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## UKRAINE – THE EUROPEAN UNION



### KEY THEME ANALYSIS

#### ***TRIANGLE OF THE UNITED KINGDOM, GERMANY, AND POLAND AS THE ABILITY TO REFORMAT THE NEGOTIATIONS IN THE 'NORMANDY FORMAT'***

The beginning of March was marked by the visits of the foreign ministers of Great Britain, Poland and Germany to Ukraine. The main topics of the meetings in Kiev were the prospects of negotiations in the 'Normandy format', implementation of the Minsk agreements, compliance with the sanctions regime against Russia, the situation in Donbas, and the issue of a visa-free regime for Ukraine. It should be noted that these EU countries are the major allies of Ukraine in the international arena. In a joint statement on the occasion of their visit, the foreign ministers of Britain, Boris Johnson and Poland, Witold Waszczykowski, stressed that Crimea is Ukraine and Russia should return it.

The visit of German Foreign Minister Sigmar Gabriel was also marked by a positive signal to Ukraine, although it took place against the background of the scandal in connection with the statements of the German Ambassador to Ukraine Ernst Reichel and the failure of the agreements reached at the 'Normandy Four' meeting on a ceasefire in Donbas, which he personally discussed in Munich. Gabriel expressed support for Ukraine and stressed: 'We are not in the position to withdraw the sanctions, despite the fact that probably everyone in Europe would like to improve relations with Russia.' [1]

Despite the fact Mr. Gabriel is the leader of the German center-left Social Democratic Party, which favored the lifting of sanctions against Russia, it is possible to follow his **clear position** of support for Angela Merkel's policies, indicating a departure from the Russia-centered line of his predecessors, Steinmeier - Schröder. In addition, a number of Gabriel's statements during his official visits clearly indicate its **formed position on supporting Ukraine**. Particularly in France, he said that Germany and France agree that any steps towards the lifting of sanctions against Russia should be linked to progress in the peace process in eastern Ukraine. [2] During his visit to the United States he announced the statement that convergence between the US and Russia can not happen at the expense of Europe or Ukraine. [3]

**Obviously, in Germany, as well as in Britain and Poland, they understand the inefficiency of the 'Normandy format' in solving the Russian-Ukrainian conflict due to the reluctance of Russia to fulfill its obligations according to the Minsk agreements. Taking into consideration the initiative of involvement of the US in the negotiation process of the Normandy format which was announced at the Munich security conference,**

**it does not exclude the possibility of its reformatting with the involvement of representatives from Poland and the UK.**

**At least the visit agenda of the heads of the foreign ministries of these countries to Ukraine testifies about finding an alternative replacement or enhancement to the Normandy format negotiation. Poland in its foreign policy vectors will continue to support the UK and is its reliable partner. Obviously, Germany and France are seeking to maintain a monopoly on the conflict settlement in Ukraine. However, due to the elections in France the situation has become unpredictable, and thus the working out of the new prospects of negotiations on Ukraine.**

**An important sign is also Gabriel's priority in visiting Ukraine before Russia and his public statement at a joint press conference with Sergey Lavrov, where he made it clear that the violation of borders in Europe is not going to be tolerated by anybody - ever.[4]**

Of course, this Germany line as the main leader of the European community is a loss to the Kremlin. However, Ukraine must avoid double standards for the sake of further support by European countries and keeping their regime of sanctions against Russia, because taking into consideration the continuation of Ukraine's trade with the occupied territories and Russia, arises a question as to further support of these sanctions.

One should note the statement by the European Union President in Ukraine Hugo Mingarelli, who noted that currently the issue of strengthening sanctions against Russia is not on the EU agenda.[5] And more than once we heard the warnings from some European countries that they have economic losses because of the policy of continuing sanctions against Russia, while Ukraine continues to trade with it. The same questions arises concerning the activity of Russian banks in Ukraine against which the EU and the US imposed sanctions to support the Ukrainian state. For example Hungary announced that in 2014 it lost \$6.5 billion as a result of sanctions. Whereas, despite the armed conflict, Russia became the largest investor in Ukraine in 2016.

