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Friedrich Naumann
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Ukraine – the European Union

KEY THEME ANALYSIS: *Thorny Path to the Association with the EU*

Now one can forget about the furious agiotage which for several months has been developed around the possibility/impossibility of the initialing of the Association Agreement between Ukraine and the European Union, and, moreover, has been ever heated with the confrontation between pro-power elite and the opposition and often with the quite ambiguous statements of the European Community because now the Ukrainian officials and society face a new, equally difficult task – to begin asking questions as for new, technical, time and reformative conditions of the European progress of Kyiv. Because **on 19 December 2011, upon completion of the XV EU – Ukraine Summit, the negotiators reached a common understanding only as for the full text of the Association Agreement which will determine the future legal basis of their relations.** It seems that now this document “is opened the way for the technical preparation of its final consolidated version, including in terms of deep and comprehensive free trade area, with the aim to initial the document as soon as possible”. Today it remains unclear how Ukraine will defend the need for creation of a new formation in an international economic space within which trade barriers would be eliminated and the tariffs would be agreed between such “not really equal” partners as Ukraine and the EU.

Accordingly, now the promise of the “fastest” transition to the stage of preparation for the signing and subsequent implementation of the Association Agreement as “a document that lays the basis for political association and economic integration of Ukraine with the EU” also looks uncertain. Because during the meeting the parties only “sealed” Ukraine’s European choice and put joint long-term goals to bring Ukraine closer to Europe in specific areas but only if the official Kyiv repmanently would have a firm willingness to ensure the rule of law and respect for fundamental values and to implement them in Ukraine. Therefore, the assurances of some Ukrainian officials to initial the Association Agreement during one and a half or two following months and even more to sign it within a year, cannot come true because of the absence of mandatory compliance with international norms and standards and intense democratization of the Ukrainian society. The EU officials tried to deliver this strict condition for progress in the implementation of the Association Agreement. It is no mere chance that the meeting of the President of the European Council Herman Van Rompuy and the President of the European Commission Jose Manuel Barroso with Viktor Yanukovych lasted about three hours instead of allowed 20 minutes.

The European officials noted the usage of politically motivated justice, as in the case of ex-Prime Minister Yulia Tymoshenko, the threat to the existence of freedom of the press and assembly. Accordingly, the parliamentary elections in Ukraine in 2012 should become a “litmus test” of the respect for democratic principles in the country because these elections will confirm the importance of the commitment on the part of Ukraine’s leaders to create proper conditions for all participants. One can presume that the Law “On Elections of People’s Deputies of Ukraine” (17 November 2011), approved by the EU, will also be tested this way. And it is clear that Yulia Tymoshenko should also take part in these elections because the EU (the EU Commissioner for Enlargement and Neighbourhood Policy Stefan Fule said that visiting Kyiv on 12-13 December 2011) will continue to monitor her appeal and insist on the fact that her rights are respected, so that she could defend herself during a court trial. So, making the decision not to initial the AA the European Union has left a kind of “backlash” to correct its relations with Ukraine in case of failure of the latter to adhere the democratic values. In this case even the initialling of the Agreement could be postponed for an unidentified period of time.

In principle, the absence of initialed and signed documents during the Summit played into the hands of our northern neighbour, because even in the energy sector the European institutions are ready to support Ukraine in the modernization of the transit system using for this purpose the financial institutions but only if such activity on the part of Ukraine will be based on the European principles. Thus, Viktor Yanukovich reminded that Ukraine expects of the European Union and Russia the answers as for the creation of a gas transportation consortium after that Ukraine could commit the pumping of guaranteed gas volumes and the preservation its unique transmission system in good condition. Ukraine, joining the European Energy Community, adopted the terms provided by this structure, but, unfortunately, the Community violates these conditions. When it is decided to construct the South Stream or gas storage facilities in Serbia, it suggests that in fact the Ukrainian GTS is devalueing its economic and political importance”. However, in the case of removal from the EU Ukraine will have to adopt the scheme of the Kremlin, that is to give it the Ukrainian GTS, to join the Customs Union, then – to the Eurasian Union, and eventually – to lose its own sovereignty.

So we have to hope for the realization of other points of the Joint Declaration, adopted at the end of the Summit, as for the exceptional importance of further efforts to improve the business climate in Ukraine; to solve international and regional issues of common interest, particularly regarding the relations with Belarus and Russia; as for the process of the Transdnistrian settlement in light of the recent restoration of official negotiations in the format “5 +2” (Russia, Ukraine, the OSCE – mediators; the USA, the EU – observers + Moldova and Transdnistria – parties to the conflict).

But it is also unclear how the projections as for these points are realistic because the EU will continue to monitor closely the reforms in Ukraine and the trial over Yulia Tymoshenko, and only upon completion of all the “transformations” our nation can hope for something specific. So, yet again Kyiv found itself in front of the eternal geopolitical choice complicated with the energy, economic and social factors.

