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## UKRAINE – THE EUROPEAN UNION



### KEY THEME ANALYSIS

#### ***THE RIGA SUMMIT CONFIRMED THE NEED TO REVISE THE FUNDAMENTAL PRINCIPLES OF THE EASTERN PARTNERSHIP***

**Riga Eastern Partnership Summit** was held on **21-22 May 2015** against the background of the traditionally high expectations and consequently some disappointments. However, to objectively evaluate the results of the summit one should take into account the specific political environment and the initial objectives of the Eastern Partnership.

**Firstly**, one should remember that the Eastern Partnership (EaP) is one of two vectors of the European Neighbourhood Policy (ENP), the essence and prospects of which are now under review. It is obvious that ***under the conditions of the uncertainty of the ENP future, the Riga Summit could not establish any fundamentally new principle of relations with the neighbors.***

**Secondly, the Eastern Partnership was created as a kind of alternative to the EU enlargement.** On the eve of the Riga Summit Angela Merkel reminded once again: "The Eastern Partnership is not an instrument for enlargement."<sup>1</sup> Therefore it was in vain to hope that the membership prospects of neighboring countries, including Ukraine, would be discussed at the Eastern Partnership Summit.

**Thirdly, the EU has not still elaborated a clear and coherent strategy for relations with Russia**, which puts pressure on all the participants of the Eastern Partnership and uses all means of political, economic and even military influence (the war against Ukraine is an eloquent proof).

In such circumstances, one should not have anticipated any ambitious initiatives from the Riga Summit. However, **the Riga Eastern Partnership Summit should not be considered a failed one, if to estimate it in accordance with the tasks for the Eastern Partnership, outlined in the Vilnius Declaration of 2013.** In fact, the main tasks, outlined in Vilnius, have been implemented: the Association Agreements with Moldova, Georgia and Ukraine have been signed; the visa-free regime for Moldova has been launched, and Georgia and Ukraine demonstrated good progress in the implementation of the second phase of the visa liberalization action plan. Georgia and Ukraine still have the opportunity to perform all the tasks of their "homework" before the end of this year and to get a positive decision. The only important unrealized plan is actually the Open sky Agreement with Ukraine, which was not signed due to the non-agreed issues over Gibraltar between Britain and Spain. However, Kyiv was promised that this issue would be resolved in the coming months.

**Kyiv may consider as success the following decisions of the Riga**

<sup>1</sup> <http://www.rferl.org/content/eu-to-keep-eastern-partnership-on-track/27029659.html>.

**Summit:**

1) Confirmation of the DCFTA entry into force without further delay, starting from January 1, 2016;

2) Ukraine still has a chance to receive the decision on visa-free regime by the end of this year;

3) Ukraine and the EU signed a loan agreement at 1.8 bln euro in the framework of the macro-financial assistance;

4) The EU confirmed the illegality of Crimea annexation.

The last issue caused some problems at the summit, indicating the division between the Kyiv's partners and the Moscow's satellites: **the illegality of Crimea annexation was stressed by all participants of the summit, except Armenia, Belarus and Azerbaijan.** Regarding the protest of Belarus and Armenia and their intimidation not to sign the Declaration with the condemnation of Crimea annexation, the document shifted the respective accents onto the EU: "The EU reaffirms its positions taken in the Joint Statement made at the EU-Ukraine Summit on 27 April, including on the illegal annexation of Crimea and Sevastopol." Thus the partner countries are not listed among those, who recognize the illegitimacy of the annexation. The Declaration called upon the parties to the conflict to fully implement the Minsk agreements, to release hostages, and "to hold to account those who are responsible for the downing of MH17."<sup>2</sup>

The position of Armenia, Belarus and Azerbaijan on Crimea issue confirmed the correctness of those EU officials who propose to differentiate the Eastern Partnership participants, depending on the level of their ambition for relations with the EU as well as their progress in implementing reforms. Ukraine supports the idea of differentiated relations within the Eastern Partnership. A few days after the summit Ukraine's Representative to the EU Kostiantyn Yeliseyev said that Ukraine, Georgia and Moldova had a common agreed position on this issue.<sup>3</sup> However, the **Riga Summit Declaration contained only a reference to the "the sovereign right of each partner freely to choose the level of ambition and the goals to which it aspires in its relations with the European Union."** The EaP summit could not take any further decision on differentiated relations with eastern partners, for the appropriate decisions should be made within the ENP at first.

