

The European vector of Ukraine in the context of geopolitical changes of the XX-XXI century

Being at the intersection of the eastern and western civilizations, Ukraine has historically gravitated towards the latter. This was due to geographical, political, cultural, spiritual and historical factors. Ukrainian state-building is a historical and legal phenomenon of Eastern Europe. The political, legal and cultural heritage of post-Soviet Ukraine is too multi-dimensional to face the difficult choice of a further vector of foreign policy orientation. There are enough uniting factors and yet a lot of discrepancies. The prolonged stay of Ukrainian lands under foreign jurisdiction has led to internal confrontation – confessional, political and legal. The coexistence of foreign state power and local institutions of public self-government and the rules tolerated by this power gave rise to legal pluralism in Ukrainian lands, where the society and the state historically existed in parallel dimensions. To some extent, this trend continues these days as well. However a positive consequence of the Ukrainian lands being under foreign jurisdiction is the incorporation of Ukrainian culture into the better achievements of European civilization, which itself has enriched with its heritage. At the turn of the 20th-21st centuries, two parallel events that marked the point of no return took place: the collapse of the command and administrative system and the transition of the European Communities to a new economic and political level. Sovereign independent states, which needed to take their place among others, to built their own economic systems, to look for markets and to fit into a format of commercial relations with strict rules became new players in the political arena.

After the collapse of the command-administrative system, the restoration of historical justice and the acquisition by Ukraine of its sovereignty, our country, like most of the former post-Soviet European countries of the former socialist camp, faced difficult questions. First of all, how to ensure our own economic and political security? Secondly, what place did they have in the well-formed political and economic realities of Europe at that time? And finally - are the old players ready to embrace this objective reality - the new post-Soviet countries that need it and are they ready to play by the established rules? The countries of Central Europe and the Baltic have answered the last question affirmatively.

There have been longstanding relationships in the European arena and in the world. European communities were in a transition from economic to political unity - developed countries with stable economies could afford to secure their risks of the common market. On the other hand, it was obvious that the destruction of the permanent relations between the countries of

Central and Eastern Europe would lead to the further collapse of the system of the Warsaw Pact.

Thus, Ukraine found itself together with other countries - both the former USSR republics and other social states in the face of new threats and challenges. Each of them had their own way of realizing their state-making and economic potential. It is indicative that the process of accession of the former Warsaw Pact countries to the NATO military-political alliance has begun since 1999, and since 2004, these countries have ensured an unprecedented enlargement of the EU from seventeen to twenty-seven members [1].

Ukraine's proclamation of national sovereignty could not but affect the positioning of the political forces of the influential players of the time. Like most post-Soviet countries, when it gained independence Ukraine did not meet the Copenhagen criteria for institutional accession to the EU but unlike them didn't immediately decide on its European integration course. At that time political elites didn't have the political will to direct all available resources to achieve this goal. The deformation of national identity, which is the cornerstone of the age-old policy of denationalization, has prevented it from determining the priority of national interests. It is worth mentioning that it took time for all post-Soviet states to define their Euro-integration goals to further agree on them in the Association Agreements and finalize institutional accession in 2004 or 2007. However in these countries at the level of political leaderships the importance of institutional accession was recognized as a priority strategic direction of their policies.

It became apparent that it was more likely to save the economy from collapse in those countries that have historically had economic relations with European Union countries, such as the Warsaw Pact, which signed the Protocol on the dissolution of the Warsaw Pact on July 1, 1991. Eurointegration, as stated in the Single European Act, was moving to the top while the post-Soviet Czechoslovakia, Hungary, Romania, Poland and Bulgaria already understood the need for it. As a new political and economic reality, the European Union was viewed as a solid economic pillar for countries that have just been given the chance of a sovereign coexistence. At the same time, NATO memberships were acquired for the sake of political security and inviolability of the borders of the former socialist camp.

Therefore from 1993 (the time of the entry into force of the Maastricht Agreements) to 2004 was the time for the strategic objectives of the countries of Central Europe and the Baltic States. Former socialist countries were headed by experienced politicians and public figures representing democratic forces, conscious of building nation-states in the spirit of European democracy values. They faced the difficult challenge of saving countries from economic collapse and reforming the domestic sphere in accordance with the requirements of a functioning market economy so they immediately took care

of the economic and military-political security of their states, realizing the threat of restoration of totalitarianism.