Ukraine – NATO

KEY THEME ANALYSIS: “Ukraine – NATO: Towards a Culture of Security” – the Agenda of the VIII Assembly of the NATO – Ukraine Civic League

Taking into consideration the important role of civil society in promoting democratic values which all the Western partners currently wish to see in Ukraine, the impact of society on the development of contacts of the official Kyiv in all key areas has a great weight and, moreover, is a possibility to express truly new, progressive ideas of the adjustment of foreign relations and the selection of priorities. Such an “indicator of democratic values” became ***the VIII Assembly of the NATO – Ukraine Civic League which was held under the name “Ukraine – NATO: Towards a Culture of Security” on 12-13 December 2011 in Kyiv with the assistance of the NATO Information and Documentation Centre in Ukraine, the Ministry of Foreign Affairs of Ukraine and the Ministry of Defence of Ukraine.***

Almost all 190 members of the Assembly emphasized the important role of NATO – Ukraine cooperation in the formation of global security, in addition, it was noted that “there is a constant trend of increasing joint activities” which indicates the improvement of the “constructive relationship” between Ukraine and NATO. In fact, it was determined that today there is no “alternative partnership” because NATO appreciates the partnership with Ukraine and expects to continue cooperating with it as the “prospective strategic partner”.

Accordingly, within the framework of the Assembly the participants discussed the priorities of practical cooperation in Ukraine’s relations with NATO; the implementation of the Annual National Programme of Ukraine – NATO cooperation in 2011; the reformation of the security sector in Ukraine; NATO assistance in conducting the European Football Championship “Euro-2012”; and the role of NGOs in cooperation of Ukraine with the Euro-Atlantic structures.

In particular, the Head of Department on Work with Partners of the Public Diplomacy Division at NATO Headquarters in Brussels Michel Duray devoted his presentation to the agenda on the eve of the NATO Summit in Chicago, which will be held on 20-21 May 2012. Among the urgent issues to be discussed a special attention will be paid to the future commitment of the Alliance and its partners in Afghanistan, the deployment of the EuroPRO and the beginning of its operation, the cooperation with Russia, as well as a potential partnership with the Middle East and Mediterranean countries. So, even though Ukraine’s participation in this event is provided only by its status of a security contributor in Afghanistan, the geopolitical role of our country can completely change the positions of the West.

It was also noted that the League, as the association of non-governmental organizations that deal with security issues and NATO – Ukraine cooperation, is faced an important and responsible mission to develop the idea of Euro-Atlantic partnership and together with state agencies, other NGOs, educational, military structions, media and Ukrainian business achieve the shifts in perception and understanding of the society the NATO’s role in the formation of such a strong and stable security system in which Ukraine also has its own place. Accordingly, for this purpose there should be created a network of educational programmes and be formulated the communication strategy inside the Ukrainian society. The knowledge and skills must be formed not on stereotypes, dogmas, fantastic notions but on the analysis of real events taking place in the world.

So today, when in Ukraine there were recklessly eliminated a number of institutions that considered the issues concerned not only NATO but the security as a whole, the role and responsibility of those who remained, including the League, has increased significantly. The questions of public information on cooperation between Ukraine and NATO remain on the agenda for the current government as it is necessary to fulfill the Presidential Decree № 468/2011 of 13 April 2011, stating that it is necessary “to ensure regular informing of the public on progress and results of implementation of the ANP in 2011”.

It was stressed that if the state has the part of authorities which proclaims the European and Euro-Atlantic aspirations of Ukraine in Brussels and Strasbourg, then someone has to declare these ideas of cooperation with the EU and NATO in Ukraine. The information work should have a long-term nature; the efforts should be directed to the regions. The positive is that in the Annual National Programmes the League Ukraine – NATO is specified as a partner and co-executer, and non-governmental organizations will initiate early next year the public discussion of proposals to the ANP Plan of Actions in 2012, because this is the road map that helps us to support Ukraine in achieving its goal.

More often the threats to international security have a non-military character, that is why the radicalism and terrorism, cyber threats, piracy in the high seas, natural and anthropogenic disasters require a joint response. In such circumstances no nation or organization is able to answer them on a “handle themselves” principle. That’s why Ukraine has to participate in discussions regarding the Alliance’s policy, which take place in NATO. It is certainly a positive aspect. It can be assumed that no doubt that there is the fact that there are good opportunities for practical steps in developing cooperation with NATO, and the society is interested not only in declaring this goal, but in its real achievement and implementation.