Kyiv was also disappointed with the refusal of the EU to include to the Riga Declaration a reference to recognizing the of Ukraine's membership prospects. Instead, the Declaration only "acknowledged the European aspirations and European choice of the partners concerned, as stated in the Association Agreements." On the other hand, no one promised Kyiv to recognize it membership perspective, and no one forced Kyiv to speculate so much on this issue in domestic politics.

**For the six years of the EaP functioning Ukraine has neither elaborated a clear strategy of participation in it and using its opportunities,** nor has worked out the mutually beneficial initiatives for cooperation with the EU. From the start of the Eastern Partnership, Kyiv has expressed scepticism, appealing to the understated level of the program ambitiousness. Ukraine considered itself as the program's front-runner, being sure that all the other participants are the factor of slowing down the Ukraine's rapprochement with the EU. However, the decision of then-president Viktor Yanukovich, taken on the eve of the Vilnius Summit of 2013, shifted the balance in the project bringing Moldova and Georgia as the EaP leaders. They signed the Association Agreements before Ukraine, and Moldova even enjoys a visa-free regime with the EU. That indicates that the success of any program primarily depends on the

<sup>2</sup> <http://mfa.gov.ua/en/press-center/news/36735-joint-declaration-of-the-eastern-partnership-summit-riga-21-22-may-2015>.

<sup>3</sup> <http://www.pravda.com.ua/news/2015/05/29/7069526/>.

ability and willingness to take advantages of the opportunities it provides for.

In fact, the normative nature of the Eastern Partnership offers ample opportunities for reforms towards convergence with the EU standards. Their successful implementation opens direct way to bring the membership perspective closer. Therefore, instead of pushing forward the idea of membership prospects in the framework of the Eastern Partnership, Ukraine better focus on full usage of the EaP potential as the most efficient tool for approaching membership.

In general, **the prospect of the Eastern Partnership and its efficiency will depend on the ENP revision** scheduled for the fall of 2015. Many questions should be addressed, including the following: Will the ENP be reconfigured in accordance with the geographical principle? Will the balance between the Southern and Eastern parts of the ENP be shifted? Will the EU abandon the current zoning of the European space into centre (core) and periphery?

**It is obvious, that a differentiated approach should be introduced within the Eastern Partnership**, to separate the countries, which are oriented on the future membership (Ukraine, Moldova and Georgia) from the group of states, which are interested primarily in the economic cooperation (Belarus, Armenia and Azerbaijan). The EU should also learn to shape its position on the integration with neighbouring countries, based on its own values, and geopolitical and economic interests, but not on the will of the Kremlin.



## UKRAINE – NATO



### KEY THEME ANALYSIS

#### ***STRONG VERBAL SUPPORT OF NATO CANNOT COMPENSATE UKRAINE FOR THE LACK OF ARMS ASSISTANCE***

The second half of May 2015 was rich in events, during which NATO officials expressed strong support for Ukraine and sharply criticized Russia. Representatives of the Alliance stated support for Ukraine during the spring session of the NATO Parliamentary Assembly (Budapest, 15-18 May) and during the meeting of NATO Military Committee with Ukraine with participating of the Chief of the General Staff of the Armed Forces of Ukraine Viktor Muzhenko (Brussels, 20 May); at the meeting of the NATO Secretary General with the U.S. President (26 May) and in Jens Stoltenberg's speech in Washington (27 May); during the meeting of the NATO-Ukraine Joint Working Group on Defence Reform (Kyiv, 27 May); at the conference "Ukraine – NATO: partnership for free and unified Europe" (Kyiv, 27 May) and the 8th Kyiv Security Forum (28-29 May), where NATO Deputy Secretary General Alexander Vershbow addressed the audience through the video link.

