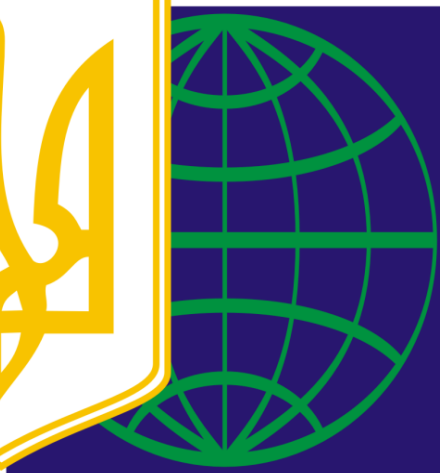


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UKRAINE – THE EUROPEAN UNION



KEY THEME ANALYSIS

THE EUROPEAN UNION IS ONCE AGAIN FORCING KYIV TO MAKE A CHOICE

On May 15, 2013 the European Commission adopted the proposals for the Council's Decision on the EU-Ukraine Association Agreement. It is noted in the Commission's political statement that with this decision, the EU has taken a necessary preparatory step in order to be technically ready for the possible signing of the Association Agreement at the Eastern Partnership Summit in Vilnius. The European Commission has also requested a mandate to prepare certain parts of the future Agreement for provisional application, including the Deep and Comprehensive Free Trade Area. Thus, the latter may come into force even before the ratification of the Association Agreement by the EU member states.

The most important result of the Commission's decision is the postponement to October of the EU's final verdict on Ukraine's readiness for the signing of the Agreement; this gives Kyiv an extra few months to meet the requirements of the EU. ***Thus the European Commission has made an important step towards Ukraine, demonstrating a positive intention and giving another chance.*** Indeed, if the final decision on the Agreement is made in early summer (as was previously planned), Kyiv would have no chance of success. The Head of the EU Delegation to Ukraine Jan Tombinski openly declared this during the conference "Ukraine – EU: towards a common future" (Kyiv, May 16): "If today I was to answer whether the Association Agreement could be signed right now, then I would say it couldn't"¹.

Herewith, the European partners did not have to yield in the principal requirements for Ukraine, which remained unchanged. As noted in the Commission's statement, the Agreement "would represent a historic breakthrough in EU-Ukraine relations", but its signing remains conditional on fulfilment by Kyiv of all of the benchmarks set out by the 10 December 2012 Council Conclusions, namely appropriate follow-up actions to the 2012 parliamentary elections, addressing the cases of selective justice and moving ahead with the jointly-agreed reform agenda. The Commission also noted additional expectations concerning the improvement of the business climate in Ukraine.

¹ Зараз Україні б відмовили в асоціації – Томбінський.
<http://www.radiosvoboda.org/content/article/24987822.html>

The EU Commissioner for Enlargement and European Neighbourhood Policy Stefan Fule and the Head of the EU Delegation to Ukraine Jan Tombinski in their statements made it clear that there would be no concessions on the content of the requirements. J. Tombinski emphasized that *the EU would focus on the issues of democracy, rule of law and justice*. The need to ensure sustainability of the democratic process was also emphasized by the foreign ministers of the 'Visegrad Group', Ireland, and Lithuania, who adopted on May 17 in Krakow a joint declaration on the Eastern Partnership which, in particular, expressed their support for the signing of the EU-Ukraine Association Agreement at the Vilnius Summit.

Kyiv predictably tried to take the opportunity to present the Commission's decision as its own merit. Thus, Ukraine's Envoy for external political and integrational processes Kostiantyn Yelisieiev said: "Despite its technical nature, today's EC decision is a recognition of the progress Ukraine has achieved so far in the context of the EU Foreign Affairs Council conclusions of 10 December 2012, Ukraine-EU Summit Joint Statement of 25 February 2013 and follow-up decisions by the President of Ukraine"².

On the contrary, Peter Stano, Spokesperson of S. Fule, told reporters in Brussels that the European Commission proposals for the Council Decision didn't contain the assessments of Ukraine's progress.

Having made a step forward, ***the EU mostly insured itself against possible accusations of the Ukrainian side on the unwillingness to sign the Association Agreement***. Recently, the European press has repeatedly written that it was not a secret to the Euro-diplomats that some Ukrainian officials wished to shift to the EU the responsibility for the possible failure of the Agreement. Due to the latter European Commission's decision it would be much harder to blame the EU for not being constructive.

