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UKRAINE – THE EUROPEAN UNION



KEY THEME ANALYSIS

POWER SHIFT IN POLAND: OPPORTUNITIES AND RISKS FOR UKRAINE

Polish "Law and Justice" party ("Prawo i Sprawiedliwość" or PiS) convincingly won the parliamentary elections, thus reinforcing the success of Andrzej Duda, who had won the presidential race five months earlier. Henceforth, Jaroslaw Kaczynski's party will control not only the presidential post, but the parliamentary majority and the government as well.

Among other factors, the choice of the Poles was inspired by dissatisfaction with the EU policy, which has been shaped in recent years under the decisive influence of Germany. Many Polish citizens are disgruntled with the EU decision imposing quotas to accommodate refugees, as well as with blocking by Berlin of the Warsaw's request to deploy permanent NATO base in the country. The same should be said about Germany's reluctance to let Poland take more authoritative role in shaping the EU foreign policy, including participation in talks on Russia-Ukraine crisis settlement.

With advent of a new government, the Poland's foreign policy will be updated that may imply significant implications for Ukraine. **Warsaw will surely try to pursue a more independent from Berlin policy.** Though the most pessimistic prognoses about possible confrontation between the two capitals are unlikely to come true (at least, because Germany is the main trading partner for Poland), however, some tension may occur, including the issues related to Russia. In contrast with the Berlin's policy of appeasement, the PiS leaders prefer tough stance towards Moscow.

Kyiv might find itself in a rather awkward position, for the Ukrainian government placed its foreign policy stake on Berlin as the most influential player shaping the agenda for the whole European Union. Indeed, Germany worked hard to persuade all the state members to agree on imposing and extension the economic sanctions against Russia. **On the other hand, Angela Merkel and Frank-Walter Steinmeier are the most categorical opponents to the idea of arms assistance to Ukraine.** In the framework of the "Normandy" negotiations, **Berlin is increasingly inclined to agree on actual "freezing" of the conflict in Donbas**, including the legalization of the Kremlin-backed separatist regimes through the local 'elections' (just formality if Russian troops are not withdrawn) and bare fulfillment of the Minsk agreements by Russia.¹

Poland's President Andrzej Duda, by contrast, emphasizes the inadmissibility of "freezing" the conflict or turning a blind eye to Russia's failure to implement the Minsk agreements: "It is important for Poland that

¹ <http://fpri.kiev.ua/?p=20622&lang=en>.

*there is no frozen conflict in Ukraine, and that Kyiv regains full control over its borders. ... It should not happen that only some provisions of the Minsk agreements are fulfilled, and it is considered as a successful implementation."*² Diplomatic adviser to Polish President, Marek Magierowski notes that Poland wants to participate in negotiations on Russia-Ukraine conflict with aim of "putting pressure on the Russians," as well as preventing "freezing" the conflicts and possible backroom agreements with Moscow.³

Given the clear pro-Ukrainian Warsaw's position, which contrasts with the Berlin's policy of appeasement Russia, the official Kyiv reluctance to involve Poland in the peace process may seem paradoxical at first glance. But the fact is that Ukrainian government does not want to put at risk Germany's support, bearing in mind the Berlin's influence in the EU. If Poland persistently pushes the idea of its involving in the conflict resolution, without coordinating the corresponding statements with Kyiv and Berlin, it may put Ukraine before a difficult choice. One should remember how firmly rejected Angela Merkel the proposals of possible expanding the "Normandy" format, mentioned previously by Andrzej Duda.

Ukraine needs the support of both capitals as well as to avoid the situation of being forced to choose between their uncoordinated positions. Therefore, **Kyiv should intensify the diplomatic work to develop own proposals on possible modality of Warsaw's involvement in the peace process.** Kyiv is interested in preventing the deterioration of relations between Berlin and Warsaw; and at the same time, Ukraine may benefit from the strengthening of Poland's role in shaping the common EU policy. Warsaw's clear position on the need to stop Russian aggression and to fully restore Ukraine's sovereignty over own territory – fully meets the interests of Kyiv, so it is Kyiv who should make efforts to help Poland materialize its desire of being involved in peace process, in a manner that it would not provoke tension with Germany.