Jens Stoltenberg in his Washington speech for the first time clearly acknowledged that "Russia has been violating the territorial integrity of its neighbours for years," recalling the illegal presence of Russian troops on the territory of Ukraine, Georgia and Moldova. NATO chief also said that "these nations are not buffer zones. They are independent, sovereign states. They have the right to choose their own path. And we will continue to help them on that path."<sup>4</sup> This statement can be seen as a hint at possible future membership of Ukraine, Georgia and Moldova in NATO.

The Alliance's Parliamentary Assembly in the Declaration on NATO enlargement, adopted on 18 May 2015, "Reaffirmed its full and continuous support for NATO enlargement and the membership aspirations of Bosnia and Herzegovina, Georgia, Montenegro and the former Yugoslav Republic of Macedonia," and "acknowledged the renewal by Ukraine of its Euro-Atlantic aspirations."<sup>5</sup> On the one hand, some progress is evident and Ukraine's Euro-Atlantic aspirations are acknowledged, but on the other hand, it is noticeable that Ukraine has lost a lot of time since 2008, when it had the same membership prospects as Georgia.

Despite the strengthening of rhetoric in support for Ukraine, the issue of arms assistance is still being debated, as the U.S. Vice President Joe Biden said

<sup>4</sup> [http://www.nato.int/cps/en/natohq/opinions\\_120166.htm](http://www.nato.int/cps/en/natohq/opinions_120166.htm).

<sup>5</sup> <http://www.nato-pa.int/default.asp?SHORTCUT=3860>.



on 27 May.<sup>6</sup> Such position of the U.S. and the NATO sharply contrasts to the actions of Russia, which does not debate, but assists its proxy militants in Donbas with daily supplies of tanks, artillery and "volunteers" from among the special forces of the Russian army. Russia's preparation for a new offensive is not a secret for the NATO, and it is uneasy to understand **why to expects the next 'red line' crossing, instead of preventing the offensive by massive arms supplies for Ukrainian army and thus making the Kremlin loses illusion of new territorial conquest without unacceptable losses?**

It is obvious, that Ukraine also shares a part of responsibility for the lack of NATO assistance. **The representatives of the Alliance more and more sharply criticise Ukraine for the lack of reforms in the armed forces, as well as for the slowing down of receiving the NATO assistance.** In March 2015 NATO officials said about the existence of such problems in private talks to Ukrainian MPs,<sup>7</sup> but in May 2015 they began to declare their discontent publicly and at the higher level:

- On 1 May, the **NATO Secretary General's Special Representative James Appathurai** in his interview to 'Radio Liberty' said about the lack of focus on reforms in Ukrainian Defence Ministry: **"The Ukrainian side need to hold more reforms, and they must be implemented quickly. Our advice and support would be much more effective, if the Ministry of Defence and the army had a greater willingness to reform. ... It is insufficient now, and I say it straight."**<sup>8</sup>

- On 27 May, at the conference in Kyiv, **Deputy Assistant Secretary General Jamie Shea** said that **Ukrainian side is responsible for slowing down the receiving of assistance through the trust funds, in particular on cyber security**: "Romania manages this fund and is ready to deliver the necessary equipment to Ukraine. But we are waiting for the amendments to the Customs Code to let us do it. ... The sooner Kyiv takes the necessary steps, the faster it gets the equipment."<sup>9</sup>

- On 28 May, during a video conference at the 8th Kiev Security Forum, **NATO Deputy Secretary General Alexander Vershbow** urged **Kyiv to accelerate reforms**: "I have heard some argue that reforms cannot be implemented during a conflict, but that is not right. ... If reform is needed for Ukraine's armed forces to be more effective, then reform must happen now. With the war dragging on, waiting until it is over is not an option."<sup>10</sup>

The rise of criticism from the level of private conversations to the level of the Alliance's Deputy Secretary General indicates that NATO is really disgruntled with the lack of reaction of the Ukrainian side to the previously expressed remarks. On the other hand, NATO representatives must understand long ago (do they have the analytical service?) that in Ukraine all such issues need to be addressed at the highest possible level. Keeping shyly silence about existing problems would not help. State bodies, inherited from Viktor Yanukovich, were overcrowded with Russian agents, saboteurs and corruptionists, so the initiatives can be slowed down at any level; and sometimes it is necessary to address the relevant information to the highest officials.

