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Political and legal dimension of equal partnership formation

The question of development and formation of partnership in particular in its equal dimensions is studied. We indicated the need for further analysis of legal dimensions of equal partnership formation in transitional societies that undergo transformations and experience considerable destructive impact of globalization processes. The necessity to study the partnership in all its forms, as well as the study of partnership influence on the formation and progress of integration transformations in political plane of international relations system, were emphasized. It was suggested to perceive the partnership establishment, in particular in the plane of international relations, as a new form of cooperation in transformation challenges and in the establishment of threats for the existence of modern global system of international relations. The need of further investigation of equal partnership in the legal framework and in the system of international relations was proved.

Keywords

Partnership, globalization, international law, democracy, Ukraine.

Політико-правовий вимір формування паритетного партнерства

Досліджується питання становлення та формування партнерства зокрема в його паритетних вимірах. Зазначено потребу подальшого аналізу формування правових вимірів паритетного партнерства в перехідних суспільствах, котрі проходять трансформаційні перетворення та зазнають значного деструктивного впливу глобалізаційних процесів. Підкреслено необхідність дослідження партнерства у всіх його формах, а також дослідження впливу партнерства на формування та перебіг інтеграційних перетворень в політичній площині системи міжнародних відносин. Запропоновано сприймати налагодження партнерства, зокрема в площині міжнародних відносин як нової форми співробітництва у викликах трансформаційних перетворень та у становленні загроз існування сучасної світової системи міждержавних відносин. Доводиться необхідність подальшого дослідження паритетного партнерства в правовому полі і у системі міжнародних відносин.

Ключові слова

Партнерство, глобалізація, міжнародне право, демократія, Україна.

Statement of scientific problem and its meaning Development and formation of partnership, in particular in its legal dimensions, undergo certain transformations that are related to changes in the system of international relations. It needs to be emphasized that partnership establishment and formation of qualitative integration transformations are possible only in the societies that have common political, economical, social, and legal principles. Due to the development of common legal norms, concepts, and legislative acts, it is possible to speed up integration processes in the system of international relations and establish effective equal partnership. However, without ready eastern strategy, the EU used the strategy of "precedent" to partner countries on the level of bilateral relations. Ukraine has played the role of a «flagship» since 2010 in this process, the European Union elaborated its approach to cooperation with other partner countries in the Eastern Partnership on the basis of Ukrainian experience².

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² Snigyr O. (2010). «Eastern Partnership – Beyond Initiative, But Not A Strategy Yet», *European Union Foreign Affairs Journal*, № 4, p.6., available at: http://www.libertasinstitut.com/de/EUFAJ/no4_2010.pdf (accessed 10 November 2016).

We consider it is appropriate to investigate the formation of the equal partnership and impact of this partnership on the establishment and implementation of political strategies of countries in globalization challenges. Due to successful implementation of legal norms of international law and compliance with democratic principles, it is possible to achieve the qualitative integration changes, which can constructively influence the system of international relations in combination with implementation of the equal partnership.

It is worth noting that Ukraine has recently played a significant role in the process of globalization. Due to its geopolitical location and being at the crossroads of different philosophical traditions and religious worlds (Christian, Islamic), our country goes through the stages of conflict resolution that is reflected in political, economic, cultural, and legal field. The US political figure H. Kissinger believes that Ukraine should become a bridge between East and West, but not an outpost of one of the opponents in the confrontation with the other one³.

Let us note that establishment of equal partnership for Ukraine and in the system of international relations is a rather complex process, which requires detailed analysis and approach in the implementation of the legal norms, taking into account political and national interests of each country.

The establishment of the partnership between Ukraine and the EU began immediately after the collapse of the Soviet Union and the process of transformation and further changes on the Eurasian continent is still in process. The signed Agreement on Partnership and Cooperation with the European Community and Ukraine in 1994 and other documents stated the choice of moving direction of our country in the vector of rapprochement with our western neighbors⁴. It seems relevant for us to investigate the establishment process of the partnership in Ukraine, as, despite its long duration, it also goes through the stages of complex transformations, which are affected by global and regional factors. In particular, the process of partnership establishment in Ukraine is also influenced by external factors, the main one among which is the effect of the Russian Federation, annexation of the Crimean Peninsula, and deployment of military confrontation, namely the hybrid war in eastern Ukraine.

