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## UKRAINE – THE EUROPEAN UNION



### KEY THEME ANALYSIS

#### ***WILL THE ASSOCIATION AGREEMENT BECOME THE AGREEMENT OF DISCRIMINATION?***

It is known that the Netherlands remains the only EU member that has not ratified the Association Agreement between Ukraine and the EU. At first, the Dutch parliament ratified the agreement<sup>1</sup>, but the opposition pushed for a referendum, which was held on April 6, 2016. 61% of voters voted against the ratification of the agreement with Ukraine. This referendum was consultative, but the Rutte government had to respond to the results. At the moment, the cabinet has prepared a preliminary version of the annex to the agreement, which, together with the Association Agreement, may be ratified. Nevertheless, such developments induce considerable challenges

**Firstly**, the very existence of the said annex, which is planned to be a 'legally binding document', does not secure its ratification. The Rutte government's proposal is currently supported by the EU leaders, but the Dutch Prime Minister would have to consult with domestic opposition parties. According to Rutte, he plans to submit the document for ratification in January of next year<sup>2</sup>. Although the requirements, outlined in this document, do not contradict the Association Agreement, striving to make the document legally binding could cause another round of ratification procedures by the EU members and Ukraine. Taking into account that some EU members are going through their pre-election period, which have demonstrated the growing popularity of populist and Eurosceptic politicians, there is a risk that additional ratification can be stalled not only in the Netherlands. Its ruling coalition possesses enough votes in the lower house to vote for ratification of the Association Agreement in an updated form, but the voting outcomes in the upper house of parliament will depend on the faction 'Christian Democratic Appeal' (CDA), which has made no clear statement on its position on the issue up to the present time. As a result, the ratification of the Ukraine-EU agreement has become a rather painful issue for the Rutte government.

**Secondly**, many political rivals of the People's Party for Freedom and Democracy (VVD) use the existing situation for anti-government rhetoric, asserting that Rutte does not follow the voice of the people. In such a manner they are trying to gain political advantage ahead of elections, which will be held on March 15, 2017. Prime

<sup>1</sup> <http://dw.com/p/2UKY0>

<sup>2</sup> <http://dw.com/p/2UKY0>

Minister Rutte said that the failure of a vote on this issue will constitute a motion of no confidence in the government<sup>3</sup>.

Let's go back to the content of the annex to the Agreement proposed by the Rutte government. The annex contains four reservations that are designed to soothe Dutch voters. **First**, the annex states that the Association Agreement will not automatically enable Ukraine to join the EU. However, the prospect of Ukraine's membership in the EU is not mentioned in the text of the Agreement. The process of accession is regulated by article 49 of the Lisbon Treaty<sup>4</sup>. **Second**, the annex states that Ukrainians cannot be resident and seek employment in the EU. The text of the Agreement does not provide Ukrainians with the right to live and work in the territory of the Member States. **Third**, Ukraine will not receive collective security guarantees from the EU. There is also no direct contradiction between the aforementioned annex and the Association Agreement. The Agreement provides for cooperation in the field of foreign and security policy, namely on the prevention of conflicts, disarmament, counter-terrorism, etc. Moreover there is no mention of granting Ukraine collective security guarantees. **Fourth**, the annex states that the EU will have no obligation to provide financial assistance to Ukraine. Again, the text of the Association Agreement does not mention Ukraine's right to have access to EU structural funds.

At the same time, the mentioned annex once again refers to the need to fight corruption in Ukraine. According to the Dutch Foundation for Electoral Research (SKON), **concerns over Ukrainian corruption among Netherlands were the main reason for the negative vote in the referendum**. This cause was named by 34% of respondents, while only 16% referred to the fear of Ukraine's accession to the EU<sup>5</sup>.

If the government's desire to appease Dutch voters requires making the annex legally binding, it will obviously require the additional ratification by Ukraine and other member states. Thus, the events in the Netherlands indicate that the communications policy of both Brussels and Kyiv has failed. If one assumes that Rutte's plan is really the essence of what frightens the Dutch in the Association Agreement with Ukraine, the parties have failed to convey to the average Dutch voter the idea that the agreement does not contain these four threats. On the other hand, there are many other risks associated with the Rutte annex. **First**, it may be not ratified by the upper house of the parliament. **Second**, if the government seeks a legal status for it, it will require all signatories to the association agreement to ratify it. This development could link the process of ratification of the Agreement with elections in other EU countries, primarily in France.