Therefore, the priority of Ukraine's foreign policy has been continued cohesion of European countries to support Ukraine and prevent the failure of the line through trade contacts with the occupied territories of Donbas and Russia. **Therefore, the priority of Ukraine's foreign policy is further cohesion of European countries to support Ukraine and prevent the failure of this line because of trade contacts with the occupied territories of Donbas and Russia.**

1. <https://day.kyiv.ua/uk/article/den-planety/gabriel-i-nimecka-dyplomatiya>
2. <http://www.eurointegration.com.ua/news/2017/01/28/7060823/>
3. <http://www.eurointegration.com.ua/news/2017/02/6/7061203/>
4. <http://www.dw.com/uk/%D0%BA%D0%BE%D0%BC%D0%B5%D0%BD%D1%82%D0%B0%D1%80-%D1%85%D0%BE%D0%BB%D0%BE%D0%B4%D0%BD%D0%B8%D0%B9-%D0%B4%D1%83%D1%88-%D0%B4%D0%BB%D1%8F-%D0%B1%D1%83%D0%B2%D0%B0%D0%BB%D0%BE%D0%B3%D0%BE-%D0%BB%D0%B0%D0%B2%D1%80%D0%BE%D0%B2%D0%B0-%D0%B2%D1%96%D0%B4-%D0%BD%D0%BE%D0%B2%D0%B0%D1%87%D0%BA%D0%B0-%D2%91%D0%B0%D0%B1%D1%80%D1%96%D0%B5%D0%BB%D1%8F/a-37883769>
5. <http://hromadske.ua/posts/yevrosoiuz-ne-posyliuvatyne-sanktsii-proti-rf-naiblyzhchym-chasom-posol-yes>

## UKRAINE – NATO



### KEY THEME ANALYSIS

#### **THE MAIN DIRECTIONS OF COOPERATION BETWEEN UKRAINE AND NATO IN THE CONTEXT OF RUSSIAN AGGRESSION**

On March 8, the meeting of the NATO-Ukraine Commission at NATO headquarters in Brussels took place. The most urgent topic of the meeting was the aggravation of the situation in the east of Ukraine, caused by armed provocations of regular Russian forces and their paramilitary units. It was stated that Russia is in violation of the Minsk agreements and continues political, military, material and technical, and logistical support to the illegal groups that captured and terrorize some districts of the Donetsk and Luhansk regions of our country. [1]

As the Deputy Foreign Minister of Ukraine Vadym Prystaiko has said: ***'It was a clear position on support of Ukraine from the NATO side as an organization, and all its 28 members. They know who attacked whom, understand who is guilty, and called Russia guilty.'*** The Ukraine-NATO meeting result is reaching an agreement on a possible extraordinary special meeting of Alliance on the situation in Ukraine. It was also discussed the possibility of further high level contacts between Ukraine and NATO [2]. It should be noted that the meeting mentioned above was held during an aggravation of the situation in the East of Ukraine and the Pentagon's confirmation of the information that Russia had deployed cruise missiles on its territory, which breaks a Treaty on the elimination of intermediate-range and shorter-range missiles and is a direct threat to NATO members countries.

It is worth mentioning some uncertainty in NATO policy in relation to Ukraine in defense matters out of the fear of its leaders of running into conflict with Russia. Confirmation of this was postponed at the meeting on the issue of missile defence systems with representatives of the Ukrainian Government. Obviously, such a move was dictated by the unstable US position on the Alliance and Russia. However, now we can talk about a clear policy of supporting Ukraine from the NATO side, especially in the field of countering hybrid war. ***NATO's top leaders have repeatedly stressed that Ukraine is, and will remain a priority for the Alliance, which will continue to support our country in many vectors, including in the fight against Russian propaganda. Awareness of Russia as the main threat to regional security, the deployment its land-based cruise missiles, cyberattacks, political agitation, propaganda and spreading false information among NATO countries contribute to its deeper contacts with Ukraine on common containment of the Kremlin. As aptly stated by Deputy Commander of Joint NATO forces in Europe, the British General Adrian Bradshaw: 'The response to the Russian hybrid methods of warfare has become 'hybrid containment'. In particular, as an example he cited the economic sanctions against Russia. [3]***



