

Ukraine on the way to EU membership

From Association Agreement to candidate status

During EU accession and beyond Some lessons from Poland

Lukasz Bojarski, PHD Research Fellow

UiO, Department of Private Law, JUS - Judges under Stress – the
breaking point of Judicial Institutions

Plan



- Personal background and experience
- Polish transformation and accession to the EU
- Lessons learned and Ukrainian potential

Accession

- 1989-2004 – legal CSOs and TTs
- HR, A2J, judiciary, legal profession, counteracting discrimination
- Monitoring & research, advocacy, education, awareness raising

Ukraine

- Late 1990s, early 2000 – CSOs
- 2018-2019 – Pravo Justice EU project

Polish transformation and accession to the EU

- VI 1989 - PL semi-free elections
- VII 1989 Establishing a RP mission in Brussels
- 1990 Association with EC a priority of PL politics
- 1991 Gov Plenipotentiary for Integration
- 1991 Member of Council of Europe
- 1991 (94) Europe Agreement PL-EC
- 1994 – official EU application of PL
- 1999 Member of NATO
- 2000 Copenhagen criteria fulfilled (still 30 negotiation chapters)
- IV 2003 Accession Treaty Athens
- VI 2003 Referendum 59% turnout, 77,5% for
- EU Membership - 1 May 2004



Athens, 2003. Photo: Michał Sadowski-FORUM

Poland in the EU

- Recognition as a player
- Jerzy Buzek: president of the European Parliament (2009-12), Donald Tusk: president of the Council of Europe (2014-2019)
- Biggest beneficiary of EU support: 2004-2020 – 82,5 billion euro
- Citizens support and current crisis in relations with EU
- RoL backsliding; Neo-CC v. CJEU
- Freezing Recovery Fund & Cohesion Funds
- PL and the accession of UA

Donald Tusk in UA Parliament Febr. 2019

I would like to thank you for your Europeanness. I will always remember seeing the blue flags with their yellow stars on Khreshchatyk during the revolution, the 'Ode to Joy' playing then in so many places across Ukraine. I often say to my colleagues in Brussels: do not teach them Europe; learn from them what Europe means. Today I would like to repeat to you the words I once said to EU leaders: only those who stand with Ukraine can truly call themselves European. [...]

And so today I want to say that there can be no just Europe without an independent Ukraine. That there can be no safe Europe without a safe Ukraine. To put it simply: there can be no Europe without Ukraine! [...]

Long live the memory of the heroes of your history!

Long live the solidarity and unity of Europe!

Long live the independence and security of Ukraine!

Accession process and Civil Society

- Position of CSOs in developed democracies and UE
- Willing Government
- Pushing CSOs agenda
- Examples: Judiciary – Legal aid – Counteracting discrimination
- EU support

**And once you
are in....**

- Do we still need CSOs?
- Accession argument missing
- Role of CSOs continues
- Examples: OMKS – Citizens Monitoring of CC appointments; Charter of Fundamental Rights and Preliminary references



Warsaw, 2017



Getty Images/W. Radwanski

Warsaw

Lessons

- Strong Judiciary (Ind-Comp-Acc-Eff)
- Chances for legal CSOs & TTs and their role during accession
- Strong legal CSOs & TTs, well established also in procedures (ENCJ Minimum Standards VI)
- Developed relationship between Judiciary and CSOs
- Role of the empirical research – social legal studies, sociology of law, HR monitoring
- Institutional memory and depositories of knowledge
- Beyond the law: mentality & psychology

Potential of CSOs in Ukraine

- Experience
- Competence
- Involvement
- Recognition
- Momentum

Thank you

- Good luck!
- Слава Україні!