The annex actually lays the foundations of discrimination against Ukraine as a European country that is contrary to the nature of both the Association Agreement and the Lisbon Treaty. **Firstly, the annex denies Ukraine's right to join the EU, while openness for entry for European countries is one of the fundamental principles of the European Union. Secondly, the ban for Ukrainians to reside and seek employment in the EU is nothing but a harsh discrimination of freedom of movement. Thirdly, Ukraine as a subject of international law and international relations has not only the right to be a contributor to international security, but to be a recipient, especially at the time of ongoing aggression. The annex deprives Ukraine of a right to receive collective assistance from any EU state, even though this right is guaranteed by the UN Charter and other international conventions and agreements. Therefore what is the value of such an Association Agreement if the annex contradicts the**

<sup>3</sup> <http://dw.com/p/2UGkX>

<sup>4</sup> <http://dw.com/p/2UQXm>

<sup>5</sup> <http://dw.com/p/2UGkX>

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*principles and purpose of the Agreement and when the Association Agreement becomes an agreement of discrimination?*



**UKRAINE – NATO****KEY THEME ANALYSIS*****MEETING OF THE NATO-UKRAINE COMMISSION: NEW SPHERES OF COOPERATION***

On December 7 the meeting of the NATO-Ukraine Commission was held in Brussels. As a result of the meeting, the parties adopted a number of important policy decisions that have the potential to influence the future of the Euro-Atlantic integration of Ukraine. During the meeting, Jens Stoltenberg assured a need to extend the regime of economic sanctions to pressure Russia. NATO leaders also called on all members of the Minsk process to strengthen efforts for the implementation of the Minsk agreements<sup>6</sup>.

Another issue that was discussed in detail was the problem of corruption. Obviously, NATO as well as any other organization that provides financial assistance to Ukraine is interested in their funds being used effectively. In this context, the reform of electronic declaration and the reform of the National Police were mentioned. Jens Stoltenberg confirmed that the mechanism of providing financial assistance to the Ukrainian side is transparent and remains under close supervision<sup>7</sup>.

An important context for political dialogue between Ukraine and NATO was the recent decision of the EU and NATO to join efforts in respect of more than 40 issues. In particular, the parties plan to establish a joint centre to combat hybrid threats<sup>8</sup>. This decision is a reaction of European countries to risks that potentially derive from the policy of the Trump Administration. The Foreign Minister of Ukraine Pavlo Klimkin after the meeting of the joint commission stated that 'it is necessary so that Ukraine gradually becomes part of the eastern flank of NATO<sup>9</sup>.' At the same time, British Ambassador to Ukraine Judith Gough supported Ukraine's desire to complete integration with NATO by 2020<sup>10</sup>. It should be recalled that the General Staff has completed the development of the State Development Program of the Armed Forces until 2020, and handed it to the government. Victor Muzhenko said that achieving full interoperability of Ukrainian units with NATO forces is an absolutely realistic prospect<sup>11</sup>.

On December 18 the day of Ukraine's defence industry, organized by UkrOboronProm, was held in the NATO headquarters in Brussels. This event was the first of its kind. Ukrainian armoured vehicles, missile and artillery systems, radar and

<sup>6</sup> <http://www.radiosvoboda.org/a/28161756.html>

<sup>7</sup> Ibid.

