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UKRAINE – THE EUROPEAN UNION



KEY THEME ANALYSIS

PREPARATIONS FOR THE RIGA EASTERN PARTNERSHIP SUMMIT INDICATE THAT THE EU HAS NOT MADE PROPER CONCLUSIONS AFTER THE VILNIUS FAILURE

A year and a half after the Vilnius Eastern Partnership Summit of 28-29 November 2013, the European Union is at risk to repeat the failure at the upcoming Riga Summit scheduled for 21-22 May 2015. Of course, this time the stakes are not so high, for it is not about signing the Association Agreement, but it should be kept in mind that possible failure will play into the hands of the Kremlin, which seeks to discredit the Eastern Partnership.

As it was 18 months ago, Ukraine continues insisting on formal recognition of its prospects for the EU membership. And Brussels continues stubbornly refusing to write down this legally non-binding provision. In fact, the promise of membership prospects would not have practical value for Kyiv, for it would not guarantee Ukraine's accession to the EU. One should also remember that *the European Parliament clearly stated in its Resolution of 17 April 2014 that "pursuant to Article 49 of the TEU, Georgia, Moldova and Ukraine – like any other European state – have a European perspective and may apply to become members of the Union provided that they adhere to the principles of democracy, respect fundamental freedoms and human and minority rights and ensure the rule of law."*¹ After all, the Article 49 of the Lisbon Treaty does not restrict the right of Ukraine as a European state to apply for membership.

Therefore there is neither legal, nor practical need to additionally fix the membership perspective of Ukraine. The problem is that no other milestone decision is to be taken at the Riga summit. Ukraine's Representative to the EU Kostiantyn Yelisseyev has repeatedly stated that Ukraine may opt out of the Riga summit final declaration if the document is less ambitious than the Vilnius one was.²

It is already clear that a decision on the precise date of the visa-free regime for the Ukrainians will not be taken at the Riga Summit due to the slow pace of implementation of the Visa Liberalisation Action Plan. Despite the fact that the latest

¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P7-RC-2014-0436+0+DOC+XML+V0//EN>.

² <http://gazeta.dt.ua/international/kostyantyn-yelisseyev-klyuchovim-zovnishnim-chinnikom-nacionalnoyi-bezpeki-ukrayini-na-sogodni-stav-yevropeyskiy-soyuz-.html>; <http://nv.ua/publications/vostochnoe-partnerstvo-ne-dolzno-prevratitsya-v-ocherednoy-mylnoy-puzyr-konstantin-eliseev-rasskazal-o-chayaniyah-ukrainy-pered-rizhskim-sammitom-48869.html>.

European Commission's report³ recorded a "noteworthy progress" in Ukraine, the decision to abolish visas may be adopted only in 2016.

The situation over the EU-Ukraine Common Aviation Area Agreement is even more unclear. The signing of the document, which was initialed in 2013, is delayed due to the positions of Britain and Spain. Kyiv hoped to get at the Riga summit a clear signal about the date of signing of this agreement, and it is not Ukraine's fault that the issue is still unsolved. The EU has not also fulfilled the informal promise to complete by the date of Riga Summit the ratification procedures of the Association Agreement and DCFTA with Ukraine in all the member states. The process of ratification is still far from finish in the countries of the so-called "Russia's friends" pool, namely in Austria, Greece, Cyprus and Italy.

So, the Riga summit draft declaration has actually nothing serious to offer Ukraine, besides the promise that the EU-Ukraine agreement on DCFTA should enter into force starting from 1 January 2016. But this important provision has been already fixed in the final document of the 17th EU-Ukraine Summit. Under such circumstances, **the ephemeral promise of membership prospects could become the only noticeable success of Ukraine at the Riga Eastern Partnership Summit.** The stubborn unwillingness of the EU to make this concession to Kyiv reminds the geopolitical shortsightedness of 2013, which led to the revolution and war.

