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UKRAINE – THE EUROPEAN UNION



KEY THEME ANALYSIS

UKRAINE–EU SUMMIT: NEITHER BREAKTHROUGH, NO FAILURE

On 27 April 2015 the long-awaited 17th Ukraine–EU summit, which had been postponed several times, finally took place in Kyiv. Its results hardly should be considered as a breakthrough, although it would be a clear exaggeration to talk about the failure. It is rather about the *overestimated expectations of the Ukrainian side*, a traditional feature of contemporary Kyiv's foreign policy.

At the summit the following key issues were discussed:

1. European integration prospects for Ukraine; the date of entry into force of the free trade area and visa-free regime.

In this regard Kyiv can consider as success the clear statements of European Commission President Jean Claude Juncker and European Council President Donald Tusk that the **DCFTA should enter into force starting from 1 January 2016**. This date was also recorded in the joint statement of the 17th Ukraine–EU summit.¹ It is particularly important given that Russia demands to delay the DCFTA for at least one more year.

But Kyiv did not succeed the same way with the issue of **visa-free regime – the date of its enter into force was not clarified** neither in the speeches of the EU officials, no in the final joint statement. It was said only about the "commitment to achieve the shared objective of visa-free travel provided that conditions for well-managed and secure mobility set out in the Visa Liberalisation Action Plan are in place." On the other hand, it was in vain hope to expect from the European counterparts making promises on the issues which depend more on the activity of Ukraine than of the EU. Illegal migration has always been an important and sensitive issue for the EU countries, and one should not count on visa-free regime until all the corresponding commitments are properly performed. The more so, as special attention is currently paid to the security issues due to the de facto state of war and a large number of illegal weapons and Russian saboteurs in Ukraine.

No progress has been achieved concerning **the request to officially acknowledge Ukraine's aspiration to join the EU in future**. Kyiv obviously wanted to hear clear "yes" from the EU visitors, aiming at further enshrining this provision into the final document of the oncoming Riga Eastern Partnership Summit. However, the EU officials could not afford making such promises, because the EU did not have intentions to include corresponding provision into the Riga Summit declaration.² And it is not the issue of EU's attitude towards Ukraine: at the Third East

¹ <http://www.president.gov.ua/en/news/32762.html>.

² <http://www.rferl.org/content/eu-riga-summit-disappointing-georgia-moldova-ukraine/26983656.html>.

Forum in Berlin the EU Commissioner for Neighbourhood Policy and Enlargement Johannes Hahn clearly stated that no new country would be admitted to the European Union in the next 10 years.³

After all, it is hard to talk about the acknowledgement of membership aspirations, given that some EU countries have not yet ratified even the Association Agreement with Ukraine. During his visit to Paris in April 2015 Petro Poroshenko discussed this issue with Francois Hollande, who assured that France would begin the ratification procedure soon. But one should keep in mind the absence of any positive signals from the pro-Russian government of Greece. Besides, the Association Agreement has not been ratified also by Slovenia and by loyal to Moscow Austria, Cyprus and Italy.

2. Reforms in Ukraine and EU financial assistance.

These two issues are clearly interconnected, since the EU repeatedly makes it clear that the allocation of financial assistance to Kyiv depends on the pace of reforms. On the other hand, efficient reforming requires significant funding. Therefore at the summit Ukrainian leadership reported on its achievements and simultaneously emphasized on the need to increase financial support. In the joint statement **representatives of the EU and Ukraine "welcomed the first reform steps taken by Ukraine," but at the same time "agreed on the need to further accelerate the reform process on key systemic issues,"** in particular, they mentioned constitutional reform, decentralisation process, fight against corruption, justice reform and energy sector restructuring.⁴ The parties also welcomed the €11 billion financial support for Ukraine pledged by the European Union and European Financial Institutions in March 2014.

But in general, the issue of financial assistance was more substantively discussed at the **International Conference in Support of Ukraine** held the next day, on 28 April 2015. This event had been postponed several times and originally had been planned as a "donor conference." But as **the promised "Marshall Plan" for Ukraine was not elaborated**, and the number of potential donors was clearly less than the number of officials and politicians, it was rightly decided to name the event "Conference in support."

At the conference President Poroshenko urged to invest more in Ukraine, and Prime-minister Yatsenyuk requested to increase financial aid, stressing that a nuclear power was waging war against Ukraine (not the most attractive information for investors). After all, it was not reported at the conference about any considerable investment projects, but was said about the financial assistance, mostly in the form of loans and grants. The EU promised additional €1.8 billion, Germany offered prospects of €1.4 billion, and the U.S. promised \$1 billion in the nearest future and the same amount at the end of the year being subject to successful reforms. The issue of previously promised funds for the restoration of Donbas was postponed till the stabilization of the situation in the region.

