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UKRAINE – THE EUROPEAN UNION**KEY THEME ANALYSIS*****AMBIGUOUS WITHDRAWAL OF WEAPONS: IS THERE ANY?***

On September 21 in Minsk the Trilateral Contact Group signed a framework agreement on withdrawing of weapons. This agreement stipulates withdrawal of weapons to three test sites with clearly defined coordinates. On October 1 the Armed Forces of Ukraine withdrew its units near Zolote. But regular violation of the ceasefire by the militants disrupted the implementation of withdrawal of weapons in other areas. In addition, the OSCE Special Monitoring Mission still cannot get full access to the areas of withdrawal. The movement of the monitors is also often blocked.

We can observe that Russia's readiness to implement the cease-fire and launch the withdrawal of weapons, which was declared by European foreign ministers, is not observed in practice. Systematic failures to comply with the conditions for withdrawing on the part of Russia actually stopped the process. There were hopes that the meeting of the Trilateral Contact Group on October 5 would clarify some points, but nothing happened and the parties failed to agree on inclusion of additional security zones¹. The Ukrainian side continues to insist on the release of hostages. An additional news item occurred in the occupied territories as the authorities decided to conduct so-called primaries before the elections. The Russian Central Election Commission stated that it plans to 'remotely monitor' the mentioned primaries². In fact, Moscow is violating its obligations as it attempts to start the political process unilaterally prior to the implementation of its security commitments. Obviously, Russia wants to force Ukraine to accept this process.

The leader of the 'DNR' Oleksandr Zakharchenko, when issuing a statement on the conduct of 'primaries' on July 4, said that they 'will be a preliminary stage of elections on our territories, a sort of 'political education' on the eve of possible elections'. According to the heads of the DNR and LNR one can derive the key message from this action - the militants have formed the political wing and the political system it is based on; the 'primaries', held on 2 October allegedly showed support for this system by the public; the 'exemplary' conduct of 'primaries' by the majoritarian electoral system demonstrates the uselessness of Ukraine, its selective committees and politicians for legitimate electoral process in the territories of the self-proclaimed young republics. 'We ourselves will ensure compliance with all democratic processes, freedom of the press, equal access for candidates and voters, including internally displaced persons and disabled people. I personally guarantee safety for all stakeholders and international observers', assured Zakharchenko. The leader of the 'DNR' emphasized that 'it is time

¹ <http://dw.com/p/2QuvJ>

² <http://www.pravda.com.ua/rus/news/2016/10/2/7122405/>

for political victories³.

'Primaries' in Donbas demonstrated what the results of the upcoming elections in the occupied territories under 'Ukrainian legislation' will look like, according to the Steinmeier-Herault initiative. Firstly, the elections will be closer to United States than Ukrainian legislation. Secondly, the Kremlin will manipulate the election outcomes. Thirdly, they will not change the situation. The elections will simply legitimize the Russian authorities, formally represented by the puppet regimes of Zakharchenko and Plotnitsky, in the occupied Ukrainian territories.

Thus, the 'primaries', conducted in the occupied territories of Donbas, demonstrated an obvious fallacy of the Steinmeier-Herault initiative. The latter has lost its momentum and undergone a complete failure. From a retrospective viewpoint, one can argue that the initiative was a forlorn attempt since the beginning as European colleagues believed in the willingness of the Russian Federation to abide by the terms of withdrawal, though facts implied the contrary.

The events in Syria may seriously affect the implementation of the Minsk agreements. Recent events in the country significantly undermined the international image of Russia. On September 19 Russian aircraft attacked a humanitarian convoy near Aleppo. As a result of the bombing, about 20 people were killed, 18 of the 31 trucks of the UN and 'Red Crescent' were destroyed. According to the publication by Bellingcat, Russian bombs were found at the site of the attack⁴. After the recent termination of the ceasefire in Syria, pro-government forces and Russia's aircraft fleet carried out massive attacks on Aleppo. According to the UK Secretary of State for Foreign Affairs Boris Johnson, the agency has documentary proof of Russian air forces' practice of double bombing, when the second shell hit the rescuers which came to the site after the first bombing⁵.

In fact, these events triggered the failure of the ceasefire, declared on September 12 in Syria, which was agreed between Russia and the US. The international reaction to these events was clear and sharp. In one form or another, government officials of the US, UK and France condemned the actions of the Russian Federation. German Foreign Minister Steinmeier urged Russia to introduce a truce in Syria.

