

# INTERNATIONAL WEEKLY

**№ 17**

**16.10.2016 – 31.10.2016**



Foreign  
Policy  
Research  
Institute

Friedrich Naumann  
STIFTUNG **FÜR DIE FREIHEIT**



## UKRAINE – THE EUROPEAN UNION



### KEY THEME ANALYSIS

#### ***WILL UKRAINE RECEIVE THE VISA FREE REGIME, PROMISED BY PETRO POROSHENKO, BEFORE NOVEMBER 24, 2016?***

The Speaker of Ukraine's Parliament Andriy Parubiy and the Chairman of the European Parliament Committee on Foreign Affairs Elmar Brok urged the European Parliament to vote on granting Ukraine a visa-free regime on November 21, the anniversary of Euromaidan. Recently, Poroshenko gave assurance that the European Parliament will adopt the visa-free regime by November 24. This statement of the president was not the first of its kind. During the 2014 presidential elections and hereafter Poroshenko claimed that on January 1 2015 the visa-free regime would finally enter into force. The deadlines repeatedly changed afterwards.

We can state that **the decision will not be adopted** prior to November 24. There are a number of reasons for this. **Firstly**, the launch of the visa-free regime requires the consent of the European Parliament and of the Council of the European Union. Currently, only the European Commission has suggested introducing the visa-free regime. Also, a vote on this issue was not included in the agenda of the European Parliament, just as in October. It should be recalled that in order to complete the process of establishing the visa-free regime with Ukraine a positive vote by a simple majority in the European Parliament and a decision of the Council of the European Union by 55% of the countries representing 65% of the population are required. In other words, Ukraine may be denied the visa-free regime if at least four countries representing 35% of the population vote against. In addition, the final decision enters into force on the 21st day after being adopted.

On October 28, the President of the European Council Donald Tusk once again reiterated that Ukraine has fulfilled all the requirements, and the EU has to complete all internal procedures to make a decision. In fact, the EU is not able to take a positive decision on this issue at the moment for one of these reasons: either internal negotiations are underway, during which EU leaders are trying to convince those states that could potentially oppose the decision or the EU has already arrived at a negative decision on the matter, but does not want to express it directly.

**Secondly**, the fact that the decision on the visa-free regime was adopted at European level (European Commission), but is stalled at national level (the Council) indicates that certain governments of the European Union oppose establishing a visa-free regime with Ukraine. According to Foreign Minister Pavlo Klimkin, the process of consultation on this issue is being considered in the broader context of the migration crisis and its political aftermath.

**Thirdly**, due to the ongoing migration crisis and Turkey's refusal to accept refugees from Syria, the EU decided to establish a visa suspension mechanism on third countries. According to [Sehodnya.ua](http://sehodnya.ua), the European institutions have not agreed yet on the date of consideration of legislative initiatives on the suspension mechanism. The technical meeting on the suspension mechanism has been held, but it is still unclear how this mechanism can be implemented. There are no negotiations regarding the issue on the agenda of the European Commission, the European Parliament and of the Council. Once this triangle reaches a compromise, there will be a vote in the Committee on Civil Liberties, Justice and Home Affairs. Also, the Council has to adopt it at the Committee of Permanent Representatives. After technical finalization, the text has to be adopted at the plenary session by the European Parliament and by the Council. Thus, [sehodnya.ua](http://sehodnya.ua) claims, *the liberalization of the visa regime with Ukraine will be postponed until the suspension mechanism issue is resolved.*



## UKRAINE – NATO



### KEY THEME ANALYSIS

#### **ARE NATO-RUSSIAN RELATIONS REACHING THE HISTORIC LOW?**

The deterioration of relations between NATO and Russia continues. According to newspaper *Izvestia*, the first two of five ships entered the Baltic Sea to become part of a newly established naval formation in the territory of the Kaliningrad region. Buyan-M-class corvettes are equipped with the *Kalibr* cruise missile system, which can carry nuclear warheads. The precise performance characteristics of the missiles are not known, but according to a series of messages, their range can reach 400 km for naval targets and 2,600 km for ground targets. The emergence of such military technology in the international waters of the Baltic Sea has caused concern on the part of NATO. Analysts at the Atlantic Council's Digital Forensic Research Lab argue that the emergence of these missiles will expand fivefold the range of potential attack by the Russian naval group in the Baltic region. Thus, the balance of power in the Baltic Sea will be significantly altered in favor of Russia. If the warships are part of the Baltic Fleet, NATO should be ready for potential military operations on its eastern flank and build up strength.