**The NATO leaders should also remember that in this Russia-imposed conflict, the interests of Ukraine almost completely coincide with the interests of the Alliance**, which wants to prevent the spreading of instability to the territory of its members. In the issues of support for Ukraine the NATO should act with the understanding of the fact that it simultaneously strengthens its own security. It is

<sup>6</sup> [http://www.ukrinform.ua/ukr/news/u\\_obami\\_vse\\_shche\\_dumayut\\_chi\\_davati\\_ukraiini\\_zbroyu\\_2057649](http://www.ukrinform.ua/ukr/news/u_obami_vse_shche_dumayut_chi_davati_ukraiini_zbroyu_2057649).

<sup>7</sup> <http://gazeta.dt.ua/internal/koli-do-radnikiv-nema-doviri-.html>.

<sup>8</sup> <http://www.radiosvoboda.org/content/news/26989043.html>.

<sup>9</sup> <http://www.eurointegration.com.ua/news/2015/05/27/7034203>.

<sup>10</sup> [http://www.nato.int/cps/en/natohq/opinions\\_120180.htm](http://www.nato.int/cps/en/natohq/opinions_120180.htm).

also clear that the **Ukrainian side would be much more inclined to accept advice and recommendations from the NATO representatives, if their words are supported by effective weapons supplies.** It is important not only from practical, but also from psychological point of view, for the Ukrainian military should know that in difficult times they can rely on substantive and efficient support from its NATO partners, not only on statements and advice.



## FOREIGN POLICY OF UKRAINE



### KEY THEME ANALYSIS

#### **WILLINGNESS OF THE WEST TO MAKE CONCESSIONS TRADITIONALLY ENTAILS EXPANSION OF RUSSIAN AGGRESSION**

As one might have expected, the Western leaders' willingness to make concessions to Moscow, revealed at the time of German Chancellor Angela Merkel and US Secretary of State John Kerry May visits to Russia, had no positive implications. Instead, it resulted in accelerating the pace of the Russian Federation preparation to a new round of aggression.

On his return to the U.S., John Kerry expressed the indignation with the fact that during his visit, Russian leaders were "lying to his face" on the issue of the Russian troops presence in Ukraine<sup>11</sup>. Bearing in mind, that John Kerry in Sochi had meetings with Sergey Lavrov and Vladimir Putin, the State Secretary's astonishment can hardly be understood. In fact a lie has been used as a communication style by the Russian leaders for many years. And it was scarcely worth to go to Sochi, breaking Putin's diplomatic isolation, only to once again hear lies. This "naivety" of the leading Western politicians, as well as their willingness to make concessions, enhances the sense of impunity in the Kremlin and in fact encourages the acceleration of aggression.

***Following the visits of Kerry and Merkel Russia significantly scaled up the redeployment of weapons (in particular heavy armaments of offensive nature) and troops towards Ukrainian territory, without even hiding this from foreign journalists***<sup>12</sup>. This was NATO Secretary General Jens Stoltenberg who stated once again that "large amount of various intelligence data proves military presence of Russia in Eastern Ukraine"<sup>13</sup>. The position of the Russian ADMS "Strela-10" was recorded near Mariupol even by traditionally lenient to Russian violations OSCE mission<sup>14</sup>.

Along with the mentioned activities, Russian and separatist forces has intensified shelling of Ukrainian positions; the process of prisoners exchange was frozen in fact;<sup>15</sup> and Russia disrupted meeting in Normandy format at the level of deputy foreign ministers scheduled for late May. ***Putin's decree of 28 May 2015, which***

<sup>11</sup> <http://www.aljazeera.com/news/2015/02/kerry-russia-ukraine-150225012519384.html>.