3. Support for Ukraine due to the Russian aggression; the issues of sanctions and peacekeepers.

In the joint statement the participants of the summit **condemned the "acts of aggression by the Russian armed forces"** and stressed the non-recognition of Russia's annexation of Crimea.⁵ Recognition of the fact of Russian aggression is important, even though it is not clearly about Russia as a state, but about the aggression of "Russian armed forces." That means that the EU has grown ripe to talk about the fact of Russian aggression, but it is not ready yet to officially name Russia the aggressor state (while it is clear that Russian armed forces could not launch aggression without the

³http://www.ukrinform.ua/ukr/news/rozshirenniya_e_vrosoyuzu_ne_bude_desyat_rokiv_han_2045889.

⁴ <http://www.president.gov.ua/en/news/32762.html>.

⁵ <http://www.president.gov.ua/en/news/32762.html>.

order from Moscow). The parties also expressed their support for the Minsk agreements and for the efforts of the Normandy format, thus actually authorizing Berlin and Paris to be the EU representatives at peace talks.

Regarding the **sanctions against Russia**, the participants of the summit stated that they "took note of the European Council Conclusions of 19 March 2015 regarding the EU restrictive measures against the Russian Federation." Let us recall that the above mentioned conclusions envisaged that the duration of sanctions "should be clearly linked to the complete implementation of the Minsk agreements," and in case of their failure the European Council "stands ready to take further measures."⁶ It was clear that the Ukraine–EU summit would not take any further decisions on sanctions because this issue was beyond its jurisdiction. But it would be much better if the joint statement expressed "strong support" for the European Council conclusions, than just "took note" of them.

Kyiv's request for the international peacekeepers for Donbas was predictably rejected by the EU officials. Jean-Claude Juncker called the idea "unrealistic";⁷ and Donald Tusk said that the EU had not even discussed it and that a civilian "assessment mission" was the most that Ukraine could expect for the time being.⁸ It is hard to say why Kyiv decided to make the EU officials publicly answer "no" again, given that Moscow considers such signals as a demonstration of the EU unwillingness to strongly support Ukraine. It has become a matter of bad habit for Kyiv to make public requests without previous receiving of positive response through the diplomatic channels.

In general the 17th Ukraine–EU summit was held in the cooperative manner. This time Kyiv was not a "whipping boy", as it had happened previously when Ukrainian government had nothing but to listen to the criticism of the European counterparts about the unfulfilled commitments. At this summit **the EU high-ranking officials noted certain progress in reforms, and Kyiv had got a good opportunity to estimate feasibility of its expectations from the oncoming Riga Eastern Partnership summit.** The EU representatives promised political and economic support for Ukraine, but made it clear that the more-for-more principle was still working, and the expanding of financial support depended on the pace of reforms. Kyiv had got the opportunity to understand the disutility of overestimated expectations, and that the EU would not make concessions to Ukraine just because of Russian aggression. Appropriate conclusions should help Ukraine to prepare better for the Riga Eastern Partnership Summit, to avoid new disappointments and to achieve the maximum possible results.

⁶ <http://www.consilium.europa.eu/en/press/press-releases/2015/03/conclusions-russia-ukraine-european-council-march-2015>.

⁷ http://www.bbc.co.uk/ukrainian/politics/2015/04/150428_juncker_ukraine_it.

⁸ <http://www.irishtimes.com/news/world/europe/no-peacekeepers-for-ukraine-eu-tells-poroshenko-1.2191163>.

UKRAINE – NATO



KEY THEME ANALYSIS

NATO–UKRAINE ANP FOR 2015 CORRESPONDS TO THE COURSE OF EURO-ATLANTIC INTEGRATION

On 23 April 2015 Ukrainian President Petro Poroshenko signed a decree "On approval of the Annual National Programme of NATO–Ukraine cooperation for 2015."⁹ (hereinafter – the Programme).

It is stated in the Programme that according to the Coalition Agreement of the parliamentary majority, the recovery of course towards **NATO membership is one of Ukraine's strategic goals in external and internal policy**. It is also noted that the ANP is especially important in the context of NATO assistance in **improving Ukraine's defence capacities to counter Russian aggression** – "by means of meeting urgent needs in the short term, and reforming security and defence sector as well as defence industrial complex in accordance with the NATO standards."