Kyiv should also be prepared to possible Warsaw's steps aimed at increasing its influence in Europe through the activation of sub-regional cooperation – within the Visegrad group, with the Baltic States, and maybe with Romania and Bulgaria as well. Poland's policy can open up the new opportunities for Ukraine to strengthen cooperation with Central and Eastern European countries, particularly via the "V4+" format. But if the regional policy of Warsaw is excessively active, it may provoke tension in relations with the neighboring countries. Therefore, the Ukrainian diplomacy should be ready to elaborate an optimal position under different circumstances and scenarios of developments in the region.

PiS is known for its cooperation with the Belarusian opposition and support for the independent Belarusian media. In this regard, there is a risk of possible misunderstandings between Warsaw and Kyiv concerning their attitude towards the Alexander Lukashenka's regime, because Ukrainian government actively maintains friendly relations with Minsk.

An ambiguous effect may result from **the sympathy of many PiS leaders to the Intermarium concept and the ideas of Polish-Lithuanian Commonwealth reincarnation.** On the one hand, it may imply mutually beneficial intensification of Poland's cooperation with the Baltic States, Ukraine and Belarus. On the other hand, it should be kept in mind that certain circles in Warsaw would like to see Poland's role as a kind of "big brother" in the respective integration processes, which is unacceptable for Ukraine. Therefore, **it is advisable that Kyiv elaborates its own vision of sub-regional cooperation to direct the relevant trends in the mainstream of equal and mutually beneficial partnership.**

Kyiv should also be prepared to deal with **possible difficulties relating to the**

² <http://www.polradio.pl/5/38/Artykul/226701>.

³ <http://inopressa.ru/article/28Oct2015/lemonde/poland.html>

interpretation of controversial chapters of history, above all, it is about the Volyn tragedy of 1943-1944. There are many PiS politicians, whose interpretation of the Ukrainian Insurgent Army does not differ from the Kremlin's propaganda clichés; and one can be sure that Russia will invest efforts and resources to actively promote media attention to such controversial interpretations. For example, the newly elected PiS senator Jan Żaryn believes that the Ukrainians should recognize Volyn tragedy as a genocide against the Polish people, and stresses that "there is no Polish nation without Lviv, the city that was always faithful to Poland."⁴

So, **the "Law and Justice" coming to power in Poland opens up new opportunities for Ukraine, and creates certain risks in the same time.** To avoid such risks the parties need to concentrate their diplomatic efforts. When shaping relations with new Polish authorities, Kyiv should premise, above all, on the concurring long-term geopolitical interests both in the international and in regional arenas. The task for diplomats is to prevent the minor controversies from taking precedence over the core interests, and to resist the third parties' efforts from affecting the development of partnership relations between Ukraine and Poland.



⁴ <http://www.prawy.pl/z-kraju/11096-senator-jan-zaryn-przeprowadzimy-ofensywe-historyczna>.

UKRAINE – NATO



KEY THEME ANALYSIS

CENTRAL AND EASTERN EUROPEAN NATO MEMBERS APPLY FOR INCREASE OF THE ALLIANCE'S PRESENCE IN THE REGION

On the eve of the summit, scheduled for November 4, nine Alliance's members from the Central and Eastern Europe, namely **Poland, Latvia, Lithuania, Estonia, Czech Republic, Slovakia, Hungary, Romania and Bulgaria**, have agreed to **make a joint request for expanding NATO presence in the region.**

The reason for their concern is obvious – the Russian aggression expand against the backdrop of the Western unpreparedness to predict the next Kremlin's move. At first, the West was caught off-guard with the Russia's invasion to Ukraine and occupation of its territory; then Russia unexpectedly began bombing the Western-supported moderate Syrian opposition. By all its actions Moscow demonstrates the readiness to use force whenever and wherever it consider necessary. Given the Russian military presence in the Kaliningrad enclave, in Belarus and Transnistria, as well as regular military exercises along the Baltic States' borders, no one country of the region can feel secure against the sudden Russian invasion.