The EU even signalled that it did not want the former Prime Minister Yulia Tymoshenko's case to become a pretext for the failure to sign the Agreement. On May 23, at a joint briefing near the 'Ukrzaliznytsia' hospital in Kharkiv, after meeting with Yulia Tymoshenko, the EU Ambassador Jan Tombinski and the U.S. Ambassador John Tefft said that the Ukrainian ex-prime minister "expressed her decisive support for the signing of the Association Agreement by the end of this year", even if criminal cases against she were not closed³.

Thus, by adopting the proposals for the Council Decision on the EU-Ukraine Association Agreement and giving Kyiv extra time to fulfil the necessary conditions, the European Union is forcing Kyiv to make a choice: either to take decisive action to implement its obligations or to take responsibility for the failure of the Agreement.

² Схвалення рекомендацій Єврокомісією Раді ЄС підписати Угоду про асоціацію є потужним стимулом для української влади - Костянтин Єлісєєв. <http://www.president.gov.ua/news/27641.html>

³ Посли ЄС і США кажуть, що Тимошенко рішуче підтримує асоціацію з ЄС. <http://www.unian.ua/news/572709-posli-es-i-ssha-kajut-scho-timoshenko-rishuche-pidtrimue-asotsiatsiyu-z-es.html>.

UKRAINE – NATO



KEY THEME ANALYSIS

BALANCING BETWEEN RUSSIA AND NATO, NON-ALIGNED UKRAINE IS TRYING TO DEVELOP CLOSE MILITARY COOPERATION WITH THE ALLIANCE

On May 14, 2013 at NATO Headquarters in Brussels, a meeting of the NATO Military Committee was held in the format of the International Security Assistance Force in Afghanistan (ISAF), the NATO Training Mission in Afghanistan 'Strong Support' (which will replace the ISAF), as well as the multinational NATO-led Kosovo Force (KFOR). The Ukrainian military delegation headed by the Deputy Chief of the General Staff of the Armed Forces of Ukraine Admiral Ihor Kabanenko took part in the meeting.

During the meeting the countries – contributors to the operation in Afghanistan agreed the procedure for joint action on transmission by the end of 2014 of full responsibility for maintaining security in the country to the Afghan National Security Forces. Legal and operational aspects of planning new training and advisory NATO missions in this country were also considered. Analyzing the current state of the operation in Kosovo, it was noted that despite the positive trend in negotiations between Belgrade and Pristina, the presence of KFOR forces remained a key factor for ensuring stability and security in the region.

During the meeting of the Military Committee of the Chiefs of Defence Session in the NATO-Ukraine Commission format Admiral I. Kabanenko presented the key approaches to the implementation of military reform in the Armed Forces of Ukraine. The main attention was paid to the measures of implementing better military standards, improving the organizational structure, transition to contract service, reforming training troops, upgrading weapons, and improving logistics. The Chiefs of Defence of the NATO countries expressed their support for the reforms of the Armed Forces of Ukraine, and emphasized the importance of constructive and pragmatic cooperation with NATO in the military sphere.

In Brussels Admiral I. Kabanenko also held bilateral meetings with the Chiefs of Defence of the armed forces of Germany, Italy, Poland, Czech Republic, Lithuania, discussed practical issues of military cooperation with the Chairman of the EU Military Committee, General of the French Air Force Patrick de Rousiers and with the Chairman

of the NATO Military Committee, and General of the Danish Armed Forces Knud Bartels.

Participation of the Ukrainian military delegation headed by the Deputy Chief of the General Staff in the NATO Military Committee meeting, as well as the range of issues discussed during bilateral and multilateral meetings, confirm ***the intention of Kyiv to support the positive dynamics of working relations with NATO on a practical level, focusing on such key areas of cooperation as strengthening international and regional security and defence reforms in Ukraine.*** Involving representatives of Ukraine to the discussing of the issues related to the current and planned activities within the operations in Afghanistan and Kosovo also indicates that the *NATO leaders count on continued participation of the Armed Forces of our country in these peacekeeping missions.*