With the beginning of this year a series of meetings with representatives of Ukraine and NATO on strategic communications and military reform took place. So in January this year at the NATO-Ukraine Commission meeting the results of the implementation of the Roadmap on Ukraine-NATO cooperation in the field of strategic communications was discussed. Ukraine presented a plan of work in this direction for 2017. [4] In the Ukrainian legal field in the context of Euro-Atlantic integration The Presidential Decree 'On the Concept of improving public awareness of NATO-Ukraine cooperation for the period 2017-2020 years' was signed. The concept is aimed at increasing public support in the sphere of Euro-Atlantic integration state policy and the level of confidence of the citizens of Ukraine in NATO as a key institution in strengthening international security.[5]

It should be noted that in the present conditions of war with Russia, Ukrainian society has come to the realization that only NATO membership can fully protect the national interests of defense. Also, on March 13 in the framework of the NATO Trust Fund on improving the system of command, control, communications and information exchange, the visit of interested representatives of state authorities of Ukraine to NATO facilities in Belgium and the Netherlands took place. This event was the first step in the practical implementation of the project on experiences and knowledge exchange, which provides major advisory assistance to Ukraine from NATO member states [6]. As is well known, NATO provides expert advice for Ukraine on a range of issues, including on combating cyber threats, communications, logistics and so on.

**However, large-scale military cooperation between Ukraine and NATO should not be expected. The main priorities in cooperation will remain the implementation of NATO standards in the Defence Ministry, State Border Service, the National Guard of Ukraine and military education. Special importance in the present conditions becomes cooperation in the context of countering Russian information influence and joint actions to counter Russian propaganda. It is logical to expect that NATO will continue to carry political and diplomatic pressure on Russia and political support for Ukraine. However, the Ukrainian government lacks the political will to decisively act in its contacts with NATO and to gain membership of our country in NATO is not its medium term goal. It seems that for the top leadership the format of cooperation with the Alliance is well suited because the fact of membership means openness and transparency. But cooperation will not protect Ukraine in the current war with Russia.**

Recall the North Atlantic Alliance suspended all practical cooperation with Moscow, but left open the possibility of political contact.

1. <http://nato.mfa.gov.ua/ua/press-center/news/55394-nato-trimaje-pid-pilynim-kontrolem-bezpekovu-situaciju-v-ta-navkolo-ukrajini>
2. <https://www.unian.ua/politics/1814156-zasidannya-ukrajina-nato-v-alyansi-znayut-hto-na-kogo-napav-i-nazivayut-vinnoyu-rosiyu.html>
3. <http://www.pravda.com.ua/news/2017/03/4/7137143/>
4. <http://nato.mfa.gov.ua/ua/press-center/news/53912-ukrajina-predstavila-v-shtab-kvartiri-nato-plani-shhodo-stvorenniya-sistemi-strategichnih-komunikacij>
5. <http://nato.mfa.gov.ua/ua/press-center/news/54996-prezident-zatverdiv-koncepciju-vdoskonalennya-informuvannya-gromadsykosti-pro-spivrobotnictvo-ukrajini-z-nato-na-2017-2020-roki>
6. <http://nato.mfa.gov.ua/ua/press-center/news/55522-delegacija-ukrajini-vidvidala-ustanovi-nato-v-belygiji-ta-niderlandah>

## FOREIGN POLICY OF UKRAINE



### KEY THEME ANALYSIS

#### **CONTINUATION OF FOREIGN POLICY DIALOGUE WITH THE UNITED STATES**

Ukraine is continuing political dialogue with the United States, which has intensified in the last month and was marked by a positive signal from Washington. In general support of such a world leader is critical to Ukraine for countering Russian aggression.

It is worth mentioning that during the election campaign in the United States, the Ukrainian authorities staked on the victory of Hillary Clinton. Accordingly, the policy towards the United States was planned on the principle of cooperation with Barack Obama and we could clearly predict further support for Ukraine by Washington. However, according to the known results of elections in the US and Kyiv's failures, it had to promptly develop another strategy and tactics for communication with Trump to gain US support, primarily in confrontation with Russia. The main tasks in this direction were to convey a clear position that our country is not a bargaining chip and to prevent political bargaining at the expense of Ukraine. Solving this task was entrusted to President Petro Poroshenko's visit to the US and his meeting with Trump. Poroshenko had to inform Trump at the meeting about the situation in Ukraine relating to Russian aggression and to place the main emphasis on relations with Russia. Obviously, it was essential to organize this visit before Putin and Trump meeting. For this purpose from the beginning of the year a series of meetings of Foreign Minister Pavlo Klimkin with the political leadership of the United States took place.