<sup>8</sup> <http://korrespondent.net/world/3783944-nato-y-es-obedynylys-po-40-frontam>

<sup>9</sup> [http://dt.ua/UKRAINE/ukrayina-maye-postupovo-stati-chastinoyu-shidnogo-flangu-nato-klimkin-226773\\_.html](http://dt.ua/UKRAINE/ukrayina-maye-postupovo-stati-chastinoyu-shidnogo-flangu-nato-klimkin-226773_.html)

<sup>10</sup> [http://dt.ua/POLITICS/velika-britaniya-shvalyuye-pragnennya-ukrayini-integrativsya-u-nato-do-2020-roku-226544\\_.html](http://dt.ua/POLITICS/velika-britaniya-shvalyuye-pragnennya-ukrayini-integrativsya-u-nato-do-2020-roku-226544_.html)

<sup>11</sup> [http://dt.ua/UKRAINE/genshtab-maye-namir-dosyagti-povnoyi-sumisnosti-z-silami-nato-226436\\_.html](http://dt.ua/UKRAINE/genshtab-maye-namir-dosyagti-povnoyi-sumisnosti-z-silami-nato-226436_.html)

navigation systems were demonstrated<sup>12</sup>. It was stated that one of the goals of the event was to get access to the markets of NATO states, which in the past were part of the Warsaw Pact, and therefore continued to use Soviet weapons technology. UkrOboronProm can offer upgrade options for mentioned equipment without Russia's help. Also, the Ukrainian side is interested in expanding its international cooperation, including with NATO states.

The events of the last two weeks indicate that **two new areas of cooperation** within NATO-Ukraine relations are potentially emerging. They are ***the exchange of information and expertise to counter hybrid warfare and cooperation in the production of weapons***. The political agreement between the EU and NATO indicates that **the issue of countering hybrid challenges will be one of the most important topics in the cooperation between the parties in the defence and security sphere**. Since Ukraine has invaluable experience in this field, cooperation with Kyiv is extremely important for Brussels. On the other hand, after freezing contacts with Russia the Ukrainian military-industrial complex is experiencing a lack of international cooperation. In this context, **UkrOboronProm's entry into European markets, especially of countries that use Soviet-era weapons would bring mutual benefits to both parties**.



<sup>12</sup> <http://www.segodnya.ua/politics/pnews/ukraina-pokazala-nato-na-chto-sposoben-ee-vpk-779001.html>



## FOREIGN POLICY OF UKRAINE



### KEY THEME ANALYSIS

#### **WHAT DOES THE RUSSIA-TURKEY GEOPOLITICAL ALLIANCE MEAN FOR UKRAINE?**

Turkey once again is on the front pages of the news. In early December, the Turkish parliament approved a law on ratification of the agreement with Russia on 'Turkish Stream'<sup>13</sup>. On December 6 President Recep Tayyip Erdogan signed the law on ratification. It should be recalled that according to the agreement, the parties plan to build two branches of the cross-country gas line under the Black Sea. The first branch is supposed to carry out gas supplies to the Turkish market, the second - to Europe. It is claimed that the pipeline will be built in the second half of 2017 and the two branches are planned to be put into commission in 2019. Although there are existing contradictions in interests between Russia and Turkey, especially regarding the future of the Assad regime, the signing of the contract is one of the most tangible results of a dramatic rapprochement between Ankara and Moscow, which took place following the coup d'etat attempt in Turkey this summer.

This project has strategic importance for both sides. This pipeline would allow Russia to supply gas to Europe, bypassing Ukraine. This pipeline will enable Turkey to reduce the share of Iranian gas in its own market, which is about 70%<sup>14</sup>. However, there are still differences in interests between Russia and Turkey. Ankara is trying to get a discount on gas. In addition, there are still a number of trade restrictions between the parties that were adopted following the downing of the Russian fighter jet over the territory of Turkey. This primarily concerns the ban on imports of agricultural products from Turkey, which still exists in Russia.

Improving bilateral relations between Turkey and Russia has a clear regional manifestation. On December 16 Vladimir Putin, at a meeting with Japanese Prime Minister Shinzo Abe, suggested the creation of a conference venue on the Syrian conflict in Astana. Putin said that the move was agreed with the Turkish President Erdogan and if the parties agree on it, he will address the President of Kazakhstan Nursultan

<sup>13</sup>

[http://espresso.tv/news/2016/12/02/quottureckyy\\_potikquot\\_deputaty\\_ukhvalyly\\_ugodu\\_z\\_rosiyeyu\\_schodo\\_budivnyctva](http://espresso.tv/news/2016/12/02/quottureckyy_potikquot_deputaty_ukhvalyly_ugodu_z_rosiyeyu_schodo_budivnyctva)

<sup>14</sup> <http://www.segodnya.ua/world/tureckiy-potok-ostaetsya-elementom-shantazha-776886.html>

Nazarbayev with the request<sup>15</sup>. Putin also suggested introducing a ceasefire across Syria to start negotiations<sup>16</sup>.