The Czech Republic (until 1993, called Czechoslovakia) revised its political strategy before other countries in the former socialist camp. This resulted in a peaceful rally known as the Velvet Revolution which clearly demonstrated the nation's desire to move in the way of European democratic values. The Czech Republic was one of the first to become a member of NATO (1999). The first president of the new Czechoslovakia and the first president of the Czech Republic, Vaclav Havel, who was a politician, a democrat, a dissident and one of the founders of the anti-communist movement "Civic Forum" consistently insisted on the Czech Republic's institutional accession to the EU.

Poland is a country where democratic traditions date back to the late Middle Ages (it was once the only democratic monarchy in the world) and ensure the national unity. In 1980 the first president of post-Soviet Poland Lech Wałęsa created the first solidarity-controlled union in the countries of the socialist camp, for which he became a Nobel Peace Prize laureate in support of the rights of workers. He consistently defended Poland's interests in the transition to a free market economy. His successor, a Social Democrat Aleksander Kwaśniewski, pursued a policy of European integration.

Hungary has had economic problems with four presidents and as many prime ministers of the country changing from 1989 to 2004, who, despite political differences, have been consistent in their Euro-Atlantic and Euro-integration strategies.

The first leader of post-Soviet Bulgaria, Zhelyu Zhelev, held office for two consecutive terms, until 1997. Since 1989 he has headed the Bulgarian political party Union of Democratic Forces and in his book "Fascism" he compared the Soviet and Nazi regimes. The presidential cadence of his successor, Georgi Parvanov, the head of the Communist Party, made no significant changes to either Bulgaria's foreign or domestic policy. In 2004 the country became a member of NATO and in 2007 it joined the EU.

Romania has experienced an era of totalitarianism which has come to an end with the fall of the Ceaușescu dictatorship in 1989 during the Romanian Revolution. Despite the communist past, the first president of post-Soviet Romania, Ion Iliescu, organized Romania's National Salvation Front, held the post of head of state twice and pursued a European integration policy. Romania and Bulgaria have later joined the EU in 2007 and NATO in 2004.

Determined with the European integration choice the countries of Central Europe strengthened the old relations, in particular, the Polish leader Lech Walesa together with the Czech President Vaclav Havel. They have initiated the establishment of the Visegrad Group aimed at integration into Euro-Atlantic structures in February 1991. Nowadays it exists and functions as a regional intergovernmental organization [5, p. 13-18]. Following the 1997

Madrid Summit and the Washington Summit, Poland, the Czech Republic and Hungary joined NATO and the European Union on 1 May 2004.

The Baltic countries, the post-Soviet countries that restored historical justice in the early 1990s, were also clearly understanding their strategic course. They have not delayed membership in NATO and the EU (and are members since 2004), since they had the difficult task of withdrawing Russian troops. Lithuania became the first republic of the Soviet Union to declare independence in 1990 at the Supreme Council. It was also Lithuania, which had first suffered from the Russian aggression, which began as an economic blockade in 1990 and ended with the military invasion and attempt to force the return of the independent state to the USSR in January 1991, which was hindered by the Lithuanian civic position and the resonance of the world's public.

The post-Soviet Lithuanian political beau monde (Vytautas Landsbergis, Algirdas Brazauskas, Kazimira Prunskiene) aimed at pursuing a policy of European integration and gaining energy independence from Russia from the very beginning. The president of neighboring Latvia, Guntis Ulmanis pursued a policy of demilitarization of the country, for which the Russian troops were withdrawn and the ballistic missile range, better known as the Skunda locator, was destroyed. The first head of post-Soviet Estonia, Lennart Meri is known for his consistent course on Euro-Atlantic integration. He was the first politician in Eastern Europe and the Baltic who officially visited NATO Headquarters in Brussels.

Thus, pluralism and democracy in the countries of Central Europe and the Baltic States didn't threaten them with the restoration of totalitarianism and most importantly their European integration course, as a priority vector of politics, didn't fluctuate depending on the internal distribution of political forces. At the moment the economic and political-military stability of these countries is ensured at the level of the European Union and NATO.