It is easy to understand the disappointment of Kyiv, given that, despite all the difficulties and slow pace of reforms, Ukraine of nowadays disparately differ from Ukraine of 2013. The hesitation between the East and the West are left in the past, as well as all that 'flirting' with Russia. Both the population and the government are clearly focused on the European integration and the EU membership as the final goal. **After the Euro-revolution and after the Russian aggression there is no way back for Ukraine, and it wants to see clearly the way forward.** The Ukrainians have paid bloody price for their European choice and from the moral and political point of view they deserve at least the promise of membership prospects. The government in Kyiv also needs such a promise to demonstrate Ukrainian people the success on the path of the European integration, against the economic recession and difficult situation at the front.

At the same time, the shortcomings of the EU Eastern policy should not deprive Kyiv of sober pragmatism – it should remember that demarche is not the best option for the development of relations with the main partner. **If the EU is not able to offer Ukraine a chance of the membership perspective, then Kyiv shall be smart enough to find grant a favour to Brussels by signing the weak summit declaration. The EU will have the opportunity to pay back when revising the Neighborhood policy and defining special approach towards Ukraine.**

³ http://europa.eu/rapid/press-release_IP-15-4949_en.htm.

UKRAINE – NATO**KEY THEME ANALYSIS*****AGAINST THE SHAPING OF A NEW BIPOLARITY, UKRAINE RISKS TO FIND ITSELF 'BETWEEN TWO FIRES'***

The Moscow 70th anniversary commemorations, dedicated to the victory in the Great Patriotic War, outlined the shaping of a new global bipolarity. One group consists of those countries, for which the allied relations with the Kremlin and the anti-Americanism are more important than the international legal foundations of the current world order. On the other side, the Western allies are united in the North Atlantic Alliance and the European Union. Ukraine finds itself between these two 'poles', after it has broken away from the one camp, but due to the long-lasting hesitations has not managed to join another one.

For a decade the Kremlin has been working towards the restoration of the bipolar system of international relations, which disappeared after the defeat of the USSR in the "Cold War" and the collapse of Soviet Empire. Russia lacked the sufficient resources to reemerge as a second world 'pole' on its own, therefore it went through the creation of a composed informal coalition including both multilateral (e.g. BRICS) and bilateral partnerships. Simultaneously, Moscow enhanced its absorbing course towards the former Soviet republics through the integration within unequal economic and military-political projects of the Customs and Eurasian Unions as well as the Collective Security Treaty Organization.

The majority of Moscow's partners are more or less interested in weakening the Washington's influence at the world stage or in some regions, though their bilateral relations with the U.S. varies from the usual business (e.g. India, Brazil and South Africa) to the overt antagonism (e.g. Iran and Venezuela). China's case is unique, as it may take advantage of the Moscow's ambitions to achieve the Beijing's own long-term goals and to become itself the leader of that coalition, which is currently being created by Russia.

Before the Russian aggression against Ukraine, the informal coalition of Moscow-backed anti-Western partnerships operated latently. However, the rush around Russia's pompous 70th anniversary commemorations of the Victory Day pushed world leaders to decide if they are ready to stand next to Putin at the parade, knowing for sure that is the show of force of the Russian army, which is involved in the aggression against Ukraine and thus destroys the established world order. It was clear that the participation in the parade meant the demonstration of support for Russia's aggressive politics, and for that reason the majority of the world leaders refused to come to Moscow.

No wonder that the Kremlin's media called the leaders, who took part in the

parade, "not just partners, but the allies of Russia."⁴ Actually it is about the new anti-Western axis. Besides the **Russia's satellites from the Customs Union and the CIS**, among those, who come to Putin's parade, were the leaders of **China, India and South Africa** as well as the **Brazilian** Minister of Defense (all the BRICS members). The leaders of the **Venezuela, Cuba and Palestine**, and the head of **North Korean** Supreme People's Assembly also visited Moscow. Among the guests one could mention the presidents of **Vietnam, Zimbabwe, Mongolia and Egypt** (the U.S. actually lost its influence on Cairo after the "Arab spring"). We should especially note the Presidents of **Serbia, Bosnia and Herzegovina, and Macedonia**. These Balkan countries apply for the EU membership, and the latter two apply for the NATO membership as well. In case of their admission, the solidarity within the EU and the NATO will continue deteriorating.

