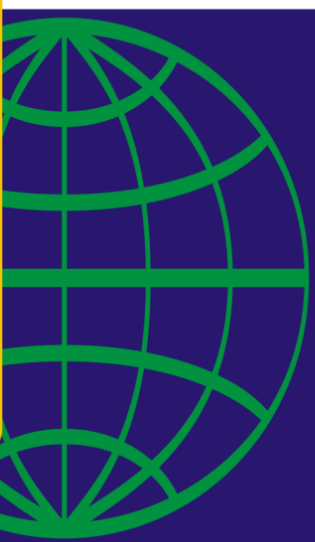


INTERNATIONAL WEEKLY

№ 2

01.02.2017 – 15.02.2017



Foreign
Policy
Research
Institute

Friedrich Naumann
STIFTUNG FÜR DIE FREIHEIT



UKRAINE – THE EUROPEAN UNION



KEY THEME ANALYSIS

THE EUROPEAN UNION FEELS MORE SHARPLY A DIRECT DANGER NEAR THEIR BORDERS WITH RUSSIA

The political dialogue between Ukraine and the EU significantly intensified over the past two weeks. . On February 6, the meeting of the Foreign Affairs Council of the EU was held. The meeting was chaired by the EU High Representative for Common Foreign and Security Policy Federica Mogherini. The priority issue for discussion was the escalation of the situation in Eastern Ukraine. In addition, the Ministers reviewed the progress of implementation of the reform agenda that has been made over the past few years. Also they focused attention on the deteriorating security and humanitarian situation in Donbas, in particular near the Avdiivka area.

Determined not to wait longer for a clear stance from Washington, the EU Foreign Ministers stated that economic sanctions should be kept until Russian President Vladimir Putin fulfils his promise to promote a truce for Donbass and withdraw heavy weapons from the border areas. Federica Mogherini said 'The European Union will never recognize the annexation of Crimea'. In solidarity with her, British Foreign Minister Boris Johnson said 'the UK will be insisting that there is no case for the relaxation of the sanctions, every case for keeping up the pressure on Russia'. [1]

During the meeting, the Council expressed its strong commitment to support the Ukrainian reform agenda, through continued and significant financial support, as well as through the EU Advisory Mission (EUAM Ukraine). The Council encouraged full implementation of these reforms and wished to the Ukrainian Authority further progress in areas such as constitutional, judicial and electoral reform, public administration, and the energy sector. Also, the Council did not forget about the issue of the deteriorating humanitarian situation in the Eastern Ukraine, and traditionally expressed concern about this. Along the same day (February 6) the Ukrainian issue was debated in the European Parliament. Some parliamentarians encouraged the European Union to be more proactive and start discussions on the possibility of the deployment of the Common Security and Defense Policy Mission to Ukraine and not to delay visa-free access to the EU for Ukrainian citizens - because Ukraine has fulfilled all the 144 criteria of the visa liberalization Action Plan. [2]

While Trump's policy towards Ukraine is somewhat controversial, despite his declarations of support, Ukraine has become a topic in the agenda of the EU structures. With every escalation fact of Russian aggression in Eastern Ukraine, the European Union feels direct danger near their borders. Primarily, supporting Ukraine for the EU is a contribution to its own security and EU actions must have a stronger character.

1. <http://ukrainian.voanews.com/a/mogherini-eu-ukraine/3708049.html>
2. <http://eu.prostir.ua/news/271889.html>

UKRAINE – NATO



KEY THEME ANALYSIS

NATO HAS BEGUN TO IMPLEMENT A STRATEGY OF POLITICAL AND DIPLOMATIC CONTAINMENT OF RUSSIA

With the escalation of the military situation in Eastern Ukraine caused by the shelling of Avdiivka by Russian troops, Ukraine appeared again in the spotlight of the world community and international organizations, including NATO. Another wave of violence in Donbas caused a political reaction from NATO and the United States again. But despite this, NATO has postponed the meeting on the issue of missile defence systems with representatives of the Ukrainian Government. Western officials say that this step shows the unwillingness of NATO to provoke a negative reaction from Russia. The Alliance believes that for current communication with Ukraine it is 'difficult time' because of the efforts of US President Donald Trump to establish relations with his Russian counterpart Vladimir Putin. [1]