With that, the population of the region is not sure if the Allies can quickly agree on decisive response in case of Russian military aggression – either "hybrid" or conventional one, given that such response may lead to military confrontation with Russia. Therefore, Central and Eastern European countries would like to have at least **small regular contingents of Western Allies deployed on their territory, as a kind of "preventer" against possible invasion.**

The Wall Street Journal informs that the request of the Central and Eastern European Allies caused debates within the Alliance. **Two options are considered now – to deploy a battalion (800-1000 soldiers) in every country of the region, or just one battalion for all of them.** In general, the idea of increasing NATO presence in the region is supported by all the Allies, except for Germany.⁵ With this, it is proposed to deploy NATO forces on a rotational basis, not on regular one – to prevent formal violation of the corresponding Alliance's promises to Russia.

It should be noted that **the deployment of just one NATO battalion for all the Central and Eastern European Allies would not be enough, even in the role of "preventer."** It would be approximately 100-150 soldiers per each country, and in case of a massive Russian military invasion, such small contingent would have to retreat without entering the battle (because they would not have any chance to successfully resist). Drop-back NATO troops would not suffer losses, and therefore the idea of "preventer" would not work.

⁵ <http://www.wsj.com/articles/nato-looks-at-stationing-more-troops-along-eastern-flank-1446050987>.

In case of "hybrid" war, one hundred NATO soldiers could be quickly destroyed by thousands of "rebels," which would not be formally linked to Russia, and many Allies would prefer to "believe" in Moscow's "innocence" – just as they now "believe" in the "civil war" in Ukraine. It would be stated again that "the conflict has no military solution" and that negotiations are needed.

U.S. army generals understand that radical reduction of American military presence in Europe was a mistake, but they cannot manage to persuade the White House and German leadership to realize that fact. During his visit to Germany, **U.S. Army Chief of Staff Gen. Mark Milley said that military presence in Europe should be increased in order to counter Russia.**⁶

At the Madrid conference, NATO Deputy Secretary General **Alexander Vershbow admitted that Russian invasion to Ukraine was not the first Moscow's act of aggression, and previously Russian troops had occupied territories of Georgia and Moldova.**⁷

NATO officials prefer not to talk about the prospects of Ukraine's membership; and so does Kyiv, referring to the unpreparedness, the need for long-term reforms and referendum, although the latter is not listed among the Alliance's requirements.

As far as reforms is concerned, **on October, 29 2015, Chief of General Staff of the Ukrainian Armed Forces Viktor Muzhenko visited NATO Headquarters. At the meeting with NATO Military Committee Chairman Petr Pavel, it was agreed to jointly develop the Concept of reforming of the Armed Forces of Ukraine according to NATO standards in the medium term until January 2016.**⁸ An eloquent proof of what is considered in NATO to be among the main obstacles to reforming the Armed Forces, was the theme of **NATO-Ukraine Commission meeting on October 28 – it was about Ukraine's efforts to reduce corruption risks** in the defense institutions, as well as Kyiv's cooperation with NATO in this area. NATO positively assessed the first steps of Ukraine on fighting corruption in security and defense sector, but stresses the need for practical progress.⁹

However, Ukraine is not the only NATO partner to be claimed of corruption. Montenegro's government is also accused by the opposition parties of the non-transparent policy; but this fact does not stop Montenegro's pace towards NATO membership. As is the case of Ukraine, Montenegro's economy is also strongly influenced by Russian capital; and the largest religious denomination, Serbian Orthodox Church's Metropolis endorses pro-Russian position. The level of "hybrid uprising" risk in Montenegro is quite high due to the strong pro-Russian and pro-Serbia sentiments and common border with Serbia.