The same day that the Russian ships entered the waters of the Baltic Sea, NATO states decided to strengthen their military power on the Eastern flank. An additional 4,000 personnel will be deployed in the region early next year. The latter will be reinforced with a 40,000-strong rapid-reaction force, and if need be, follow-on forces. Given the fact that the 330,000-strong military group is located near Moscow, this step can be considered a purely political response of NATO to the Kremlin.

NATO is currently calculating a strategic decision, which can be briefly described as follows: ***whether to recognize Russia as a threat to the security of NATO and make the appropriate political and military preparations, or continue to limit itself to graduated responses to any aggressive actions of the Kremlin, while looking forward to resuming dialogue and the strategic partnership with Russia.*** The first option involves increasing the military capabilities of NATO's eastern flank, but also eliminates the possibility of normalizing relations with Russia for the foreseeable future. Given that NATO officials have often repeated its readiness for dialogue with Russia, the first option remains **unlikely**. The practice of stationing an additional several thousand soldiers has apparently become a well-established response of the Alliance to the aggressive actions of Russia. The same step was taken this summer. In our opinion, such actions should be seen as a political signal of support for the Eastern European members of NATO. However, the situation with the deployment of ships in Kaliningrad is of a qualitatively different nature - ***it changes the balance of power in the region, while the large-scale military***

***exercises in August of this year were only a demonstration of existing resources.***

Obviously, **there is a lack of unity among NATO countries regarding its Russia policy.** German Foreign Minister Frank-Walter Steinmeier and EU High Representative for Foreign Affairs and Security Policy Federica Mogherini are sceptical about a Syrian package of sanctions. Thus, the deployment of additional personnel in NATO's east resembles a consensus decision, aimed at reassuring its members, and responding to the actions of Russia.

In the context of these events we should pay attention to the statement of the director of the NATO Liaison Office in Ukraine Alexander Vinnikov. He said that a document that provides a plan of cooperation between Ukraine and NATO for the next year is being prepared. According to Vinnikov, this document involves cooperation on the level of strategic reforms.

As a result, the aggressive actions of Russia against NATO are becoming more pronounced. This practice could lead to a review of strategic plans within NATO. The latter has already increased its defense spending. These events indicate that the main cause of war in Donbas is the aggressive policy of the Kremlin.

*Ukrainian diplomacy can use these events to convince Western colleagues that Ukraine is not another problem, but is an element of solving the real problem - the militant political regime in Russia. With the continued policy of confrontation, NATO should abandon attempts 'not to irritate Russia with its cooperation with Ukraine' and maximize the level of partnership with Ukraine.*



## FOREIGN POLICY OF UKRAINE



### KEY THEME ANALYSIS

#### **IS THERE ANY MINSK 'ROADMAP'?**

On October 19 a long-awaited Normandy meeting was held in Berlin. The parties agreed on the need to create a 'road map' of implementation of the Minsk agreements. The possibility of new commitments on the part of Ukraine in the conflict with Russia in Donbas provoked a discussion in Ukrainian society. But is there a so-called 'road map' at all?

If we compare the statements of the Presidents of Ukraine and Russia, which they made after the meeting in Berlin, it seems that the parties were talking about different things. According to Oleksii Melnyk, co-director of the program on foreign policy and international security at the Razumkov Center, no 'road map' has been agreed or signed. The parties expressed very different interpretations, which have to be agreed on at a technical level during further negotiations.

Why did the concept of the 'roadmap' emerge? Ukraine signed the Minsk-2 agreements in the middle of the catastrophic situation of Ukraine at the front. In February 2015, Russian troops and separatist groups held Ukrainian troops in the siege around Debaltseve, which subsequently fell under their control. These agreements provide for a series of unpopular steps by the Ukrainian authorities (such as adopting amendments to the constitution and holding elections in the occupied territories). However, the text of the agreements is devoid of any precise wording that indicates the sequence of actions to be made. According to the logic of conflict settlement, security track has to be performed first. This position is supported by Ukraine. Russia's position is quite the opposite - the Kremlin requires clear political steps.