As we have noted before, Trump's position on NATO and Russia was not quite clear, but a series of statements and meetings with European leaders has brought some light to the situation. On February 5 the US President, during a telephone conversation with NATO Secretary General Jens Stoltenberg discussed the escalation of the conflict in Eastern Ukraine and agreed to participate in the NATO leaders meeting this year. During the talks the US President and NATO Secretary General discussed the need to find 'a peaceful solution to the conflict' along the Ukrainian-Russian border, the DPA news agency reported citing a statement from the White House. In addition, the US president expressed his strong support for NATO. [2]

Obviously, building its policy within NATO the US is not going towards open conflict with Russia and acts very carefully so as not to hurt the sensitive interests of Russia. But history already has a well-known example of aggressor appeasement policy and more well-known effects of this policy. There is also a chance in the strengthening of relations between the US and Russia. Another reason for this conclusion is a statement of the US Vice President Mike Pence about the joint efforts of America and Russia in the fight against ISIS. [3] So, NATO will take into account the position of the US President and will continue to look for opportunities to turn Russia into a strategic partnership with the Alliance.

However, in the context of the escalation of Russian aggression against Ukraine, NATO is strengthening its defence on the eastern flank, in order to protect the borders of member countries. This is evidenced by its activity on the territory of Lithuania, where in early February came a NATO battalion of Enhanced Forward Presence. Bilaterally, four thousand US troops and military equipment were deployed in Poland,

which in rotation will be placed in the Baltic countries. [4] In this way NATO cuts off Ukraine from this defence and maintains political dialogue with Russia.

Here it is appropriate to recall the words of the former Commander of NATO forces in Europe Gen. Philip M. Breedlove. He knows the situation better than anyone else. In his statements before the United States Senate Committee on Foreign Relations he said 'And the Trump Administration, which understands the value of negotiating from strength, should adopt a position of forward defense in dealing with the Kremlin challenge to NATO. It should fully support Ukraine against Kremlin aggression. The Obama Administration was reluctant to provide Ukraine with the defensive weapons necessary to better defend it. The new team can do better than that'. [5]

Meanwhile, in spite of the search for a dialogue from the NATO side, Russia continues its hybrid-information war with the aim of compromising and discrediting the Alliance. According to the words of NATO representative Oana Lungescu, amongst NATO and EU officials there is growing concern about the ability to use television and the Internet to spread false news about the Alliance. [6]

Against the backdrop of the conflict escalation in Donbas and the postponed negotiations on missile defence systems in Europe, particularly in Romania, the President of Ukraine Petro Poroshenko stated that he is ready to hold a referendum on the issue of Ukrainian membership in NATO. This statement he has made in an interview with German newspaper Berliner Morgen Post.

Asked whether NATO membership is a realistic goal for Ukraine, Poroshenko said that for him, first of all, are important the thoughts of the Ukrainian people on the issue. According to him, 'NATO is the only effective organization of collective security'. [7] More likely, the President announced this statement not accidentally. On February 17-19 the Munich Security Conference 2017 begins its work where, among the topical issues of further NATO activity and the collective European security issues stands the crisis in Ukraine. Also, it can be considered as a test for the reaction from Russia, which is extremely sensitively perceives any information on Ukraine's membership of NATO.

Thus, despite a new round of Russian aggression against Ukraine, NATO continues to be interested in finding a dialogue with Russia in order to avoid military confrontation which can be the beginning of a war. It will be a reason for the very cautious policy of NATO towards Ukraine, and as evidence of it postponed a meeting on the issue on missile defence systems in Europe. However, NATO's activity looks more like a reflection of the political processes in the US and Europe, but does not focus on the defence function, because in this case the strategic initiative is in the hands of Russia.