The **UN Secretary-General Ban Ki-moon** was an especially welcome guest for Moscow, and his flattering compliments about love of the Russian people to Putin became a valuable gift for the Kremlin's propaganda. Some senior officials from the EU and NATO member states also visited Moscow on the Victory Day, namely **prime minister of Slovakia**, presidents of the **Czech Republic and Cyprus**, speaker of the **Greece's** parliament, and foreign ministers of **France, Italy and Slovenia**. It would be wrong to attribute these countries to the 'Moscow axis,' but one can talk about **the Russian group of influence inside the EU and NATO**. The existence of such group is an important advantage for Moscow, given the consensus voting procedures in these Western alliances.

All the above mentioned countries neglected Kyiv's request not to participate in Kremlin's commemorations at the time of Russian aggression against Ukraine. At the same time, the majority of world leaders ignored the Putin's parade, but still they should not be automatically considered as the allies of Kyiv. They are rather the partners, who are not interested in changing the balance of power in favour of Moscow, but do not intend to risk their own safety for the sake of Ukraine. The **permanent representative of Latvia to NATO Maris Riekstins** straightly said that **"the main task of the NATO is to take care of the safety of the Alliance member states' residents. Ukraine is a close partner of the NATO, however, the cynical it may sound, it is not the NATO's duty to ensure the security of Ukraine."**⁵ It sounds really cynical, especially from the representative of a country, which barely managed to hide under the NATO's security umbrella, and being a safety consumer shifts the defense spending on its allies.

The **Joint statement of the NATO-Ukraine Commission, issued at the Foreign Ministers meeting in Antalya (Turkey) on 13 May 2015**, refers to the "enhancing support for Ukraine",⁶ but actually it is just about the trust funds, created in accordance with the decision of the last year's Wales summit, as well as about the advisors for the Ukrainian Defense Ministry. Ukrainian Foreign Minister Pavlo Klimkin proposed to create an additional trust fund to counter Russian propaganda, but currently the issue is under discussion.

The Joint statement also expresses the "support for Ukraine's sovereignty and territorial integrity," and "strongly condemns Russia's aggressive actions." **The wording "Russia's aggressive actions" indicates that the NATO is still unwilling to officially recognize the obvious fact of Russia's aggression against Ukraine.** The wording "aggressive actions" better suits to the flights of Russian military aircraft along the NATO member states' airspace. When it comes to the annexation of Crimea, the destruction of Ukrainian border forces by Russian artillery

⁴ <http://www.vesti.ru/videos/show/vid/644478/cid/58>.

⁵ <http://vesti.lv/news/riekstinysh-nato-ne-obyazano-spasaty-ukrainu>.

⁶ http://www.nato.int/cps/en/natohq/official_texts_119425.htm.

and the invasion of thousands of soldiers and hundreds pieces of military equipment, such actions should be clearly defined as aggression. However, the official recognition of aggression could raise the issue of the U.S. and Britain security guarantees for Ukraine under the Budapest Memorandum of 1994, while these countries lack the willingness to fully comply with the corresponding obligations.

Turkish Foreign Minister Mevlut Cavusoglu said that **the next, Warsaw NATO Summit of 2016 should be dedicated to the expansion of the Alliance and consider accepting Bosnia and Herzegovina, Macedonia, Montenegro and Georgia as new members.**⁷ Thus actually is shaped the circle of countries, which might hope for the Alliance's protection against the potential Russian aggression – either conventional (against Georgia), or hybrid (against the Balkan countries).

The NATO seems to get ripe to decision on deployment the permanent military contingents in the Baltic countries. On 14 May it was reported that Latvia, Lithuania and Estonia had officially applied to the Supreme NATO Allied Commander Europe about the permanent deployment of a rotating brigade-sized NATO unit, consisting of three 700-800-strong battalions – one for each of the Baltic countries. Warsaw considers making the similar request.