Foreign Policy of Ukraine

KEY THEME ANALYSIS: *Summit of the OSCE Ministers for Foreign Affairs in Vilnius as a Prove of the Operation of the Organization for the Process but not for a Concrete Result*

The Ukrainian state is situated at the crossroads of important geopolitical directions of foreign policy interests of Russia and the European countries. It also has an important place in the largest all-European security organization of this space, which for several decades has tried to unite it into single, indeed regulated arena of international activities. So, ***on 6-7 December 2011 the delegation of Ukraine headed by the Minister for Foreign Affairs Kostyantyn Gryshchenko took part in the 18th Meeting of the Ministerial Council of the Organization for Security and Cooperation in Europe in Vilnius (Lithuania).***

Although the meeting was devoted to transnational threats, media freedom, strengthening of cooperation with partner countries of the OSCE, the settlement of frozen conflicts (such as the Transdnistrian settlement in the format of “5+2”) and a number of other issues identified in the Final Declaration of the OSCE Summit in Astana in 2010, this whole subject has been reduced to listening to formal presentations, bilateral negotiations and the confrontation between the individual participants of the Meeting. Some experts even concluded that the OSCE is in its critical condition that was evidenced with the departure in the first day some of the ministers of some Member States, including the US Secretary of State Hillary Clinton. Also, the Polish Minister for Foreign Affairs Radoslaw Sikorski and the High Representative for Foreign and Security Policy of the EU Catherine Ashton also didn't come to Vilnius.

Russia and several other countries blocked the only possible document that had to be adopted at the meeting – the Declaration on Fundamental Freedoms in the Digital Century which considered the freedom of expression of views in cyberspace. In particular, the paper noted that “restrictions on freedom of expression in the Internet are acceptable only if they comply with the established international norms” and “forcible blocking of sites, IP-addresses, ports, network protocols or specific kinds of Internet resources (e.g., social networks) is an extreme measure”.

According to the declaration, *filters imposed by the state or provider and are not controlled by the users should be considered as a censorship*. The state also must take care that the Internet is accessible to all. Of course, the participants criticized Russia's position on the need for strict regulation of the worldwide network. The tough state intervention in regulating the use of technological means of communication and social networking is likely to assist that the process of the last parliamentary elections in Russia was undemocratic and one that was marked with the violation of human rights and freedoms. Meanwhile, the US Secretary of State Hillary Clinton mentioned the “politically motivated” imprisonment of Yulia Tymoshenko and political processes in Belarus where the human rights activists and opposition are persecuted all the time. Instead, the Head of the Russian Ministry of Foreign Affairs Sergey Lavrov suggested Mrs. Clinton to monitor the elections in the USA but not abroad. So the only truly worth innovative initiative of the Summit failed.

So, this year's Meeting of the OSCE Ministerial Council had special significance for the Ukrainian party only as for the country that will lead the OSCE in 2013 and from 1 January 2012 will be a member of the so-called Group of Three of the OSCE (including the state, which will head the organization in 2012 – Ireland – and the country headed it this year – Lithuania). It includes the direct involvement of Ukraine to the processes of political leadership of the organization, including the implementation of decisions taken in Vilnius and Astana.

In this respect, the Minister for Foreign Affairs of Ukraine K. Gryshchenko had several meetings with heads of delegations of the OSCE Member States to exchange views on future priorities of the organization and to discuss prospects of bilateral relations and cooperation in the international arena. In particular, *during the meeting with the Minister for Foreign Affairs of the Russian Federation Sergey Lavrov* it was noted the positive dynamics of the demarcation of the continent part of Ukrainian-Russian border and negotiations on the delimitation of the border in the Azov and Black seas and in the Kerch Strait. But, apparently, Ukraine is unlikely to hope for successful resolution of such “core” problems until the “gas issue” is not resolved.

During negotiations of the Ukrainian Minister with the Director of the Bureau for Democratic Institutions and Human Rights (ODIHR) Janez Lenarčič the officials discussed practical aspects of the interaction in the context of Ukraine's presidency in the OSCE in 2013, and the development of democratic institutions and procedures in our state, particularly, in the light of the next parliamentary elections in October 2012. Although, such a disposition of Kyiv for cooperation will not save it from the skepticism of the EU and the OSCE in the light of the Tymoshenko trial, the absence of the rule of law and media freedom.

The negotiations with the Minister for Foreign Affairs of the Australian Union Kevin Rudd concerning the prospects of increasing trade and economic and investment cooperation and of intensifying political dialogue, were probably due to the decision of the Australian government to allocate USD 1 million to the Shelter fund which is realized a number of projects to ensure the safe storage of nuclear fuel at the Chornobyl NPP through. In addition, K. Rudd promised to bring a group of Australian businessmen during his visit to Ukraine in 2012 as Australia is optimistic about the prospects of the economic development of Ukraine.

So, it is more likely that the bulk of issues have been considered on the sidelines of the Summit: in particular, probably the main topic of debates after the November statement of the Russian President Dmitrii Medvedev was the issue of the EuroPRO and the participation of Russia in this scheme. Therefore, taking into account the fact that all the delegates have gone, even before the end of the Meeting, one can assume that the talks failed again. As a result, one should hope that in 2013 the situation will perhaps change. However, if in 2012 the OSCE will stand idle, it is useless to expect a quick recovery of the influence of this organization and, as a consequence, of our state during its presidency in 2013.