1. http://espreso.tv/news/2017/02/02/u_nato_vidklaly_zustrich_z_predstavnykamy_ukrayiny_sc_hob_ne_svarytysya_z_rosiyeyu
2. <http://www.dw.com/uk/%D1%82%D1%80%Do%Bo%Do%BC%Do%BF-%Do%B7%Do%Bo%D1%8F%Do%B2%Do%B8%Do%B2-%Do%BF%D1%80%Do%BE-%D1%80%D1%96%D1%88%D1%83%D1%87%D1%83-%Do%BF%D1%96%Do%B4%D1%82%D1%80%Do%B8%Do%BC%Do%BA%D1%83-%Do%BD%Do%Bo%D1%82%Do%BE/a-37424471>
3. <https://www.obozrevatel.com/politics/29307-obmenyat-ukrainu-na-siriyu-amerikanist-obyasnil-zayavlenie-vitse-prezidenta-ssha.htm>
4. <https://regnum.ru/news/polit/2236072.html>
5. <http://ukrainian.voanews.com/a/ukraina-zbroya/3716354.html>
6. <http://tyzhden.ua/News/185279>
7. <https://daily.rbc.ua/ukr/show/petr-poroshenko-nameren-provesti-referendum-1486118119.html>

FOREIGN POLICY OF UKRAINE



KEY THEME ANALYSIS

UKRAINE RENEWS ITS FOREIGN POLICY ACTIVITY IN THE BLACK SEA REGION

On February 3, the 25th anniversary of diplomatic relations between Ukraine and Turkey took place. President Petro Poroshenko sent congratulations to President of Turkey Recep Tayyip Erdogan. In his response, Erdogan emphasised that 'Turkey undoubtedly supports solving problems in the region on the basis of the territorial integrity and sovereignty of Ukraine as our strategic partner'. [1]

On February 9, the President of Ukraine held a meeting with Mevlut Cavusoglu, the Minister of Foreign Affairs of the Republic of Turkey. Petro Poroshenko and Mevlut Cavusoglu discussed the agenda of the next meeting of the Strategic High Level Council between Ukraine and Turkey, which is scheduled to be held under the chairmanship of the two states' leaders this spring.

The sides noted a high dynamic of bilateral cooperation in the context of the reached Agreements and stated that it is a solid base for further development of the strategic partnership. The parties also emphasized the importance of negotiations on completion of a Free Trade Zone Agreement between Ukraine and Turkey. The Minister said that Turkey would remain steadfast in support of the territorial integrity of Ukraine, including non-recognition of the illegal Russian occupation of Crimea. [2] On February 10, the heads of the Foreign Ministry of Ukraine and Turkey made a statement that Ukraine and Turkey are planning to conclude an Agreement on visa-free travel for citizens on internal documents. This project has to be implemented before the summer. [3] The success in the area of consular relations was achieved, in particular, thanks to the active efforts of Mr. Andriy Sybiha, recently appointed Ambassador of Ukraine to the Republic of Turkey. Recall for now our citizens may travel under 'internal passports' only in Belarus and Russia.

In addition to the visit of the Turkish Minister of Foreign Affairs, Ukraine intensified the relations with two other Black Sea countries - Greece and Moldova. On February 8, Prime Minister Volodymyr Groysman held a meeting with the head of Greece's Government Alexis Tsipras. One of the topics of the meeting was the issue of security aspects, including the situation in Eastern Ukraine and the state of implementation of the Minsk agreements. Alexis Tsipras noted that Greece, in particular, is interested in developing cooperation with the Black Sea region of Ukraine, due to its historical, cultural and economic ties with these regions. [4]

On February 13, the President of Ukraine held a meeting with the Prime Minister of the Republic of Moldova, Pavel Filip. [5] The main issues of the meeting were the territorial integrity of Ukraine and Moldova in the context of Russian aggression, economic, environmental and energy cooperation, cooperation within international organizations, the process of Ukrainian-Moldovan border demarcation and development etc. Recently, as we can see, a very dynamic political processes is occurring in the Black Sea region. **Despite the fact that President Erdogan made a rapid rapprochement with Russia, Turkey maintains a counterbalance in this relationship. Repeated statements of Turkish higher political officials evidence this where they condemn Russian aggression in Donbas and the Crimea occupation.**

For example, it is worth recalling the words of the same Turkish Foreign Minister Mevlut Cavusoglu during the meeting with the representative of the President of Ukraine for the Crimean Tatar people Mustafa Dzhemilev, held in 2016: 'The steps of Turkey to 'reconciliation' with Russia are not displayed on the country's position of non-recognition of the Crimea occupation and assistance to the Crimean Tatars' [6]. The confirmation of these words and the indication of the favourable policy of Ankara to Ukraine is a decision on visa-free travel for citizens under 'internal passports'.