In early March of this year there was another visit of Klimkin to the United States. During the visit, the Minister held a series of meetings with government and America's community expert, where important statements on Ukraine were made. On March 7 he held a meeting with US Secretary of State Rex Tillerson. The main topics of the talks was the situation in Eastern Ukraine and non-fulfilment of the Minsk agreements by Russia. The US Secretary of State said Rex Tillerson has stressed that the US will continue to support Ukraine, and the US sanctions against Russia would remain until the full implementation of the Minsk agreements, aggression ceases and Donbas is de-occupied. Ukraine is a key partner of the United States in the region. The United States will also support it consistently to reform and not allow any exchanges at the expense of Ukraine. The issue of Ukraine in any case will be decided in the context of other issues. The Ukrainian issue is fundamentally important for the United States.

This is stated in the statement of Foreign Minister of Ukraine Pavlo Klimkin after the meeting with Tillerson. [1]

In addition, Ukraine's Foreign Minister spoke during the hearings in the US Congress. In particular, he focused on how with Russia there can be no agreement and the dialogue with Russia should be led from a position of strength. According to the minister, the supply of defensive weapons and the continuation in supply of military technical equipment would be a powerful signal to the Kremlin [2]. Also, the Minister concentrated attention on the need for continuation of sanctions against Russia and has recalled that the Kremlin waging a hybrid war against peaceful countries with the help of aggressive information policy and propaganda channels.

The minister's visit was also marked by a meeting with national security adviser in the Donald Trump's administration Mr. Herbert Raymond McMaster. Pavlo Klimkin expressed expectations that the experience that Lt. Gen. McMaster gained while studying the strategies of hybrid war against Ukraine on the instructions of the command of the US Army, allows him to fully understand the challenges facing Ukraine. The Minister also stressed on the need for further deepening of Ukrainian-American security cooperation in the dimensions of common interest [3]. It is possible that after Russia's deployment of land-based cruise missiles on its territory, which breaks a Treaty between Moscow and Washington on elimination of intermediate-range and shorter-range missiles signed in 1987, this cooperation will be activated.

**Thus, we can conclude that the Minister Pavlo Klimkin failed to organize an official visit of the President to the United States, apparently because of the dominance for Trump of other priorities, but managed to convey the main messages to Washington. The proof of this is a number of meetings and statements which have its weight for further perception of Ukraine's position, that any bargaining at the expense of Ukrainian national interests is unacceptable. From the United States side sounded the statements about supporting Ukraine in a war with Russia. Obviously, Ukraine needs to have pressure on the Kremlin in the implementation of the Minsk agreements, and given the fact that Russia understands only strength, the United States support is extremely important. In addition, we are searching for different options in the Minsk format of negotiations and the active participation of the US could strengthen them.**

<https://twitter.com/chastime/status/839162385646616576>

<https://www.ukrinform.ua/rubric-politycs/2189210-klimkin-skazav-skilki-rosijskoi-zbroi-nini-na-okupovanih-teritoriah.html>

<http://mfa.gov.ua/ua/press-center/news/55393-ministr-zakordonnih-sprav-ukrajini-pavlo-klimkin-proviv-zustrich-z-radnikom-prezidenta-ssha-z-pitany-nacionalynoji-bezpeki-general-lejtenantom-gerbertom-rajmondon-makmasterom>

## COUNTERING RUSSIAN HYBRID WARFARE



### KEY THEME ANALYSIS

#### ***WILL NOT BECOME HAGUE FOR UKRAINE THE 'SECOND ILOVAISKY'?***

On March 6-9 public hearings in the International Court of Justice (ICJ UN) in the Hague were held on the claims of Ukraine against Russia. As is known, Ukraine filed a lawsuit with the International Court of Justice on January 16, 2017 demanding Russia be brought to justice for terrorist financing and discrimination against the Ukrainian and Crimean Tatar populations after its occupation and annexation of the peninsula. The lawsuit was filed in the framework of the International Convention for the suppression of the financing of terrorism and the International Convention on the elimination of all forms of racial discrimination. Also Ukraine is asking the International Court to implement provisional measures during the course of the proceedings. **However, a claim does not apply to establishing the fact of Russian armed aggression against Ukraine.**