<sup>12</sup> <http://www.reuters.com/article/2015/05/27/us-ukraine-crisis-russia-military-idUSKBN0OC2K820150527?utm>.

<sup>13</sup> <http://www.novayagazeta.ru/politics/68553.html>.

<sup>14</sup> <http://www.pravda.com.ua/news/2015/05/21/7068618>.

<sup>15</sup> <http://www.pravda.com.ua/news/2015/05/28/7069335/>



*classifies data on losses among Russian servicemen in peacetime when special operations are carried out, can as well indicate of his preparation for a large-scale hostilities with potentially large number of victims.*

Thus, with all its actions Russia makes it clear that it is preparing for a new large-scale offensive. *The question is whether it intends to launch it or this demonstrative preparation aims to intimidate Kyiv and the West, compelling them to accept the Russian scenario of "peaceful" settlement.* It is the time now when the new draft of Ukrainian Constitution, which should provide special status for the Donbas occupied territories, is discussed. The format of this fall local elections in Donbas is discussed as well. The Ukrainian side insists on maintaining the unitarian form with certain decentralization. But the Kremlin via separatists claims for de facto federalization with broad autonomous rights not only for Donbas, but for all other regions as well (although the latter do not claim them). It is definitely clear that such claims aim not to benefit Ukrainian regions, but to weaken the central Kyiv authorities, encourage centrifugal tendencies and promote separatism sprawl across the country. Given the corruption of many regional elites and their partial dependence on Russian business, it is easy to predict what consequences such constitutional changes may entail.

Kyiv and Moscow (and the Moscow-controlled separatists) have totally discrepant vision on the modalities for holding local elections in Donbas. In accordance with the Minsk agreements, Kyiv insists on their transparency under Ukrainian law and with the presence of international observers. Instead, separatists argue that Kyiv should initially "create a legal framework in Ukraine, agreed with Luhansk and Donetsk representatives", and to hold elections in Donbas based on this new legislation<sup>16</sup>. Thus, it is not actually about elections, but about the legalisation of the current regimes, appointed by Moscow at the occupied territories. It is clear that such conditions are unacceptable for Kyiv, because there is no sense to hold elections at the Russian gunpoint. Consent to Moscow's demands on federalization will hardly help to return Donbas; instead it may lead to a complete collapse of the state.

**Perhaps, this is why Moscow resorts to power pressure aimed to force Kyiv to accept its terms. Moreover, one cannot exclude that the Kremlin lays its hopes not on Kyiv intimidation, but on fear of Washington and Berlin, which, under the Putin's plan should push the Ukrainian partners to accept all the Russian terms to avoid the escalation of armed confrontation.**

American and European colleagues seem not too worried with the fact that the **acceptance of the Moscow "peaceful" settlement scenario actually means voluntary self-destruction of Ukraine**. On May 29, while being in Kyiv with a visit, German Foreign Minister **Frank-Walter Steinmeier appealed to the Ukrainian side to fully adhere to the Minsk agreements**<sup>17</sup>. Given that Ukraine in fact unilaterally fulfils its part of the agreements, it is easy to guess that the German diplomat hinted at further concessions in political issues, probably implying the changes to the Constitution.

**The EU and the U.S. leaders should finally understand that in fact no concessions will be able to satisfy Moscow.** On the contrary, the more concessions the Kremlin will get, the more temptation it has to accelerate aggression and gain even bigger prize. One should not hope to satisfy the predator's appetites by concessions. For the aggressor understands only power capable to inflict irreparable damage. Obviously, it is the right time to impose efficient economic sanctions, which would include disconnection of Russian Federation from the international payment

<sup>16</sup> <http://www.pravda.com.ua/news/2015/05/27/7069251>.

<sup>17</sup> <http://www.dw.de/штайнмаєр-закликав-україну-повністю-дотримуватися-мінських-домовленостей/a-18484615>.

systems as well as provision of massive assistance to Ukraine with armaments that will make the price of further aggression unreasonably high for Russia.