The President of Moldova and the Prime Minister of Greece are marked by their pro-Russian views. Despite the President of Moldova Igor Dodon's statements about the restoration of economic and political ties with Russia, and the rejection of the opening of a NATO agency [7], **Pavel Filip's visit to Ukraine indicates the search for a balance in the triangle of Moldova-Ukraine-Russia. All the visits expressed rejection of Russia and are the signal that the politics of these countries is aimed at avoiding one direction and focusing only on the Kremlin.**

1. <http://www.president.gov.ua/news/ukrayinsko-turecka-druzhiba-spirayetsya-na-micnij-fundament-d-39906>
2. <http://www.president.gov.ua/news/glava-derzhavi-proviv-zustrich-z-ministrom-zakordonnih-sprav-39970>
3. <https://www.unian.ua/politics/1770802-klimkin-anonsuvav-ugodu-iz-turechchinoyu-pro-bezvizovi-pojizdki-za-vnutrishnimi-dokumentami.html>
4. http://www.kmu.gov.ua/control/uk/publish/article?art_id=249725600&cat_id=244274130
5. <http://www.president.gov.ua/news/ukrayina-i-moldova-budut-vidnovleni-u-svoyih-suverennih-ta-m-40006>
6. <http://www.unn.com.ua/uk/news/1598674-mzs-turechchini-primirenniya-z-rosiyeyu-ne-vpline-na-pozitsiyu-schodo-neviznannya-okupatsiyi-krimu>
7. <http://www.radiosvoboda.org/a/news/28297189.html>

COUNTERING RUSSIAN HYBRID WARFARE



KEY THEME ANALYSIS

DONBAS, OCCUPATION OR EFFECTIVE CONTROL?

After the approval of a plan of actions aimed at implementing some principles of internal policy in the separate areas of Donetsk and Luhansk, from January till now there have been discussions running in the media and social networks about the statement of Georgiy Tuka, the Deputy Minister of the occupied territories and internally displaced persons. Tuka's main message is that the occupied territories in Donbas are not indeed occupied but are under the effective control of Russia. On the Espresso TV channel, he said that according to the law, Russia has 'effective control' in Donbas. 'There are certain legal parameters that are used in the world and indicate what is an occupation and what is effective control. The occupation here is purely Crimea. There are public authorities of the occupier' - said Tuka. According to Tuka's words, the arguments that 'we all know that on the areas of the so-called LNR and DNR Russia is present', is not considered in the Ukrainian and international courts. [1]

Note that this statement of Tuka's was made on the eve of the initiation of a draft of a law in Parliament about the responsibility of the Russian Federation for the damages and aggression in Donbas. Tuka also said 'the fact of the occupation can be considered as local law. But it absolutely does not affect anything else. It is two different concepts: occupation and effective control...'. [2] In addition, he believes that in more than two years in Ukraine an erroneous substitution of concepts was carried out, and the separate areas of Donbas, where the Ukrainian public authorities do not carry out their powers, were called occupied. [3]

But surely the concept substitution is made by Tuka himself. The status of the occupied territory is not determined by local law but by the Hague Convention (1907) and by The Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949). 'The Territory is considered occupied when it is under the direct control of the enemy army'. This wording is written in the Hague Convention 1907. Thus, if the territory is under the effective control of the enemy army, according to Tuka's statement, it is considered occupied.