With that, **the armed forces of Montenegro are much weaker than the Ukrainian one; and the level of support for NATO membership is lower than in Ukraine – 52% of the Montenegrins support joining the Alliance and 46% do not support.**¹⁰ However, the government of Montenegro has no plans to hold a referendum, demanded by the pro-Russian opposition, and firmly confronts the attempts of the latter to destabilize situation. Due to its principled position, Montenegro has a good chance to receive a formal invitation at the end of this year, and to become a NATO member at the Warsaw Summit in July 2016. **Montenegro's model of consistent pace towards NATO membership may be an example to follow. And Kyiv has good reasons to seek for the simplified**

⁶ <http://www.thetimes.co.uk/tto/news/world/americas/article4599843.ece>

⁷ http://www.nato.int/cps/en/natohq/opinions_124170.htm

⁸ <http://nato.mfa.gov.ua/ua/press-center/news/41439-viktor-muzhenko-uzgodiv-z-golovoju-vijsykovogo-komitetu-nato-plan-grafik-vzajemodiji-z-reformuvannya-zbrojnih-sil-ukrajini>

⁹ <http://nato.mfa.gov.ua/ua/press-center/news/41438-nato-skhvalyno-ocinila-pershi-kroki-aparatu-rnbo-ta-nacionalynogo-antikorupciynogo-byuro-ukrajini-na-napryami-borotybi-z-korupcijeju-v-oboronnomu-sektori>

¹⁰ <http://www.cdm.me/politika/istrazivanje-ipsosa-za-nato-52-odsto-gradana>

requirements for membership, given the importance of Ukraine for the security situation in the whole region, as well as the responsibility of leading NATO member states for Ukraine's security according to the Budapest memorandum of 1994.



FOREIGN POLICY OF UKRAINE



KEY THEME ANALYSIS

EUROPE IS GETTING READY TO LIFT THE SANCTIONS, WHILE RUSSIA CONTINUES SABOTAGING THE MINSK AGREEMENTS

Ukraine continues performing its obligations, undertaken within the "Normandy" format peace talks. On October 30, 2015 the press center of anti-terrorist operation announced the completion of withdrawal of smaller than 100 mm caliber artillery along the contact line. Ukrainian forces do not open fire at the contender even in return.

Russia-backed separatists also declare the withdrawal of artillery, but they do not allow the OSCE to fully control the process, often blocking the access to the storage sites of "withdrawn" equipment. **Every day during the last week of October the militants opened fire on Ukrainian positions;** two Ukrainian soldiers were killed and several wounded.

Russia is blocking the creation within Tripartite contact group of a subgroup to address the issue of regaining Ukraine's control over the border.¹¹ Besides, Luhansk militant leader Igor Plotnitsky said that **Ukraine should have "nothing to do" with the upcoming local elections in the so-called "Luhansk people republic,"** and that the breakaway republic would elaborate the election law by itself.¹² Separatists have no intention to implement the agreement on resumption of Ukrainian TV broadcasting through the occupied territories.¹³ In contrary to the Paris "Normandy" quartet summit arrangement on the restoration of international humanitarian missions' access to the occupied territories, in the second half of October, **the self-proclaimed "Donetsk people republic" banned the "Médecins Sans Frontières"** (Doctors Without Borders) that takes care of the sick and wounded.¹⁴

It should also be noted that **the OSCE is unable to fully control the withdrawal of arms** – there is no constant surveillance over the storages of military equipment, so the arms can be moved out and in between the verification inspections. And the impartiality of the OSCE staff is questionable, especially after Ukrainian journalists brought to light the fact that Russian intelligence agent worked as a member