Analysis of the recent studies Works of foreign researchers are important for law investigation and partnership establishment for various international entities, for the rapprochement with legal systems of the third countries, and comprehensive process disclosure of European legal space formation. Names of the researchers are as follows: Haverdovskiy A.S., Bahin S.V., Topornin B.M., Usenko E.T., Chernichenko S.V., Yumashev Yu.M., Bloker N., Bulyuyi J., Westlake M., Hartley T., Herenfeldt H.N., Rene David, Janis M., Draett W., Evans A., Yenike G., Zhyuyar P., Ipsen H., Karro D., Cart L., Kay R., Koeninh Sh., Kolaz J., Kernz B., Katalano N., Lazok D., Lymanchy B.D., Martma M., Nului J., Okonomydes K., Peskator P., Tatam A., Tuskoz J., Rideau J., Ferdros A., Tsvayhert K., Shlohauer G., Shpirman A., Steiner J., Shermers H. and others.

Ukrainian researchers also work in the field of legal norms study in the international relations and the works of such authors are quite interesting: Butkevych V.G., Buromenskiy N.V., Vasylenko V.A., Vysotskiy A.F., Voitovych S.A., Denysov V.N., Dovhert A.S., Yevintov V.I., Zabihailo V.K., Zablotska L.G., Zadorozhnyi A.V., Heorhitsu A.Z., Zaiets A.P., Ilin Yu.D., Kysil V.I., Koziubra M.I., Kopiika V.V., Krushynskiy V.Yu., Mandzhola V.A., Malysheva N.R., Makarenko E.A., and Marmazov V.Ye., Pyliaiev I.S., Marchenko Yu., Muraviov V.I., Opryshko V.F., Tymchenko L.D., Sandrovskiy K.K., Shevchuk S.V., Shemshuchenko Yu.S., Filipenko A.S., Shinkarenko T., Shnyrkov O.I. and others.

Research objective and tasks. The main task of the research is to attempt to analyze the processes of establishment and formation of equal partnership. We consider it is important to investigate the principles of equal partnership formation strategies, particularly in Ukraine.

Main materials and grounding of the obtained results. First of all, it should be noted that in the EU a relatively effective system for legal framework regulation was formed, which is aimed at adaptation and harmonization of relations with the partner countries and the countries that potentially have the opportunity to join the European Union. Let us note that legal principles of functioning first of all

³ Kissinger H. (2014). «To settle the Ukraine crisis, start at the end», *The Washington Post*, available at: https://www.washingtonpost.com/opinions/henry-kissinger-to-settle-the-ukraine-crisis-start-at-the-end/2014/03/05/46dad868-a496-11e3-8466-d34c451760b9_story.html?utm_term=.735415eba075 (accessed 6 February 2017).

⁴ «Official Journal of the European Union», (1998). *L 49*, available at: http://eur-lex.europa.eu/JOYear.do?year=1998&serie=L&textfield2=49&Submit=Search&_submit=Search&ihmlang=en (accessed 10 November 2016)

ensure the compliance with the principles of law supremacy and democracy promotion. We believe that the fact of introduction and implementation by the Brussels of policy towards the Eastern countries that is implemented by the program of Eastern Partnership is also interesting. Thus, for example, Brzezinski Z. believes that a compromise in the partnership establishment of the EU and Ukraine under the conditions that the West can convince Russia that Ukraine will not join NATO and Russia agrees not to involve Ukraine in the Eurasian Union⁵ [4].

We can observe that the Eastern Partnership policy that began its implementation from the official declaration in Prague on May 7, 2009, that is aimed at improving and implementation of equal partnership between Ukraine and the EU is rather actively implemented. The partnership program between Ukraine and the EU is implemented also due to the fact that «Russia will never be integrated into the EU and NATO. The idea of Great Europe, which would consist of two parts – the EU in the West and some Eastern European Union led by the Russian Federation – has turned out to be not viable. Europe at the beginning of the 21st century was and still remains united and that Europe is called the European Union»⁶. In particular, the expansion of the Eastern Partnership was intensified because of the Crimean peninsula annexation by the Russian Federation and activation of the hybrid war in the Eastern Ukraine by the Russian Federation. Therefore, it should be noted that the implementation of the Eastern Partnership program has resulted in:

- firstly, the work towards the association of Ukraine with the EU was intensified, free trade area, which has a rather constructive impact on the economic development in Ukraine and will allow to establish a close partnership with the West, was implemented;
- secondly, the work for the rapprochement of the Ukrainian legislation and legislation of the EU countries is conducted, which also positively affects not only the economic development of Ukraine and integration of the Ukrainian legislation to the norms of democratic Western countries, but also contributes to the harmonization of relations between the EU and Ukraine and will act as guarantor for the observation and spread of democratic principles and freedoms. Accordingly, due to harmonization of the legal framework, a new level in the implementation of the effective equal partnership is developed;
- thirdly, through the realization of programs for political and legal partnership, as well as implementation of the Eastern Partnership program, we can observe the debugging in the sphere of strengthening of energy security in Ukraine. A partial diversification of export-import operations in the energy sector was conducted, which undoubtedly has the constructive impact on the overcoming of threats that are related to the energy security in terms of the non-declared war of Ukraine with the Russian Federation.