Obviously, Russia has taken the military initiative in the Syrian conflict and now is trying to use its strategic advantage to create an alternative platform and control the dynamics of the negotiations. Turkey's position on the conflict in Syria has transformed significantly in recent months. Under the 'Euphrates Shield' operation, it is expected that units of the Turkey-supported rebels will be relocated to maintain security in the 90 km zone in northern Syria<sup>17</sup>. The rebels will join Turkey in order to recapture the town of al-Bab, 40 kilometres north-east of Aleppo, which is now controlled by Islamic State.

One reason for Turkey's shift in the Syrian issue is Ankara's long-term dissatisfaction with Washington's policy in the Middle East. Apparently, the White House decided to leave Russia's strengthening unanswered and focus mainly on the fight against Islamic State. As part of this plan, the US government has made a bet on the forces of the Kurdish People's Self-Defence. The US equips The People's Protection Units (YPG), which has links with the Kurdistan Workers' Party, which is recognized as a terrorist organization both by Turkey and the US.

The US also provided military support to democratic forces in Syria that are organized around units of the Kurdistan People's Self-Defence and various Arab opposition groups. On December 9, Barack Obama decided to reduce a number of restrictions established by the Arms Export Control Act. There are predictions that this move was made in order to allow Obama to authorize the supply of arms to democratic forces in Syria, which are currently preparing to retake Raqqa from Islamic State<sup>18</sup>. Supporting the democratic forces of Syria is strategically important for the United States because its other allied groups failed. The American administration's support of Rojava is a cause of tension in relations between Turkey and the US.

Recent events in the Middle East indicate the beginning of tectonic changes. Turkey is drifting further and further away from the European integration course. The construction of the 'Turkish Stream' gas pipeline can have a positive impact on the economy of Turkey, which is now facing stagnation, and reduce Ankara's dependence on energy supplies from Iran. Recent military victories of government troops in Aleppo and Putin's first comments on possible talks in Astana indicates the possible signing of a peace agreement involving some of the main agents in the conflict - Russia, Turkey and Iran. But in this case, the US and the EU can be successfully eliminated from the negotiations. The reaction of European countries in recent weeks has been passive. As for Washington, the latter actually put its hand to enabling changes in the region to have gained such momentum. Its bet on Kurdish self-defence in the fight against Islamic State played a cruel joke on the US. At the moment, the strategic interests of Turkey are much closer to the interests of Russia. Putin is taking advantage of the situation and his Syrian policy is starting to pay dividends.

The events described above constitute grounds for pessimistic trends for Ukraine. Russia intensifies its geopolitical presence in the Black Sea and the Middle East regions. In case of successful implementation of the 'Turkish Stream' project, Ukraine will lose both financial benefit from the transportation of Russian gas to Europe and the political influence that is naturally associated with control over the gas pipeline. Transformation of Turkish policy regarding Syria indicates that Moscow and Ankara have been able to find common ground. Ukraine continues to have no credible alliance in the Black Sea region.

<sup>15</sup> <http://www.segodnya.ua/world/tureckiy-potok-ostaetsya-elementom-shantazha-776886.html>

<sup>16</sup> <http://edition.cnn.com/2016/12/16/middleeast/aleppo-syria-putin-evacuations/>

<sup>17</sup> <http://www.reuters.com/article/us-mideast-crisis-syria-turkey-idUSKBN14422U>

<sup>18</sup> <http://www.independent.co.uk/news/world/middle-east/barack-obama-risks-turkey-erdogan-backlash-after-lifting-military-restrictions-in-syria-kurds-raqqa-a7465101.html>



## COUNTERING RUSSIAN HYBRID WARFARE



### KEY THEME ANALYSIS

#### **US WERE CAUGHT NOT READY FOR THE HYBRID WAR WITH RUSSIA**

President Barack Obama has instructed to re-evaluate and publish a full review of all materials on Russia's interference in the presidential elections in the US.