¹¹ <http://www.pravda.com.ua/news/2015/10/21/7085740>

¹² <http://lug-info.com/news/one/zayavlenie-glavy-lnr-igorya-plotnitskogo-po-vyboram-na-ukraine-7905>

¹³ <http://lug-info.com/news/one/ukrainskie-telekanaly-smogut-rabotat-v-lnr-esli-budut-pokazyvat-pravdu-plotnitskii-7941>

¹⁴ <http://tass.ru/mezhdunarodnaya-panorama/2375454>

of the OSCE mission to Ukraine.¹⁵

Special Representative of the Federal Government for Germany's OSCE chairmanship, Gernot Erler admits that the implementation of Minsk agreements is delayed, and "no one can say when it will end." Mr. Erler believes that delaying gives advantages to Russia, because in January the duration of economic sanctions expires: "Russia is interested in creating an atmosphere that would lead to the consensual termination of sanctions by all the EU countries. Russia will argue that it did everything that depended on it, and will blame Ukraine for all the violation."¹⁶

During the meeting with Ukrainian Prime Minister Arseniy Yatsenyuk, on October 23, German Chancellor **Angela Merkel said that the duration of sanctions against Russia was linked to the implementation of Minsk agreements:** "If the implementation of Minsk agreements lasts longer, we will consider the sanctions in connection with the Minsk agreements."¹⁷

But on October 28-29, **German Vice-Chancellor and Federal Minister of Economic Affairs Sigmar Gabriel visited Moscow, where he held a number of meetings, including with Vladimir Putin.** The atmosphere of confidentiality over the visit surprised German journalists, who recalled that the **Vice-Chancellor had spoken in favor of lifting sanctions against Russia.**¹⁸ Besides, the Vice Chancellor works with the project of "Nord Stream" gas pipeline expansion, directed against the Ukrainian interests and sharply criticized by the Eastern European EU members.

On October 28, former French President Nicolas Sarkozy visited Moscow as well, and he also is known for the statements in favor of lifting sanctions. Although Sarkozy's party is in opposition now, but it retains considerable influence on French politics and is able to put political pressure on the government. Simultaneous visits to Moscow of two loyal political heavyweights from the "Normandy" format countries are alarming signals for Ukraine. Against this background, no wonder that on October 28, after the meeting with EU High Representative for Foreign Policy Federico Mogherini, **MEP from Lithuania Habrielys Landsbergis said that some member states are set to lift a part of sanctions against Russia during the nearest discussion of this issue.**¹⁹

Pushing a policy of delaying and "quiet" sabotage of Minsk agreements, Russia seeks for the lifting of the most painful sanctions, proposing in exchange only "freezing" the conflict in Donbas. With that, the Kremlin will keep the ability to "unfreeze" the conflict at any time it needs to put pressure on Kyiv, for example, over the issue of NATO membership. The refugee crisis, economic problems, and pressure of pro-Russian political forces could eventually force German and French governments to give in and to lift the sanctions. **Therefore, Kyiv should take the advantage of the remaining months (before the review of sanction) to convince its Western partners of the need to continue supporting Ukraine.** To succeed, Kyiv should prove its abilities to effectively carry out reforms and to offer own realistic recipes to resolve the crisis.

¹⁵ <http://tsn.ua/ukrayina/tsn-vikrila-sered-sposterigachiv-obsye-rosiyskogo-shpiguna-521849.html>

¹⁶ <http://www.dw.com/uk/ерлер-затягування-мінських-домовленостей-на-руку-кремлю/a-18813035>

¹⁷ <http://www.pravda.com.ua/news/2015/10/23/7085971>

¹⁸ <http://www.dw.com/ru/почему-вице-канцлер-не-афишировал-визит-в-москву/a-18812884>

¹⁹ <http://ru.delfi.lt/news/politics/landsbergis-opasaetsya-chto-es-mozhet-smyagchit-sankcii-dlya-rossii.d?id=69412546>