So, it actually refers to the **creation of the Alliance's 'security arc' around Ukraine** – around it, but not including it. Trust Funds and a few dozens of military advisers look more like an imitation of support, not the real one, especially when compared with the previous NATO activities to support the struggle of the Afghan people against the Soviet occupation, to liberate Kuwait from Iraq and the defend Croatia against the Serbian aggression. **Against the shaping of a new bipolarity, where the East (Russia, China and partners) stands up against the West (the U.S., the EU and partners), Ukraine may find itself in the risk zone, being actually 'between two fires'.** A chance to avoid such awkward position may appear only in case of conducting consistent foreign and domestic policy in strict accordance with the declared Euro-Atlantic strategic priorities of state development.

⁷ <http://agenda.ge/news/35323/eng>.

FOREIGN POLICY OF UKRAINE



KEY THEME ANALYSIS

KERRY'S AND MERKEL'S VISITS TO RUSSIA INDICATE THAT THE WEST IS READY TO AGREE ON RUSSIA'S SCENARIO FOR 'SETTLEMENT' IN DONBAS

The official occasion for Angela Merkel's visit to Moscow on 10 May 2015 was to take part in the 70th anniversary commemorations of victory over the Nazism, including laying flowers at the Tomb of the Unknown Soldier. However, the main topic of her conversation with Vladimir Putin was not the Second World War, but the Russia-Ukraine conflict. John Kerry came to Sochi on 12 May 2015 "to keep the lines of communication open." He negotiated on the issues of Ukraine, Iran and Syria with Sergey Lavrov and Vladimir Putin.

Let's analyze the main factors, characterising the visits of two Western leaders to Russia:

1. Ukrainian issue was discussed without the participation of Kyiv.

Let alone the moral aspect of discussing the sovereign country's issues without its representatives, but suspicions remains that the conversations were closed from Kyiv because *the discussed scenarios of settlement could be considered by Ukraine as unacceptable.*

2. The United States once again discussed with Russia the Ukrainian issue along with the issues of Iran and Syria.

Given that the Obama administration put priority on the U.S. interests in the Middle East before the Ukrainian issue, one may consider reasonable the Wall Street Journal's assumptions that Kerry could agree to exchange the Ukrainian territory for the Russia's concessions in the Iranian and Syrian issues.⁸

3. Merkel's and Kerry's rhetoric indicated about intention to put pressure on Kyiv to make it agree on Russia's scenario for settlement in Donbas.

German chancellor made a statement in Moscow, which corresponded with Russia's position that Minsk agreements had not been implemented properly by both sides: "We can't say that one side is fulfilling [the obligations] by 100 per cent and the other side isn't doing anything, but we do have information that there are many violations of the ceasefire from the separatists' side too."⁹ Merkel's remark about the

⁸ <http://www.wsj.com/articles/kerry-is-so-very-nice-to-putin-1431559190>.

⁹ <http://www.telegraph.co.uk/news/worldnews/europe/russia/11596064/Angela-Merkel-urges-Vladimir-Putin-to-curb-violations-of-Ukraine-ceasefire.html>.

violations by separatists has not changed the fact that Moscow got what it wanted – **Berlin's recognition of Kyiv's responsibility for the improper performance of the Minsk agreements.** Thus the Kremlin has got the bases to put pressure on Kyiv to demand fulfilling of those Minsk provisions, which are considered as primarily important for the **Russia's interests.**

The U.S. secretary of state took things a step further. While answering the provocative question by Russia's journalist about the alleged intention of Ukrainian president to win back the Donetsk Airport, John Kerry said: "If indeed president Poroshenko is advocating an engagement in a forceful effort at this time, we would strongly urge him to think twice not to engage in that kind of activity, that that would put Minsk in serious jeopardy. And we would be very, very concerned about what the consequences of that kind of action at this time may be."¹⁰ These words sharply contrast with the previous statements of the U.S. officials about Ukraine's right to use force to restore the constitutional order in its territory. **Washington obviously decided that Kyiv had reached the limit of time for the solution by force.** The main American diplomat had to be aware that Ukrainian president's words had been incorrectly interpreted; however, he decided to publicly warn Kyiv that any coercive action on its part would be viewed as an intention to disrupt the peace process. **In fact, it is about an ultimatum, which requires from Ukraine to agree on peace at any price.**

4. The EU, the U.S. and the NATO have accepted the Russia's interpretation of the Minsk agreements.

It's no secret that when Kyiv and Moscow talk about the necessity to fulfill the Minsk agreements, they mean the different things. Ukraine aims at the complete cessation of hostilities, the withdrawal of Russian troops and holding free local elections in Donetsk and Luhansk regions with advanced autonomous rights. Russia aims at the constitutional transformation of Ukraine into a federation and the resuming of Kyiv's funding for Donbas, which should formally remain a part of Ukraine, but actually controlled by Moscow, blocking the Euro-Atlantic integration of Ukraine and encouraging separatism in other regions.