Obama adopted such a decision in response to pressure from his colleagues from the Democratic Party, who required declassifying the information associated with this issue. On December 9, Obama's advisor Lisa Monaco told reporters that the materials would be introduced to legislators and the public<sup>19</sup>. American media corporation NBC News reported that members of the US intelligence services believe that Russian President Vladimir Putin was personally involved in the secret interference in the presidential election in the US<sup>20</sup>. This information was known to US intelligence back in September, but then decided not to disclose this information in order not to influence the presidential election.

Thus Obama himself does not believe that this subversive operation was led personally by Vladimir Putin. In response to this question, he replied 'not much happens in Russia without Vladimir Putin. This is a pretty hierarchical operation, [...] particularly when it comes to policies directed at the United States<sup>21</sup>.'

Donald Trump also consistently rejected the conclusions of the intelligence community about Russian hacking. 'I don't believe they interfered' in the election, he told Time magazine this week. The hacking, he said, 'could be Russia. And it could be China. And it could be some guy in his home in New Jersey<sup>22</sup>.' The CIA was also inclined to believe that Russia intervened in the presidential elections to help Donald Trump win, not just to undermine the credibility of the US electoral system<sup>23</sup>.

<sup>19</sup> Обама доручив оприлюднити огляд щодо втручання Росії у вибори. <http://glavcom.ua/news/obama-doruchiv-oprilyudniti-oglyad-shchodo-vtruchannya-rosiji-u-vibori-387257.html>

<sup>20</sup> Обама заявив, що попередить Росію щодо подальших кібератак на США <http://detector.media/infospace/article/121545/2016-12-17-obama-zayaviv-shcho-poperedit-rosiyu-shchodo-podalshikh-kiberatak-na-ssha>

<sup>21</sup> Ibid

<sup>22</sup> Secret CIA assessment says Russia was trying to help Trump win White House. [https://www.washingtonpost.com/world/national-security/obama-orders-review-of-russian-hacking-during-presidential-campaign/2016/12/09/31d6b300-be2a-11e6-94ac-3d324840106c\\_story.html?utm\\_term=.506c088bdeb8](https://www.washingtonpost.com/world/national-security/obama-orders-review-of-russian-hacking-during-presidential-campaign/2016/12/09/31d6b300-be2a-11e6-94ac-3d324840106c_story.html?utm_term=.506c088bdeb8)

<sup>23</sup> Ibid

Of course, this report will not change the election outcomes, as it will be presented to the new president Donald Trump. But the thing that was not understood in the US, was the real results of a hybrid war against the West. Firstly, Americans are not aware of the realities of hybrid war against the US and its far-reaching consequences. They tend to see it as hooliganism of hackers or cyber-attacks of an abstract network.

Secondly, the US did not realize that the purpose of the operation was to create a situation of chaos in the US electoral system. As the former adviser to Putin, Gleb Pavlovsky said 'Of course the Kremlin likes the fact of such an atmosphere of chaos. Because we are traders of chaos. We sell it, and the more chaos there is in the world, the better it is for the Kremlin<sup>24</sup>.' And Russia has largely achieved it.

***This chaos sowed doubts about the correctness of voting of the Electoral Commission. Now Donald Trump will face a lack of legitimacy as president, and as a result - dependence on Russia. Americans have less trust in the elections, and hence, in the political system of the United States. Actually, this is the Russians' strategy of destruction and weakening the US from the inside.***



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<sup>24</sup> Moscow has the world's attention. For Putin, that's a win. [https://www.washingtonpost.com/world/europe/the-kremlin-likes-the-hacking-attention-but-not-the-blame/2016/12/14/65279738-c177-11e6-92e8-c07f4f671da4\\_story.html?utm\\_term=.9768fba9a0cf](https://www.washingtonpost.com/world/europe/the-kremlin-likes-the-hacking-attention-but-not-the-blame/2016/12/14/65279738-c177-11e6-92e8-c07f4f671da4_story.html?utm_term=.9768fba9a0cf)