Provisions of the Programme clearly correspond to the chosen course of Euro-Atlantic integration: planned measures include strengthening cooperation and achieving interoperability with NATO standards. In particular, it is planned to implement NATO-interoperable automated codification system of supplies for the Armed Forces of Ukraine; to ensure the special purpose forces of Ukrainian Military Police with the same equipment and facilities as respective forces of NATO member states use; and a number of other similar measures to achieve compatibility with the Alliance is planned.

Among the tasks specified in the Programme is to work out the creation of a crisis consultative mechanism for joint consultations and rapid information exchange between Ukraine and NATO in crisis situations in accordance with the paragraph 15 of the Charter on a distinctive partnership. The need for such a consultation mechanism became apparent after the beginning of Russian aggression against Ukraine.

Ukraine plans to sign international agreements on mutual protection of classified information with the NATO member states, and to ensure the monitoring of NATO classified information protection. Successful completion of these tasks should facilitate Ukraine's access to the Alliance's intelligence information, which Kyiv extremely needs in the context of Russian aggression. It is also planned to resume cooperation between the Security Service of Ukraine and NATO Civilian Intelligence Committee.

The Programme envisages signing agreements between Ukrainian government and NATO Support and Procurement Agency to ensure cooperation under the **NATO Trust Funds**, established in accordance with the decisions of NATO–Ukraine Commission taken in Newport on 4 September 2014. One such document was signed on

⁹ <http://president.gov.ua/documents/19352.html>.

24 April 2015, namely the **Memorandum on cooperation in the field of command and control**. On behalf of Ukraine the Memorandum was signed by Head of Ukrainian Mission to NATO, Ambassador Ihor Dolhov; from the NATO side document was signed by General Manager of the NATO Communications and Information Agency, Major General (rtd) Koen Gijssbers. Another document, **Agreement between the Cabinet of Ministers of Ukraine and the NATO Support and Procurement Agency on Support Cooperation** was signed on 27 April 2015 by Ambassador Igor Dolgov and General Manager of the NATO Support and Procurement Agency Michael J. Lyden. The agreement creates a legal framework for practical cooperation between Ukraine and Alliance within the NATO Trust Funds on reform of logistics and standardization of the Armed Forces of Ukraine and physical rehabilitation of wounded soldiers.

At the same time the Programme-2015 has certain deficiencies, inherited from the previous ANPs. First of all, it is about inclusion to the Programme of extremely wide range of measures, some of which do not have direct relation to the security sector and to the cooperation with NATO. For example, among the list of priorities for 2015 one can find the following: "to provide support in the Verkhovna Rada of Ukraine of draft laws on reforming state and municipal print media." The task is probably important, but its listing among the priority task for NATO–Ukraine cooperation is doubtful.

Another traditionally weak point is the time of approval of the Programme. This year the ANP was approved in late April, and thus only 8 months were left for its implementation, instead of 12. Consequently the collisions arise with inclusion into the Programme of measures which have actually taken place prior to the ANP approval. In particular, **NATO International Week** was successfully held at the National Defence University of Ukraine on 20-24 April 2015, while the ANP (in which this event was mentioned among the "priority tasks for the current year"), was approved by the President only on 23 April 2015. The Programme also includes a task "to complete, with NATO expert assistance, the development of draft conceptual documents of strategic and defence planning." However, the National Security and Defence Council of Ukraine had presented the new draft National Security Strategy of Ukraine two weeks prior to the date of ANP-2015 approval.

As disadvantage of the Programme should be also considered the usage in some cases of too flexible task formulations such as "to study the issue", "to analyze", "to improve", that prevents from clear estimation of their implementation.

In general, the Annual National Programme of NATO–Ukraine cooperation for 2015 corresponds to the chosen course of Euro-Atlantic integration and includes a long list of important tasks to achieve compatibility with the Alliance, to reform Ukrainian Armed Forces and to increase the defence capability. But the most important thing is to properly implement the Programme in practice. After all, the previous governments also adopted good ANPs with long lists of necessary tasks, most of which remained ink on paper.

FOREIGN POLICY OF UKRAINE



KEY THEME ANALYSIS

RUSSIA RESORTS TO INTIMIDATION, SEEKING THE UNILATERAL CONCESSIONS FROM UKRAINE AND THE WEST

Russia continues to build up its military presence in Donbas and along the Ukrainian borders, clearly making preparations for the new offensive of "separatists." This military preparation simultaneously performs two functions: put a psychological pressure on Kyiv and European capitals in order to persuade them to make concessions, and actually prepare the offensive to capture more Ukrainian territories.