Ukraine has its own historically developed specific nature, which has determined its somewhat slow pace in European integration. First of all, Ukraine came under Soviet jurisdiction without having sufficient experience of market-commercial relations. Three generations of Soviet citizens were brought up in a mode of lack of personal interest in the results of work. The years of so-called "developed socialism" gave rise to demotivation, lack of initiative and responsibility. The collapse of the command-administrative system and planned management caused the total disarray of the majority of citizens in the face of natural market relations, which in the first stage are known by the uncivilized rules of the so-called "wild capitalism", in which only the strongest survive. New realities led to rapid commercialization, which was no longer enforced by order. Market relations seem to have broken through the artificial rooftop of the command and administration system and avenged decades of artificial restraint, however the Ukrainian population was not prepared for the risks posed by them.

All of this resulted first of all in a slow economic reform process. Secondly the period of denationalization in our country was much longer than in other countries of Central Europe and the Baltic States. During the era of totalitarianism, Ukrainians had to survive as a nation against official policy and maintain their authenticity. At the moment there is a noticeable crisis of national identity, the danger of which is not always adequately understood [3]. The national elite, ready to consistently defend national interests, is also not mature enough. Third, unlike the countries of Central Europe, the Russian Federation remained the main economic partner of Ukraine, which despite its historical realities was neither perceived as a potential competitor nor an enemy.

Thus, in sovereign Ukraine European integration proceeded on its own somewhat slow logic. On the one hand, Ukraine was the first of the former USSR with which the European Communities signed the Partnership and Cooperation Agreement on June 16, 1994 [7]. However, it took some time to make the European choice a priority. At the time of the signing of the aforementioned agreement in Ukraine work was still underway on the conclusion of the New Constitution and the harmonization of national legislation.

While the countries of Central Europe and the Baltic States were determined to destroy all relations with the former socialist system and to resort to practical actions at the economic and political level, Ukraine was searching for an optimal paradigm of foreign policy. The reason was obvious - our state gained independence without forming a national elite. And the political elite sensing an organic connection with the previous regime did not understand the point of finally breaking with the system that gave birth to them.

In such circumstances it wasn't easy to solve the major economic and political issues that have come on the agenda of the new post-Soviet Ukraine, such as the distribution of property of the former Soviet Union, the determination of the legal status of the Crimean peninsula and the Black Sea Fleet deployed on it, and the distribution of nuclear potential. The main "serious threat" - the claims of the Russian Federation and the potential conflicts caused by these claims - became immediately apparent.

The deployment of political forces and economic balance in the European region in the early 1990s promised stability. At the same time, political players clearly outlined their demands not to break the nuclear potential of the former USSR and thus protect themselves, from the excessive number of nuclear states, from possible conflicts between them and the need to determine their own political position on potential threats. In exercising its right to sovereignty, Ukraine simultaneously acquired international legal personality and needed appropriate recognition, as it focused on a universal format that gravitated to European values. Therefore, she agreed to the offers of potential external partners.

From the very beginning of our state's sovereign existence, the issue of the division of property of the former Soviet Union, the determination of the legal status of the Crimean peninsula and the Black Sea Fleet stationed there led to a deaf confrontation between Ukraine and the Russian Federation. The signing of the Masandra Agreements in 1993 was a way of resolving the abovementioned issues. However it was not for the benefit of Ukraine which gave way to its own interests in favor of a world's equilibrium.

The Lisbon Protocol to the 1991 Strategic Arms Reduction Treaty which envisaged the gradual reduction of strategic nuclear weapons on the territory of Ukraine became the next document. Ironically, the Treaty itself was signed on the 31st of July 1991 less than a month before the August Putsch, after which one of the parties to the agreement ceased to exist. To fix the situation it was necessary to sign a new document, which would capture the legal personality of the successors of the USSR and would confirm their commitment to reduce nuclear warheads which was implemented by the Lisbon Protocol. In January 1994, the President of Ukraine Leonid Kravchuk decided to sign a Tripartite Statement of the Presidents of Ukraine, the United States and the Russian Federation on the immediate export of all nuclear weapons from Ukraine to the Russian Federation [6].