The significance Kyiv pays to establishing practical cooperation with the Alliance is evidenced by the fact that ***most large-scale multinational military exercises of this year Ukraine plans to conduct together with the NATO countries.*** Thus, the Law of Ukraine №198-VII 'On approval of the decision of the President of Ukraine on the admission of the armed forces of other countries on the territory of Ukraine in 2013 to participate in multinational military exercises', signed by Viktor Yanukovych on May 7, provides that in the Ukrainian-U.S. exercises 'Sea Breeze – 2013' with the involvement of the NATO and partner countries will participate up to one and a half thousand foreign soldiers, up to 9 ships, 2 submarines, 12 aircraft and 50 motor vehicles for up to 20 days in June-July 2013. Scheduled for May-June Ukrainian-Russian exercises 'Fairway of Peace – 2013' will last for only 7 days, and allow the access of up to 1,000 Russian soldiers, up to 9 ships, 1 submarine, 3 aircrafts and 30 motor vehicles.

Besides, up to 1,000 foreign troops, up to 10 helicopters and 5 aircraft will be involved in the 'Rapid Trident – 2013' exercises in July-September; and up to 400 troops from Canada, Lithuania and Poland will take part in the multinational exercises 'Maple Arch – 2013' in August-September. On a much smaller scale will be Ukrainian-Belarusian exercises of regular air defence forces (up to 100 soldiers and up to 7 aircraft) and Ukrainian-Russian exercises of air defence forces (also up to 100 soldiers and up to 7 aircraft).

In this context, the Chief of the National Defence University of Ukraine Vasyl Telelyma is right in saying at the press-conference on the occasion of the 13th International Week 'North Atlantic Treaty Organization after the Chicago Summit 2012': "Ukraine is deepening its cooperation with NATO in defence, social and educational spheres. This is due to the challenges for both global stability and the national security of Ukraine". In support of the Lieutenant General's words, the Ambassador of Poland to Ukraine Henryk Litwin, who attended the event, announced a protocol decision *to establish soon a Ukrainian-Polish-Lithuanian peacekeeping battalion in the modern format of Ukraine-NATO cooperation.* And the Alliance Headquarters Representative, Lieutenant General Alan Geder said: "Ukraine, as well as Sweden, is one of the largest contributors to guaranteeing global security under the auspices of NATO. I believe that *Ukraine-NATO relations are not slowing down, but going to another level, corresponding to new challenges*"⁴.

⁴ Україна – НАТО: співпраця поглиблюється. <http://euroatlantica.info/novini/499-ukraina-nato-spivpratsia-pohlybliuetsia.html>

FOREIGN POLICY OF UKRAINE



KEY THEME ANALYSIS

During his visits to the U.S. and the U.K. Leonid Kozhara tried to assure that Kyiv remains a reliable strategic partner, as well as to enlist support for the European integration aspirations of Ukraine.

Leonid Kozhara's visits to the U.S. (May 6-10) and to the U.K. (May 13) have become one of the major foreign policy events carried out by Ukraine recently. The Minister had a series of complicated tasks:

firstly, to convince his counterparts that, despite the cooling of relations in recent years, Kyiv remains a reliable and predictable partner, striving to maintain a strategic level of cooperation, planning to pursue further reforms and not intending to curtail democracy;

secondly, to enlist the support of the European integration aspirations of Ukraine before the Vilnius summit and the EU's final decision on the Association Agreement;

thirdly, to explain Ukraine's position on cooperation with Russia and the Customs Union, and to stress that such cooperation is not contrary to the course of rapprochement with the EU;

fourthly, to present the priorities for Ukraine's Chairmanship of the OSCE and to enlist support for such activities.

In order to cope with these complicated tasks *L. Kozhara held a number of meetings and events at various levels and formats*, including:

- events in the format of international organizations, particularly those in the status of the OSCE Chairman (including a meeting with the UN Secretary General Ban Ki-moon, and briefing at the UN Security Council);
- bilateral meeting with the U.S. Secretary of State John Kerry and with the U.K. Secretary of State for Foreign and Commonwealth Affairs William Hague;
- meeting with the U.S. congressmen and senators, with members of the House of Lords and House of Commons of the U.K. (among them: Chairman of the U.S. Senate Foreign Relations Subcommittee on European Affairs, Senator Chris Murphy; Chairman of the U.S. House Subcommittee on Europe, Eurasia and Emerging Threats, Congressman Dana Rorabacher; Chairman of the U.S. Helsinki Commission, Senator Benjamin Cardin; co-chairs of the U.S. Congressional Ukrainian Caucus Marcy Kaptur and Sander Levin; Chairman of the Culture, Media and Sport Committee, House of Commons, John Whittingdale; Chairman of the British Ukrainian Society Lord Risby);

- meeting with the representatives of the reputable expert organizations (among them: Chairman of the National Democratic Institute Madeleine Albright, and representatives of Chatham House, and the British Royal Institute of International Affairs); with the business community (including the U.S.-Ukraine Business Council); with Jewish and Ukrainian communities in the USA (the Minister assured the latter that the issue of Holodomor Memorial construction in Washington was under personal supervision of the President of Ukraine); with adopted Ukrainian children and their new American families.

