ukraine's efforts to consolidate its democracy, and to provide a basis for economic, social, financial, scientific, civil, technological and cultural cooperation.

Table 1. Division in Titles provisions and articles PCA.

TITLE	PROVISIONS	ARTICLES
TITLE I	General principles	Arts. 2-5
TITLE II	Political dialogue	Arts. 6-9
TITLE III	Trade in goods	Arts. 10-23
TITLE IV	Provisions affecting business and investment	Arts. 24-47
TITLE V	Current payments and capital	Art. 48
TITLE VI	Competition, intellectual, industrial and commercial property protection and legislative cooperation	Arts. 49-51
TITLE VII	Economic cooperation	Arts. 52-79
TITLE VIII	Cultural cooperation	Art. 80
TITLE IX	Financial cooperation	Arts. 81-84
TITLE X	Institutional, general and final provisions	Arts. 85-109

Source: author's own elaboration from PCA in 1998.

The entry into force of the PCA was followed by the 1st meeting of the EU-Ukraine Cooperation Council in June of the same year. During the meeting, the parties took stock of the evolution of the relations that had taken place so far. The importance of enhancing EU security and cooperation on organised crime, corruption and illegal immigration was highlighted. The approval of the contribution of up to 100 million ECUS⁷ from the EBRD hedge fund was also discussed by the EU Council.

During June, the Rada approved President Kuchma's Decree 615/98. This decree highlighted a strategy for Ukraine's integration into the EU. Furthermore, this document ensured two key facts: it created the preconditions for future EU membership and the identification of Ukraine as a fully European country. This decree demonstrated Ukraine's interest in the European way of consolidating democracy and the rule of law in the country.

With the amounts of events that took place in the first months of 1998, the 2nd EU-Ukraine Summit was held on 16 October (Joint Press Release, 1998: C/98/343). It should be noted that it was the first to be held since the entry into force of the PCA. Among the main measures that were developed it can be highlighted: the granting of an additional loan to Ukraine to clean up its economy, progress in removing trade barriers, and the promotion of negotiations for the entry of Ukraine into the World Trade Organization –WTO–.

In 1999, we entered the final phase of Ukraine's first relations with the EU. The 2nd EU-Ukraine Cooperation Council took place in April this year and the 3rd EU-Ukraine Summit was held in July (Joint Press Release, 1999: C/99/244), which reiterated the strategic partnership between the two sides to achieve stability and prosperity for Ukraine as an EU partner.

In this background, Ukraine's relations with the EU were marked by the third presidential Ukraine elections between October and November 1999. The winner was again Leonid Kuchma, who was re-elected for a further five-year term in office.

The last EU and Ukraine related events in this period took place on 11 December 1999. On that day, the publication of the Official Journal of the European Communities (1999: 1999/877/CFSP) in Helsinki was published by the European Council. It was a decisive step in relations as it was committed to Ukraine's European aspirations and 'European choice'.

⁷ ECU: European Currency Unit: unit of account of the European Community precedent of the Euro. It was a basket of the currencies made up of the national currencies of the Member States.

One of the most important aspects of this strategy was to increase the EU's interest in Ukraine, as the process of enlargement towards the East was under way and they would share direct borders. It defines the main objectives of the strategy –table 2– and the specific initiatives to be pursued to achieve the objective of the strategy –table 3–. The duration of this Strategy had an initial implementation period of four years, which could be extended after future revisions.

Table 2. Principal objectives.

I. Support for the democratic and economic transition process in Ukraine
II. Ensuring stability and security and meeting challenges on the European continent
III. Support for strengthened cooperation between the EU and Ukraine within the context of EU enlargement

Source: author's own elaboration from European Council Common Strategy.

Table 3. Specific initiatives.

I. The consolidation of democracy, the rule of law and public institutions in Ukraine
II. Support of the economic transition process in Ukraine
III. Cooperation to strengthen stability and security in Europe
IV. Cooperation in the field of environment, energy and nuclear safety
V. Support for Ukraine's integration into European and world economy
VI. Cooperation in the field of justice and home affairs
VII. Regional and cross-border cooperation with neighbouring countries
VIII. Cooperation in the fields of culture, twinning and exchange programmes

Source: author's own elaboration from European Council Common Strategy.

The elaboration of this Strategy was of great relevance in the subsequent relations between both parties. Following this latest act by the EU, the period of the first links with Ukraine comes to an end. As it has been possible to see throughout the article, the beginning of some slow first contacts in the early 1990s served as a basis for great achievements at the end of the decade.

4. Conclusion

From the first moment of the break-up of the Soviet Union, the EC first and the EU later, set up aid mechanisms for these countries. Even as it has been

analysed before its rupture, relations with all the countries that formed the USSR began with EC. The fall of the communist bloc meant the opening of Europe to the countries that lived for years under these regimes.

The different attitudes should be highlighted of the countries of Central and Eastern Europe. On the one hand, those who from the very beginning disassociated themselves from the Russian Federation and turned their gaze exclusively to the EU –Latvia, Estonia, Lithuania, Poland... –. On the other hand, the countries that remained linked to the Russian Federation in one way or another –Ukraine, Belarus, Kazakhstan...–. This distinction reflects the different degree of intensity of relations with these countries.

In the case of Ukraine, its first association with the Russian Federation and the CIS did not close the door on the 'European option'. The PCA was the high point of relations in these early years from 1991 to 1999. And together with the Common European Strategy for Ukraine, the way was opened for the strengthening of these links. It must be taken into account in the same way that Ukraine's importance to the EU increased on the eve of the entry into the first decade of the 21st century. This increased interest was due to the fact that in 2004 Ukraine would become a country with a direct border with the EU after the entry of Poland, Slovakia and Hungary. The opening of the EU to the east of the continent served to increase relations with Ukraine.

Another fact to consider with regard to Ukraine was the foreign policy conducted by its presidents. During this period, Kravchuk and Kuchma were responsible for the negotiations with the EU, with a climate of conciliation between the parties. However, after Kuchma's second election as president in 1999, the country's internal situation became more complicated and the country's image became changed in the EU. Suspicions of election fraud began, major cases of corruption in various political spheres came to light, and there was a loss of fundamental freedoms in the country.

Finally, it must not be forgotten the presence of the Russian Federation within the environment of Ukraine's relations with the EU. Thus, due to Ukraine's strategic position in the international context, the Moscow government did not want to lose its orbit of dominance in the area.

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