At the same time Moscow demands from Kyiv to unilaterally implement the Minsk agreements in the Kremlin's interpretation, namely, to launch a 'political dialogue' with separatists, to federalize Ukraine through the constitutional reform, and to restore budget funding of separatist regions. Under the threat of attack, these requirements looks more like an ultimatum, **and Berlin and Paris put pressure on Kyiv, hoping that new concessions to Moscow would prevent the resumption of large-scale hostilities. Thus the EU exactly repeats its own mistakes made after the first Minsk arrangements**, when Europe demanded unilateral fulfilment of agreements from Kyiv and turned a blind eye on Russia's military building. The EU's hopes to appease Moscow failed and Russian forces seized the territory of Donetsk airport and the city of Debaltseve. But nevertheless, the European capitals obstinately continue ignoring the U.S. intelligence information about the increasing Russian military presence,¹⁰ and call on to start a "political process" in Ukraine.¹¹

At the same time, the EU did not respond to Ukraine's requests to announce a list of sanctions to be imposed on Russia if it crosses another "red line", in particular if it dares to capture the city of Mariupol. German Foreign Minister Frank-Walter Steinmeier only said that "another escalation and large-scale offensive of separatists on Mariupol will not remain unanswered with the European Union."¹²

Moscow obviously expects that the EU "answer" means just another "deep concerned" statement, so Russia continues taking advantage of the "ceasefire" to strengthen and regroup its proxy troops for a new possible attack. According to the estimates of Ukrainian side, Russia has deployed in Donbas almost 700 tanks, about the

¹⁰ <http://www.wsj.com/articles/europe-follows-the-un-leader-on-ukraine-1430156270>.

¹¹ <http://www.dw.de/в-обсѣ-закликали-пришвидшити-реалізацію-мінських-домовленостей/a-18415947>.

¹² http://wyborcza.pl/1,75477,17819746,Berlin_demonstruje_jak_scisle_sa_wiezi_z_Warszawa.html.

same amount as combined Germany, France and Czech Republic possess.¹³ NATO Secretary General Jens Stoltenberg¹⁴ and Supreme Allied Commander Europe, General Philip Breedlove¹⁵ said about the significant build up of Russian forces and their possible preparations for a new offensive. U.S. State Department spokeswoman Marie Harf said that Russia significantly build up its air defence systems inside eastern Ukraine, making their amount the highest since August 2014.¹⁶ At the same time Ukrainian volunteers found evidences of special marking the military hardware and vehicles of Russia-backed separatists to be distinctive from air.¹⁷ So it can be concluded that a new Russian offensive may be accompanied by support of Russia's combat aircraft or helicopters.

Ongoing attacks of separatists at the areas to the north of Mariupol as well as statements of militants' leader Alexander Zakharchenko¹⁸ about possible surround of the city indicate that Russian plan might envisage simultaneous attacks at Mariupol from the north and east. Other potential areas of aggression, where Russian-separatist forces most actively test the strength of Ukrainian defence by constant shelling, are the following: Schastya village to the north of Luhansk city; Pisky village to the north of Donetsk city; and the area to the north of Horlivka city, especially towards the road to the Artemivsk city.

Russia does not possess enough resources for the full-scale occupation of the entire Ukrainian territory; therefore the Kremlin continues applying the "salami" strategy, cutting off one by one the areas of Donbas region. Such strategy gives Moscow an opportunity to avoid tougher Western sanctions, and Russia was not punished at all for the seizure of Donetsk airport territory and Debaltseve city. **European capitals should finally understand that it is impossible to stop the creeping Russian aggression with the policy of appeasement, demanding from Kyiv the unilateral implementation of peace agreements in the Kremlin's interpretation. Only the preventive measure in the form of a clear list of severe sanctions able to collapse the Russian economy might force Moscow to refrain from crossing another "red line."**

¹³ <http://inforesist.org/boeviki-dnr-i-lnr-imeyut-stolko-zhe-tankov-skolko-armii-germanii-francii-i-chexii-vmeste-vzyatyie>.

¹⁴ <http://ukrainian.voanews.com/content/nato-russia-ukraine/2732991.html>.

¹⁵ http://www.bbc.co.uk/russian/rolling_news/2015/04/150430_rn_breedlove_ukraine_russian_forces.

¹⁶ <http://www.reuters.com/article/2015/04/22/us-ukraine-crisis-usa-idUSKBN0ND2J920150422>.

¹⁷ https://www.facebook.com/brtcomua/posts/871369429590379?__mref=message_bubble.

¹⁸ <http://www.pravda.com.ua/news/2015/04/16/7064949>.