Thus, recent events show us important trends. Firstly, Russia contributes to its international isolation. Secondly, the disruption of the ceasefire in Syria by Russia indicates that the Kremlin can use the same tactics in Donbas and take advantage of the truce to regroup and resume fighting. Western countries' confidence in Russia is shrinking. In this situation, Ukraine's arguments concerning a 'security first' policy in Donbas should become absolutely clear for the West. In the case of any confidence-building measures, Russia must demonstrate its free will first. This may be claimed during the next round of the Minsk talks as well as during the Normandy format meeting. Thirdly, sanctions of the US and the UK will likely remain and may even be strengthened.

Events in Syria provide for Ukraine a tactical opportunity to sabotage any unfavorable initiatives. In the light of the new reputational losses of the Russian regime and potential new waves of refugees to Europe, it is unlikely that the leaders of Germany and France will continue to put pressure on Ukraine. However, the situation in Syria has caused a risk that the US will now seek to force Ukraine to accept the Russian proposal.

On October 5, the information that the Obama administration aims to persuade Ukraine into compromises with Russia at the expense of Ukrainian interests was

³ <http://novynarnia.com/2016/10/02/potishni-praymeriz-v-ordlo-chim-tse-shou-nebezpechne-dlya-ukrayini/>

⁴ <https://ru.bellingcat.com/novosti/mena/2016/09/22/confirmed-russian-bomb-ru/>

⁵ <http://news.liga.net/news/world/12911206->

[dzhonson_rossiya_sovershaet_voennye_prestupleniya_v_sirii.htm](http://news.liga.net/news/world/12911206-dzhonson_rossiya_sovershaet_voennye_prestupleniya_v_sirii.htm)

spread⁶. During the talks in Moscow Nuland and Surkov talked about priority of implementation of the political commitments of Ukraine. In the American press information came to light that Russia intended to use the American electoral cycle in its favor. Russia plans to intensify its efforts and use the last 4 months of Obama's presidency for its strategic advantage⁷. On the one hand, it is unlikely that Obama will pursue a resolute policy in Syria; therefore, Moscow wants to improve its position before the new president assumes office. On the other hand, the Obama administration may try to sell Ukraine to secure better positions for Hillary Clinton ahead of the elections.

The recent foreign policy moves of Russia and 'primaries' in the occupied territories of Donbas established a certain window of opportunity for Ukraine to avoid the implementation of the political commitments and continue to prioritize the security track of the Minsk agreements. However, now there is a chance that not France and Germany but the United States will try to force Ukraine to accept unfavorable conditions.

The other risks for Ukraine are the following: continued confrontation between Russia and the US will reduce the potential for negotiation between the parties, and Russia may find itself in a situation where negotiations will cease to be a restriction anymore. Ukraine, on the contrary, benefits from keeping Russia in the field of rules and negotiations.



⁶ http://news.liga.net/articles/politics/12974936-petr_nuzhny_ustupki_neizvestnye_detali_dialoga_ssha_i_ukrainy.htm

⁷ <http://www.nytimes.com/2016/10/05/world/middleeast/syria-russia-us-election.html?smid=fb-share>

UKRAINE – NATO**KEY THEME ANALYSIS*****POROSHENKO'S PROPHETIC SPEECH IN THE UN: IS RUSSIA BECOMING AN OUTLAW STATE?***

On September 14, the 71st session of the General Assembly began. Petro Poroshenko held a series of meetings on the margins of the General Assembly, namely with President Obama and presidential nominee of the Democratic Party, Hillary Clinton, Vice President Biden and the presidents of Turkey, Latvia and Croatia. The topic of Poroshenko's conversation with Barack Obama was the process of implementation of the Minsk agreements. The parties discussed the roadmap, priority of the security track and the launch of the political part. In addition, the parties discussed the possibility of an additional \$1 billion of loan guarantees⁸.

However, the speech of President Poroshenko to the General Assembly on September 21 deserves our special attention. It can be called successful for various reasons. Firstly, there was a good selection of themes. Secondly, from the retrospective point of view, the speech was rather important in the context of subsequent events.