During the meetings L. Kozhara especially focused on Ukraine's progress in implementing the EU Foreign Affairs Council conclusions of 10 December 2012, informed on the progress of reforms in Ukraine and expressed hope for the successful signing of the Association Agreement with the EU at the Vilnius summit in November 2013. Speaking of the priorities for Ukraine's Chairmanship in the OSCE, the Minister stressed the need to give a new impetus to resolving protracted conflicts, particularly those in Transnistria, Nagorno-Karabakh, Georgia, and Kosovo. L. Kozhara focused on a series of multi-targeted measures initiated by Ukraine, including the proposed International Conference on Combating Trafficking in Human Beings and the Youth Summit.

Following the L. Kozhara and W. Hague meeting, an important joint press statement was issued, which emphasized that **"the UK continues to believe strongly that Ukraine belongs to the European family of states"** and "the UK re-affirmed its support for Ukraine's efforts to make the necessary reforms to allow signature of the mutually beneficial EU-Ukraine Association Agreement", "to make the 3rd Eastern Partnership Summit in Vilnius a success"⁵. Support for Ukraine's European aspirations was also expressed by Chairman of the Culture, Media and Sport Committee J. Whittingdale and Chairman of the British Ukrainian Society Lord Risby.

Selective justice, namely Yulia Tymoshenko's imprisonment, was the main critical remark sounded during L. Kozhara's visits. This issue was particularly stressed by the U.S. Secretary of State J. Kerry: "We're particularly anxious and hopeful that the leaders will work through some of the difficult issues with respect to that transition, including, hopefully, the ending of the prosecution of some people, and particularly the former Prime Minister Tymoshenko"⁶. The issue was also emphasized by the Chairman of the U.S. Helsinki Commission, Senator B. Cardin. And former U.S. Ambassador to Ukraine William Miller stated: "Ukraine has jailed the opposition leaders. And everyone knows that your country is not democratic. At the same time, the U.S. will stay close to Ukraine"⁷.

Judging by comments in the press, the American and British partners weren't impressed by the Ukrainian Foreign Minister's arguments that Tymoshenko's case was exclusively within the legal dimension, as well as by his words about prejudices of the West towards the Party of Regions because of its position during the Orange Revolution.

In general, given the recent negative trends in the development of Ukraine's relations with the U.S. and the U.K., L. Kozhara's visits can be considered quite successful, at least with regard to the level and number of meetings. Whereas the main purpose of the visit included the presentation of Ukraine's

⁵ Міністр закордонних справ Леонід Кожара зустрівся з Держсекретарем у закордонних справах Великої Британії Вільямом Хейгом. <http://mfa.gov.ua/ua/news-feeds/foreign-offices-news/12215-ministr-zakordonnih-sprav-leonid-kozhara-zustrivsyia-z-derzhsekretarem-u-zakordonnih-spravah-velikoji-britaniji-vilyjamom-khejgom>

⁶ Керрі нагадав Кожарі, що США сподіваються побачити Тимошенко на волі. <http://www.radiosvoboda.org/content/article/24982847.html>

⁷ Кожара у США: ніхто не змусить звільнити Тимошенко. http://www.bbc.co.uk/ukrainian/politics/2013/05/130510_kozhara_usa_it.shtml

position on a number of key issues and returning the dialogue to a high level, rather than signing agreements, the saturation of the meetings program provided the opportunity to perform the tasks. The Minister also managed to enlist the assurances of the U.S. and UK partners of Ukraine's European aspirations (joint press statement with W.Hague was a significant achievement in this regard).

Undoubtedly, it was also important to Kyiv to hear again at meetings of various formats that the Tymoshenko imprisonment was the main obstacle for the renovation of positive dynamics in relations with the West. Judging by the statements of American officials, if this problem were to be solved, Western partners would agree to meet Ukraine on many issues.