We can observe that the approach and establishment of partnership between Ukraine and the EU are an irreversible process, which also has to be conducted in the political and legal framework, as legislative support of integration is the fundamental factor that will prevent the spread of conflictogenes in the society. So European thinkers say that «Europe is being built brick by brick and floor by floor»⁷. Political and legal regulation, as well as gradual integration architecture, are also the key to dynamic and stable development of interstate relations between Ukraine and the EU member states. It should be noted that despite the constructive role of partnership establishment and democracy expansion, Kyiv also suffers permanent failures on its way towards further EU integration, which is a global process of transformations and further globalization.

Accordingly, for the development of effective partnership in the political and legal framework, as well as in the gradual transformation of the globalization challenges, there is a need to harmonize legal basis for partnership establishment with regard to equality. Equality in the dimensions of integration primarily plays a constructive role, and its support in the legal aspects will provide progress in the European integration and will bring it to a new level. We mean rapid co-integration not only in the legal field, but also in political and economic dimensions.

⁵ Brzezinski Zb. (2014). «After Putin's aggression in Ukraine, the West must be ready to respond», *The Washington Post*, available at: http://www.washingtonpost.com/opinions/zbigniew-brzezinski-after-putins-aggression-in-ukraine-the-west-must-be-ready-to-respond/2014/03/03/25b3f928-a2f5-11e3-84d4-e59b1709222c_story.html (accessed 15 November 2016)

⁶ Kissinger, H. (1994). «Diplomacy», N.Y.: *Simon and Schuster*, P. 812.

⁷ Nicholas M. (1996). «Handbook of European Union», *Institutions and policies, Edit-EUR*, p.17.

But it also worth paying attention to the increasing level of risks in the EU, in particular, we mean disbalance in the economy and the problem of illegal migration, which is a significant factor of tension in the area of the European Union. It is noted that the first place in the number of migrants in the world is taken by Europe – about 56 mln. people⁸. In terms of Ukrainian integration, it is necessary to take into account the factors of illegal migration and problems in the economic sector in order to ensure a stable European integration movement. In the political and legal framework, it is necessary to foresee and implement the prevention of the growth of dangers for Ukraine, which are associated with illegal migration, and consider national interests in the economic sector in order to prevent the destructive effects of the integration movement.

Despite the above factors, the development and transformation of the EU continues, and Ukraine will play a fundamental role in this process in the next decade, as a major geopolitical player of the Central and Eastern Europe, which is able to influence the processes in the international relations system in its global manifestations. It should be noted that the development of integration transformations and establishment of effective globalization process, in our opinion, is possible with regard to the implementation of equal partnership, particularly in its political and legal terms.

Equal partnership will act as the key to the establishment of not only integration processes and transformations in the global environment, equal partnership will also play a tremendous role as a factor for stabilization and structural development in the international relations system. We consider it is appropriate to emphasize the importance of equal partnership in the establishment of strategies for communication development at various levels, including political, legal, economic, cultural, etc.

Conclusions and recommendations for further research. It should be noted that the political and legal aspects of equal partnership establishment is a part of the overall complex of measures on realization of equal partnership in its all manifestations, which ensure the development of international relations and integration in terms of growth of globalization processes of the modern world in the international relations system.

Despite the political and legal norms for the establishment of equal partnership, we should also mention economic factor in its integration dimensions, or partnership in the military sphere that at the current stage of good neighborhood relations development between Ukraine and the EU is quite urgent due to the deployment of the hybrid war in the Donbass.

We can observe that we have touched the complex and multifaceted subject of partnership establishment in its equal dimension using political and legal instruments of its implementation. Of course, this topic is quite complex and requires further research not only in the dimension of analysis of political and legal forms of implementation, the political and legal subjects for the partnership implementation also needs to re-frame the theoretical basis of the political, legal, economic existence of the challenges and threats of the further globalization.

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⁸ «International Migration Report» (2013). *UN Department of Economic and Social Affairs. Population Division*, available at: http://www.un.org/en/development/desa/population/publications/pdf/migration/migrationreport2013/Full_Document_final.pdf (accessed 20 November 2016)

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