The speech by the Ukrainian President concerned, above all, the need to reform the Security Council. The President urged the world community to stop ignoring the obvious threats at a time when the stability of the world order faces the greatest challenge since the end of the Cold War. Poroshenko stressed the need to limit the veto power provided a permanent member of the Security Council is a party to a conflict. The main problem of the voting system is that Russia uses its veto power to cover the actions that contradict the provisions of the UN Charter. President Poroshenko highlighted terrorism as a large component of Russia's hybrid aggression in Ukraine. The President also stated that the war in Ukraine can cast a shadow on the international regime of non-proliferation of nuclear weapons as the guarantees, which had been received by Ukraine under the Budapest Memorandum, turned out to be clearly nominal.

In our opinion, the Ukrainian delegation was right when it decided to raise the painful question of the ineffectiveness of the Security Council. However, the suggestion to limit the veto power of a permanent member when the latter becomes a party to a conflict faces a significant problem - the participation in the conflict must be proved. Russian hybrid war against Ukraine demonstrates the whole range of measures that Russia uses to conceal its participation. Russia, even with a limited veto power, will be able to reject decisions aimed at recognizing it as a party to a conflict.

However, we must admit that Ukrainian diplomacy demonstrates a clear inability to use all existing mechanisms of the UN to protect the sovereignty of Ukraine. As mentioned in the research of the International Centre for Policy Studies, Ukrainian

⁸ http://lb.ua/news/2016/09/21/345835_poroshenko_obama_obsudili.html

diplomacy starting from March, 2014, was obliged to use the existing international legal framework 'to limit Russia within the UN'. Firstly, immediately after the occupation of Crimea, in accordance with international conventions for the definition of aggression, the UN Charter, Resolution 3314 of the UN on the definition of aggression, the Budapest Memorandum and a range of other international instruments, Ukrainian diplomacy should have initiated the qualification of Russia as the aggressor and used Article 27 of the UN Charter to deprive Russia of a vote in respect of the issues that affect the conflict in Ukraine⁹.

Further, the authors specify the existing UN mechanisms to deprive Russia of the right to vote as the aggressor state. 'The Ukrainian side, instead of aggressive anti-Russian rhetoric, had to turn to the UN Security Council demanding to restore peace and security as laid down in Article 39 of the UN Charter. In case of the failure of the UN Security Council to do so, to apply the UN Resolution 377 A 'Uniting for Peace' and address the UN General Assembly to consider penalty measures against the aggressor... <. ...>. The UN General Assembly may decide to restore peace and security, including the issue of sanctions against the aggressor or the use of military force. In order to transfer the matter to the UN GA, the procedural decision of UN Security Council, which requires a simple majority of votes of the UN Security Council, is needed. Thus, that was the way to avoid Russia's veto power in the Security Council, to adopt a decision to punish the aggressor or even to create a coalition to be engaged in a peace enforcement operation¹⁰.'

So over the last two years the arguments of the Ukrainian side concerning the terrorist threat posed by the 'DNR' and 'LNR' remained without significant consequences. After the release of the report of the International Joint Investigation Team on downing Malaysian Boeing MH17, it became obvious that the immediate performers will be legally accountable. In addition, the Team confirmed that the Buk missile system, which downed the civil aircraft with a rocket, was Russian, was transported from Russia before the tragedy and was returned back there afterwards¹¹. The report has caused an emotional reaction from the Russian authorities, since the facts mentioned in the report are completely at odds with Russia's official position and its propaganda.

The speech of the President at the General Assembly was successful as the report on MH17 created a news hook so that the world community began to discuss Russia's potential legal responsibility. The leading Western newspapers began to discuss the likelihood of the responsibility of the Russian leadership for the violations of international law¹². The Foreign Minister of Australia suggested establishing a Lockerbie- style tribunal to bring to justice those responsible for the crash of the Malaysian Boeing.

Now there is a possibility that Russia will suffer its first political losses for its terrorist activities in Donbas. Most of them are delayed in time due to the investigation procedure. The report on MH17 was preceded by another reputational loss of Russian foreign policy - the bombing of civilian neighborhoods in western Aleppo. And despite this, Russia has resorted to further offensive diplomatic steps: Vladimir Putin introduced to the Duma a bill which enables Russia to unilaterally withdraw from the intergovernmental plutonium agreement with the US. In this context, Russia delivered the ultimatum to the US - it will not amend the bill if the US abandons its 'hostile policy towards the Russian Federation', cancel the sanctions as well as the Magnitsky Act and

⁹ Міжнародна миротворчість та війна на Сході України: чи є точки дотику? – К.: МЦПД, 2016. – С. 25.