This conclusion is not polemical, but a legal one. This means that the occupied territory is forbidden to be included in the occupier state. Failure to comply with this rule of international law by the state-occupier entails political, moral and material penalties for crimes, which are particularly dangerous, including criminal responsibility of concrete officials or ordinary citizens. *Thus, through concept substitution, whether*

Mr. Tuka wanted to or not, is trying to convince us of the absence of Russian troops in Donbas, in which is in fact what the Kremlin is trying to convince the entire international community, because logically, if the territory is not occupied there are no enemy troops occupying it.

In addition, the Minister of the occupied territories and internally displaced persons V. Chernysh, in an interview with the newspaper *Ukrainska Pravda* said: ‘... Yes, this legal difference does not alter the fact of armed conflict between Ukraine and Russia, but the legal consequences are different. Under occupation, Russia is fully responsible for the annexed Crimea. During effective control our state must act in a non-military way to return the territories, to integrate them and keep in touch with them’. [4] This thesis of the Minister sounds absurd.

To understand the level of competence and veracity of the statements of Mr. Tuka and Mr. Chernysh let's turn to international law. An international judge authorized by Ukraine to the International Court of Justice in 2008, Vladimir Vasilenko, commented: ‘We can not oppose the issue of temporary military occupation and effective control. The occupation will not be recognized as occupation without the exercising of effective control by the invader. These two categories are not separate from each other. Occupation is recognized as occupation when it is effective’.

The Judge gives an example of international conventions. ‘International conventions since 1907 lay all responsibility for the events in the occupied territories on the state-occupier. According to the Protocol of 1977, the occupier state must provide all civilians in the occupied territories with the necessary means for survival. Actually, their responsibility is called effective control’, said the judge. [5]

One reputable lawyer argues that Tuka and Chernysh are substituting and manipulating meanings, and misleading society. Another question is, for what purpose? And who is behind this? Obviously, the problem is not only that Mr. Tuka is ignorant of international law. It is likely that this was an information management operation, aimed at the internal situation in the country to divert public attention from economic decline, tariff policy, loss of authority legitimacy and other hot issues.

The escalation of the situation in Eastern Ukraine has actualized the issue of recognition of Russia as occupier of Donbas at the legal level. However, this initiative does not benefit some political and business circles. Russian and Ukrainian business groups are in close cooperation in spite of war. Apparently, so-called ‘effective management of Russia’ gives the opportunity for further cooperation. Also, by calling the war a counterterrorist operation the authority actually rejects the reality of the presence of Russian troops on the territory of Ukraine and withdraws the responsibility of the Russian Federation. Therefore, if in the east of our country there is a counterterrorist operation it excludes the fact of international conflict, and therefore Ukraine will bear all the costs and responsibility. If the Ukrainian authorities do not control the territories, they are not recognized as occupied and Russia is not recognized as occupier, it actually means that there are no Russian troops and Ukraine is suffering from civil war. Such external and internal manipulation of concepts and meanings, information infusion and reaction of the Ukrainian political elite to the conflict reflects all its hybridity. ***Analyzing the statement of a leader of the Ministry of the occupied territories and internally displaced persons of Ukraine and his deputy, taking into account the fact that we have a war with Russia and at the same time business interests and cooperation with it, we can conclude that Ukraine goes to the same hybrid peace with the aggressor. Occupied territories are not integrated according to the scheme of the Minsk Agreement, they are just released from invaders, and the current authority is not going to release these territories from occupation.***

1. http://espreso.tv/news/2017/01/24/tuka_na_donbasi_ne_okupaciya_a_quotefektyvnyy_kontrolquot_rosiyi
2. <http://novynarnia.com/2017/02/07/tuka-navit-iz-zakonom-ordlo-ne-bude-okupovanim-tam-efektivniy-kontrol-rf/>
3. <https://www.ukrinform.ua/rubric-doneccina/2164543-aspekti-okupacii-tuka-poasniv-principovu-riznicu-miz-krimom-i-donbasom.html>
4. <http://www.pravda.com.ua/articles/2017/01/26/7133512/>
5. http://espreso.tv/news/2017/01/31/suddva_mizhnarodnyk_poyasnyv_chomu_okupaciya_n_emozhlyva_bez_efektyvnogo_kontrolyu