Ukraine is in a state of actual war for the fourth year running. **However, pay attention to the fact that Ukraine wants Russia to be brought to justice from the perspective of peacetime, but peacetime conventions do not work in a real war.** We have repeatedly stated that Ukraine should acknowledge the war and act in accordance with the Hague Convention of 1907 and the Geneva Convention of 1946 which govern relations between states during wartime. Considering the domestic situation in Ukraine, the unwillingness of the authorities to recognize and legislate on the fact of the occupied territories, the fact of war with Russia, and Russia as an aggressor, and Ukraine as a victim of Russian military aggression, the Ukrainian delegation is trying to prove human rights violations by the Russian Federation on the territory of Ukraine in peacetime. But in that case Ukraine is responsible for compliance or violation of human rights but not Russia because such violations take place in its own territory, and the reason is we refuse to recognize the territories as occupied as a result of Russian military aggression. So we can not to rely on the provisions of the Hague Convention of 1907, which imposes the responsibility for human rights in the occupied territories on a country-occupier but not on the country whose territory was occupied. Such Ukrainian position in the Hague international court gives the Russian delegation resort to the outright blatant lie in the ICJ UN that the militants of LPR and DPR found weapons in old warehouses of the former Soviet Union, inherited by Ukraine in 1991 from the Soviet army, which was intended to deter NATO.



It leads to the thought that it all unfolds according to the coined Orwellian scenario from both the one and the other side but only in real time and space. In their speeches at the ICJ UN representatives of Ukraine avoided direct wording such as ‘war’, ‘occupied territory’, in their turn leveling the defence of its national interest and security and **enables the RF to accuse Ukraine that in its East is a civil war**. Also, non-recognition of Russia as the aggressor removes the issue of responsibility for its illegal military actions in Ukraine and the Crimea occupation. There are a lot of questions. If the LPR and DPR officially are not recognized as terrorist organizations, then which terrorist financing are we talking about? **Because our country has not experienced any terrorist attacks but was the object of planned and large-scale military aggression of the Russian Federation**. Given this, **a legal basis of armed resistance to the Russian Federation as the country-aggressor is article 51 of the UN Charter [1] and a Law of Ukraine № 1932-XII from December 6, 1991 ‘On Defense of Ukraine’ [2]. This needs to be emphasized in all official documents, diplomatic platforms and media. According to these documents, we provide self-defense of Ukraine against Russian armed aggression, and it is not a ‘counterterrorist operation’. It is a real state of war in our country and not a hybrid peace.**

Also it is worth mentioning the competence of the ICJ UN. According to the UN Charter the ICJ may consider legal disputes between states and to give advisory opinions because the International Court is a body of the peaceful resolution of international disputes. According to the UN Charter, not the International Court but the Security Council is responsible for the regulation of important political disputes [3]. In addition, the situation in Russia – Ukraine relations can be qualified as a political dispute, because war is the highest form of political conflict.

**Thus, it would be more logical and understandable for Ukraine to solve the issue of the legal status of Russian occupation and to prepare a clear claim to the Russian Federation as a state-aggressor with a claim concerning the finding of a fact of Russian armed aggression against Ukraine, solving the issue of responsibility of the state-aggressor and definition of the form and extent of liability and compensation for the losses to Ukraine incurred as a result of Russian aggression.** In the ICJ at the UN Russia argues that all claims of Ukraine are in the field of military conflict, where the same court has limited jurisdiction. Another thing is that ***Russia interprets this conflict as a civil war in Ukraine – it means as an internal conflict, but not as the interstate Russian-Ukrainian conflict, allegedly to which it does not have any relation.***

Therefore, international liability proceedings will be limited by the establishment of responsibility for the Russian Federation not because of military aggression against Ukraine, but for failure to fulfill international obligations according to certain conventional laws in peacetime. **And the issue of Russian liability because of actually committing the crime of aggression and international humanitarian law violation will not considered [4]. So we should not expect that the decision of the International Court, regardless of in whose favor it is adopted, will lead to the liberation of Donbas and Crimea from Russian occupation and the restoration of control of Ukraine on its eastern borders.**

1. [http://zakon2.rada.gov.ua/laws/show/995\\_010](http://zakon2.rada.gov.ua/laws/show/995_010)
2. <http://zakon2.rada.gov.ua/laws/show/1932-12>
3. <http://www.un.org/en/charter-united-nations/>
4. <http://tyzhden.ua/Politics/187197>