¹⁰ Ibid.

¹¹ <http://www.radiosvoboda.org/a/28019270.html>

¹² <http://www.nytimes.com/2016/09/29/opinion/vladimir-putins-outlaw-state.html>

reduce the number of its military forces in NATO countries bordering Russia¹³.

The parties signed the aforementioned agreement in 2000 and it is one of the most important agreements on nuclear disarmament reached between the parties since the Cold War. The level of bilateral relations between the US and Russia can update negative records. Thus, Russia, feeling the weakness of Obama's administration, whose tenure is coming to an end, went on a deliberate deterioration of relations with the US. Obviously, this will force NATO to react to this situation.

The behavior of Russia in Syria destroys the last remnants of the Russian regime's international reputation. The sanctions are likely to be prolonged and even deepened. The position of France and Germany regarding the Minsk process is less rational. However, the Ukrainian side continues to be interested in the negotiation process - so far, it is the only way to keep Moscow in the framework of the rules and obligations.

The deterioration of relations between Russia and the United States plays into the hands of Ukraine, as this scenario provides confidence that international sanctions against Russia will be prolonged. If the relationship between the two moves into a confrontational phase, Moscow will be able to resume hot war in Donbas. The course of the war in Syria has a strong impact on the situation in Ukraine, as it involves the same external players.



¹³ <http://dw.com/p/2Qpmn>

FOREIGN POLICY OF UKRAINE



KEY THEME ANALYSIS

THE VISIT OF PRESIDENT OF ISRAEL LEFT A BITTER TASTE

On September 27 President of Israel Reuven Rivlin arrived in Kyiv on an official visit. The five-day visit was interrupted on September 28 by the news of the death of the former President of Israel Shimon Peres. The agenda of the visit was quite extensive and included the following issues: bilateral trade relations, liberalization of flight connections, and cooperation in science, technology, agriculture as well as in tourism. Also, Petro Poroshenko offered for Israeli investors to participate in large-scale privatization, which will be held in Ukraine in 2016-2017¹⁴.

A large number of questions to be negotiated and the duration of the visit indicated that the parties had prepared for the visit and political relations between the states are at a high level. However, historical questions such as the case of Poland once again triggered an emotional reaction of society and became an unpleasant background to the visit.

The main event of the visit of the Israeli president was commemorating the 75th anniversary of the tragedy at Babi Yar on September 29. On just September 29-30, 1941, 34,000 Jews were shot dead here. The President of Israel was unable to attend this event for the aforementioned reasons. However, his speech at the parliamentary hearings on the tragedy at Babi Yar caused a public response. Reuven Rivlin stated that Ukrainians, especially the Organization of Ukrainian Nationalists, was involved in the mass murder and persecution of Jews during the Second World War¹⁵.

This statement has caused understandable outrage in Ukrainian society. There were a variety of arguments, among which are the following groups: the persecution of Jews by Ukrainian nationalists is a Soviet-made myth; Ukrainians helped Jews and there are many facts that support the statement; Ukrainians were likewise shot at Babi Yar; there are new academic research papers of Western scholars, which confirm the existence of anti-Semitism in the ideologies of both organizations of Ukrainian nationalists, but the Israeli population is poorly informed about the tragic fate of the members of the OUN; supporters of anti-Semitism should not be classified by nationality – we should rather just count the names.

¹⁴ <http://www.president.gov.ua/news/ukrayina-ta-izrayil-domovilis-pro-znachne-rozshirennya-ekono-38295>

¹⁵ <http://dw.com/p/2QjMp>

The speech of President Rivlin confirms the idea that political interference in historical questions brings mostly negative manifestations. Mr Rivlin's statement from the parliamentary rostrum automatically pulls these events out of context, leaving no mention of the other tragic events that Israeli colleagues either are not aware of or do not want to recollect. Jews participated in the crimes of the Soviet authorities, including the conduct of the Holodomor of 1932-1933. Obviously, negative stereotypes about Ukrainians are still popular in Israeli society. These stereotypes were formed by Soviet propaganda in the course of discrediting Ukrainian nationalists.

We believe that an active research of the National Memory Institute into the fate of Jews in Ukraine during World War II can find the way out of this situation. Also, we should intensify cooperation between the Ministries of Foreign Affairs, historians and public figures to discuss not only what happened in the past, but common principles which can enable us to avoid similar tragedies in the future.