It seems like our state unconditionally believed in the power of modern international law and was convinced in the imperative character of its norms regarding security guarantees. The rule of international law over domestic law has been presumed at the legislative level. Back to those days it was unlikely that anyone would dare to predict a military conflict on the territory of Ukraine, the very fact of which would be actively denied by the main aggressor and a permanent member of the UN Security Council.

In November 1995, Ukraine became a member of a reputable international organization - the Council of Europe, thus attesting to its commitment to European democratic values. The Secretary General of the Council of Europe, D. Tarshis, and the Member of the European Commission, Hans van den Broek, signed the Joint Program of the Commission of the European Communities and the Council of Europe on reforming the legal system, local self-government and improving the law enforcement system in Ukraine. At this time the work of the Constitutional Commission on harmonization of the text of the basic Law of Ukraine with its international obligations continued.

In the late 1990s and early 2000s the work on European integration was reviving in Ukraine. In 1998 the President of Ukraine issued an Order "On Approving the Strategy of Ukraine's Integration into the European Union". Many measures have been taken and a number of regulations have been adopted in this area.

In particular an Interdepartmental Coordination Council for the Adaptation of the Legislation of Ukraine to the Legislation of the European Union was created in the same year, (Decree of the Cabinet of Ministers of

Ukraine of 12.11.1998), the Program of Integration of Ukraine to the European Union was adopted (Decree of the President of Ukraine of 14.09.2000) Ukraine on European Integration (Verkhovna Rada of Ukraine decision of 14.06.2002), State Council on European and Euro-Atlantic Integration of Ukraine (Presidential Decree of 30.08.2002), National Well, Council for adaptation of Ukraine to the EU legislation (Decree of the President of Ukraine of 21.02.2003) established the post of Commissioner of Ukraine for European and Euro-Atlantic Integration (Decree of the President of Ukraine of 26.02.2003).

Moreover, the approvals of three State Programs for European and Euro-Atlantic Integration of Ukraine for 2004 -2007 (Presidential Decree of 13.12.2003) and of the Concept of adaptation of the Civil Service Institute in Ukraine to EU standards (Presidential Decree of 05.03.2004) also took place. To inform the population, appropriate Euroclubs have been created at the level of educational institutions and actions to create and consolidate a positive image of Ukraine among Europeans, have been taken accordingly. Many international exhibitions and forums have been organized and other events to promote Ukraine, its cultural and other assets.

In 2007 during the government of President Victor Yushchenko began the work on the signing of the Association Agreement with the European Union. Two years later on November 24 the EU-Ukraine Association Agenda came into force, replacing the Ukraine-EU Action Plan (2005-2008, extended by one year until 2009) [9]. Viktor Yanukovych who was Yushchenko's main opponent at the time, continued at the beginning of his presidency the European integration course of Ukraine which gave hope to the supporters of the European Integration. On the 1st of November 2011 all the provisions of the text of the Association Agreement were agreed during the final twenty-first round of negotiations in Brussels. The official announcement of the end of negotiations concerning the Association Agreement was made at the Fifteenth EU-Ukraine Summit by the leaders of Ukraine and the European Union announced in December 2011 in Kyiv and on the 30th of March 2012 in Brussels the leaders of the negotiating delegations initialed the Agreement.

The Ukrainian-EU Association Agreement text was published in Ukrainian on the 20th of June 2013 on the official website of the Verkhovna Rada Committee on European Integration and in August of the same year the text of the Agreement was published on the Government portal. The text of the document was then translated into the official languages of the European Union. Further suspension of the productive work towards European integration was not only a warning to the European Union regarding the volatility of Ukraine's political course, but an example of an unprecedented interference by a neighboring state in Ukraine's internal affairs. The EU response to the proposal of the Cabinet of Ministers of Ukraine to involve a third party in bilateral talks which was not discussed at any stage, was adequate and predictable.

The possibility of holding EU-Ukraine-Russian tripartite negotiations was rejected on the 22 of November 2013 as unprecedented in European practice.