The Western interpretation of the Minsk agreements was unspecified till the Foreign Ministers Normandy Meeting in Berlin of 13 April 2015, when it became clear from the text of the Agreed Statement of the Chair¹¹ that Berlin and Paris tended to the Moscow's position. **John Kerry's Sochi statements and the text of the Joint statement of the NATO-Ukraine Commission (Antalya, 13 May 2015)¹² indicate about the U.S. consent to Russia's interpretation of the Minsk agreements.** It is noted in the NATO-Ukraine statement that "Allies welcome the steps undertaken by the Government of Ukraine to promote key constitutional reforms and reconciliation. The work of the Constitutional Commission and the local elections scheduled for October 2015 should be instrumental in decentralizing power, promoting an inclusive political process..."¹³ At the NATO-Ukraine Commission meeting, secretary general Jens Stoltenberg stressed the importance of implementation of the political part of Minsk arrangements, including granting special status to Donbas and local elections.¹⁴ It is known that the decentralization of Ukraine and the "inclusive political process" (direct talks of Kyiv with the separatists) are the key requirements of the Kremlin. It is understandable as well that the local elections in Donbas without the

¹⁰ <http://www.state.gov/secretary/remarks/2015/05/242214.htm>.

¹¹ http://www.auswaertiges-amt.de/sid_6C5F952BEF24328BEC98B8B72C47ECEB/DE/Infoservice/Presse/Meldungen/2015/150413-Ukraine_ErklaerungVorsitz.html.

¹² http://www.nato.int/cps/en/natohq/official_texts_119425.htm.

¹³ http://www.nato.int/cps/en/natohq/official_texts_119425.htm.

¹⁴ <http://www.eurointegration.com.ua/news/2015/05/13/7033729>.

withdrawal of Russian troops actually mean the legalization of Moscow-controlled proxy regimes.

5. The U.S. and the EU are ready to lift sanctions, if the conflict is settled down at Russia's scenario.

In Sochi John Kerry said that the U.S. and the EU would start lifting sanctions after the full implementation of the Minsk agreements. With this he did not mention the need to return Crimea to Ukraine. At the NATO ministerial meeting in Antalya Mr. Kerry stressed that Minsk agreements should be fully implemented by the end of this year. Therefore one can conclude that sanctions are planned to be lifted by the end of 2015. Given the actual U.S. and EU consent to the Moscow's interpretation of Minsk agreements, ***Russia should be satisfied – for it is Kyiv, who should make concessions, but it is Moscow, who would be free from sanctions.*** If Ukraine refuses to unilaterally implement the Minsk agreements, it may be accused by the Western counterparts in sabotage, and the sanctions against Russia will be lifted anyway.

6. The diplomatic isolation of Russia is over.

While visiting Russia, the German chancellor and the U.S. secretary of state have set an example for their Western counterparts, and there is no doubt that the diplomatic isolation of Russia is over. ***As the Kremlin expected, the Western willingness to keep 'sanctions' was too weak; the diplomatic isolation was lifted without any concessions from Russia.***

So, the visits of Kerry and Merkel to Russia as well as some other steps by the European and American diplomacy indicate that Kyiv has fewer opportunities to find satisfactory solution to the crisis. ***The West insistently demands to implement the Minsk agreements in the Russia's interpretation, thus demonstrating the willingness to 'buy' peace at the cost of Ukraine's interests. The increasing fatigue of Ukraine is obvious – the West is getting tired of Kyiv's high demands (on sanctions, peacekeepers and etc.) and disappointed with insufficient political will for reforms.***