What is the likelihood that the 'road map' will be signed? On October 26, a regular meeting of the Trilateral Contact Group was held. The representatives of the parties were to specify and implement what the leaders agreed on during the Normandy Format meeting. The results of the meeting indicate that there are contradictions between the negotiating positions of the parties. The biggest contradiction is the issue of the **OSCE police mission**. **Petro Poroshenko** argued that *the OSCE police mission should take control of the Ukrainian-Russian border during the run-up to elections* in order to stop the movement of Russian military and Russian arms supplies. As to **the position of Russia**, at first, it was informed that *deployment of the police mission was not discussed in Berlin* and Vladimir Putin gave only 'potential consent.' Later, it was



announced that Putin was the only one who supported Poroshenko in the matter of the OSCE police mission. However, the Russian president described it differently - armed men that will ensure safety during elections. Also, this issue was not discussed during the meeting of the Trilateral Contact Group. Obviously, the Russian side dislikes the idea of deploying an OSCE police mission, so they decided to play with concepts in order to disrupt the process or negate the potential of the mission.

In fact, the OSCE has no mandate other than to conduct monitoring missions. The OSCE has a mandate from the UN for a monitoring mission only. Accordingly, over 20 years it has fulfilled similar missions in Kosovo, the Balkans, and the Caucasus. Monitoring missions are introduced during conflict prevention or during the maintenance of peace in the security zone, where they monitor the ceasefire and disarmament processes. The mission possesses no other mandate. Moreover, this mission cannot be armed. According to the Helsinki Final Act, the OSCE must act only by means of preventive diplomacy. That is why absolute security in the region is the first condition for the introduction of the mission. In Donbas, monitors are exposed to constant dangers and it is generally prohibited by their mandate.

In this case, Putin advocates the introduction of a mission, but only in three pilot zones, while the President of Ukraine suggests deploying it throughout the occupied territory. Neither scenario is likely to happen. The OSCE cannot conduct such operations. Firstly, it has no such mandate. Secondly, military police may be involved instead of police officers, but the OSCE lacks such. But even if the UN undertakes all these responsibilities, the police mission is usually introduced during the last stage of conflict resolution.

The functions of the police mission are purely administrative. The police mission undertakes law enforcement functions until a civilian government is formed through elections. But before holding elections, the police mission has to arrange civilian life. That is why the police mission is usually introduced only after, not during, war. The UN will never give permission to deploy the police mission during the war because this means exposing it to danger.

Another contradiction is the process of withdrawal. Currently, the parties have agreed on withdrawal of weapons in three pilot areas. The weapons have been withdrawn and the territory cleared of mines in the two areas, while the process stalled in Stanytsia-Luhanska. The Ukrainian side appeals to the Minsk-1 agreement and insists that Debaltseve and other territories captured after September 2014 should return to Ukrainian control. This statement was articulated in a rather strong manner, which may indicate that the Ukrainian side is confident about its negotiating positions.

There is a distinct paragraph in the Minsk-2 agreement that envisages the release and exchange of all hostages and illegally detained persons. However, the Russian side has connected the issue with the amnesty law. It should be recalled that the recently adopted PACE resolution envisaged that the amnesty clauses cannot justify impunity for the perpetrators of serious human rights violations (paragraph 13).

Eventually, we can argue that the parties have shown no progress in negotiations. *Consent of the parties to the 'road map', which constitutes nothing but the name, is indicative that the parties wish to remain in the negotiation process and recognize that the existing arrangements do not have an effective impact on the process. On the other hand, the parties chose delaying tactics. There will be elections in the US soon and in the summer of 2017 there will be elections in Germany. The parties understand the cause of the ineffectiveness of Minsk, but are not willing to make concessions at the time. Foreign Minister Klimkin said that it may take months or years for the so-called 'LNR' and 'DNR' to comply with the requirements for holding elections.*