The victory of the Revolution of Dignity opened the way for further movement towards European integration but did not eliminate the risks involved. In 2015 during his report at the 17th EU-Ukraine Summit the President of Ukraine P. Poroshenko stressed that the prospect of EU membership is a strategic orientation of Ukraine's aspirations for transformation and a key goal for which reforms are underway [4, p. 3]. For the first time Ukraine participated in the Summit in the status of a country that concluded the Association Agreement with the European Union and the Agreement itself entered into force in 2017. The realization of the necessity of European Integration became evident, but Ukraine already had an occupied territory and military conflict. Ukraine has turned from a potential contender to a dangerous one. Given the energy interest of the European Union countries each of them carefully evaluated the practical feasibility of Ukraine's potential membership and all the risks involved.

The closest neighbor and active foreign policy partner of Ukraine didn't hide his intentions since 2005, when in his speech to the Federal Assembly the President of the Russian Federation Vladimir Putin called the collapse of the USSR "the greatest geopolitical catastrophe of the century." Thus, Ukraine's European integration course was complicated not only by the final phenomena of the post-Soviet period but also by the real threats and challenges of the 21st century unknown at the end of the past.

At the moment Ukraine is a member of influential international political organizations such as the United Nations, the Council of Europe, the OSCE. All of them have a huge experience in resolving conflicts, both domestic and international and no such experience in the face of hybrid war and information aggression which in practice means a crisis of modern international law. Domestic contributions are directed to organizations that have not yet found a mechanism for adapting to current conditions and at the level of domestic law, the text-based non-blockade prevents Ukraine from joining those who exercise their right to collective defense, guaranteed by the Charter of the United Nations from the very beginning adhered to a more traditional and proven way of guaranteeing their own safety.

History shows that the theses on the mutual assistance of nations under modern international law continue until the first challenge. Then begins the delay of time under the guise of "concern" or justification of aggression by cutting the norms of the current International Law, most of which contradict each other already in the Charter of the United Nations. The world's equilibrium has always been above the fair expectations of a nation no matter how the guaranteeing countries would promise peace and security.

With regard to the Euro-Atlantic cooperation it began in 1992 when Ukraine joined the North Atlantic Cooperation Council (now the Euro-

Atlantic Partnership Council). The work proceeds with inconsistent dynamics and obviously depends on fluctuations of the internal political course of the state. In 1994 it joined the Partnership for Peace program. The opening of the NATO Mission to Ukraine as well as the NATO Information and Documentation Center in Ukraine took place in 1997. In the same year a Special Partnership Charter was signed in Madrid. Since 2005 during the government of President Victor Yushchenko an intensive dialogue on membership and related reforms as a prerequisite for the transition to the Membership Plan as a final step in joining NATO has begun. However in 2010 the President of Ukraine Viktor Yanukovich liquidated an interagency commission on Ukraine's preparations for NATO membership and a national center for Euro-Atlantic integration. In November 2019 representatives of Ukraine formally appealed to NATO to join the country in the Enhanced Partnership Program. The program implies increased interaction between the country and the bloc.

However, the activity of the supranational leftist forces in Ukraine slowed down the ideological and educational work on the North Atlantic Alliance.

As a result NATO still isn't perceived by some people as a collective security organization right now guaranteed by Article 51 of the UN Charter, but as a hostile military and political alliance and the fierce resistance of the Russian Federation is one of the reasons of this phenomenon.

What were the prospects of Ukrainian European integration in the context of geopolitical changes in the twentieth-twenty-first century? There were both advantages and risks. Risks were mostly caused by post-imperial and post-Soviet political, legal and economic heritage:

1. The loss of faith in the work of supranational bodies. The most pressing issue for the Ukrainian population since as the historical experience shows the efforts to use the Ukrainian resources at any cost and by passing any agreements to establish complete control over them. In this context the geographical factor should not be underestimated - Ukrainian black earths (1/5 of the world's reserves) have been able to meet the needs of the Russian Empire for centuries and Ukraine itself has been perceived as a convenient raw material supplement.
2. Legal and political nihilism. Seventy years of command and control system with its rigid punishment system and double standards have led to a subconscious protest. Respect for the law had noticeably decreased; instead the rule of law was ensured by the fear of punishment, which did not contribute to the legal culture and in its turn formed the aforementioned negative changes.
3. Corruption as a natural consequence of double standards and opaque legislation. A powerful brake on economic shifts and the formation of a national elite interested in such because there are proven and simple

schemes of personal enrichment and minimal risks, which is promoted by Ukrainian national law on the judiciary.

4. The dependence of the Euro-Atlantic vector on the deployment of political forces in the country. This is still not an unprecedented priority.

One of the bright examples of the advantages are the analytical reports of the American non-governmental organization Freedom House. In its 2005 Transition Countries report, the organization divided the post-communist regimes of Central and Eastern Europe into four groups of countries, for which eight new EU member states were referred to as stable consolidated democracies and Ukraine, along with Bosnia, Herzegovina, Georgia and Moldova as a transition or hybrid mode. The 2004 Orange Revolution was seen as the overthrow of a "hybrid post-Soviet regime", which Freedom House believed was "a borrowing from local opposition elites and a population of universal democratic values."

Twelve years later, the situation and the deployment of political forces has changed so in the next year's Freedom House report the "Transition Countries 2017" focused on the superiority of consolidated authoritarian regimes over consolidated democracies. This is the second largest decrease in the history of the study and the first decrease in the history of the project.

In this disappointing trend Ukraine was, first of all, an example of a positive dynamic along with Romania and Kosovo. Secondly it was noted that Ukraine, Armenia and Georgia remained the only non-Baltic post-Soviet states that were not countries with a consolidated authoritarian regime [2]. Countries in Central and Eastern Europe have seen the largest decline in the weighted average of democracy since the 2008 economic crisis. Advantages include the compliance with the Common Agricultural Policy standard as evidenced by recent agricultural contracts with Ukraine. Restoration of historically formed contacts, perspective of new regional organizations.

For the moment the process of building state-owned institutions is still continuing in Ukraine in front of new challenges of our time, and our state, as an international player has to overcome global challenges with objectively limited opportunities. The paradox of Ukraine is that in the realities of modern international law it has to justify its right to self-defense from those who do not need to justify their right to obvious aggression. Poverty, corruption, border security and internal security are on the agenda. A separate point is the territorial integrity of Ukraine, whose appeal over the last few years has become a daily reality. There are currently ways to build up the military sphere, however, the lack of an ideological core and the crisis of national identity are significantly stifling progressive efforts. The age-old tendency continues to repeat itself: the society and state exist completely separately. The situation is indeed interesting because of its unpredictability, since the events of domestic political and legal life in Ukraine are developing according to their own logic.

General conclusions:

1. Ukraine has spent a lot of time overcoming the post-Soviet political and legal heritage which has slowed its path to the European Union. Independent Ukraine's multi-vector policy meant finding ways and lacking a unified approach to defining a strategically important foreign policy direction. There is a contrast with the countries of Central Europe and the Baltic States that, despite economic difficulties and their own internal political contradictions, they adhered to a single Eurointegration and Euro-Atlantic course.

2. At present, with the signing of the Association Agreement key changes of forces in the foreign policy arena have changed, the crisis phenomena of the European Union has deepened and the policy of Euroscepticism is notable. This cannot but affect the process of further development of the state.

3. The Euro-Atlantic vector is also sufficiently inhibited by the post-Soviet ideological heritage. The North Atlantic Alliance is perceived not as a collective security organization the right to which is guaranteed by Article 51 of the UN Charter, but as a military aggressive alliance.

4. In addition to the usual economic challenges, Ukraine in contrast to the countries of Central Europe and the Baltic States, also faces the problem of demilitarization, division of the armed forces, the Black Sea Fleet and external debt. The possibility of an overthrow of power for which the consequences could have been unpredictable, was not ruled out. (In contrast to Lithuania, which demonstrated national unity, in Ukraine such was inherent in the educated stratum of the national intelligentsia).

5. The Association Agreement as the first effective step towards European integration should become a major foreign policy strategy with insufficient attention being paid to unforeseen consequences, given recent geopolitical changes, crises and economic challenges.

6. Being historically involved in the European economic, political and cultural space Ukraine must continue to move towards European integration.

7. The potential membership of Ukraine in the European Union is not only important for our country but also for the rest of the member states of the Community. Ukraine remains a historical outpost between west and east, thus it must have effective safeguards and shouldn't be a free buffer zone, whose political and economic security should fluctuate depending on the imperial nostalgia of the great nuclear powers.

8. Under any scenario, there is no turning back.

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