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Kyiv's diplomatic swings: peacekeepers instead of Minsk accords



Ukraine lacks sufficient military capabilities to resist the aggressor. For this reason, Ukraine should have called on the West to deploy a peacekeeping mission to Ukraine at the very beginning of the military aggression. Unfortunately, in the spring of 2014, the Ukrainian government turned out to be incapable of calculating a whole range of risks and subsequently make a rational decision. It is high time to learn from the mistakes. The moment is coming when the growing number of refugees and war victims will result in mass protests. It is high time to prioritize state interests and professionalism, otherwise a belated, though correct, idea of deploying a peacekeeping mission in Ukraine may fail.

Hybrid war peacekeeping strategy

The deployment of a peacekeeping mission is the final stage of a hybrid war strategy, which Chief of the General Staff of the Armed Forces of the Russian Federation General Valerii Gerasymov described in detail back in 2013. It is not the first time that the Russian military-political leadership has used the idea of a peacekeeping mission under the aegis of international organizations to lock in the

gains of hybrid wars, as was the case in Transnistria and Abkhazia. Under the Kremlin's plan, the peacekeeping mandate is needed to legalize the presence of Russian troops in foreign countries.

Both military analysts and Russian diplomats would tell that right from the beginning, Moscow's plan as regards Ukraine provided for a peacekeeping mission to be deployed in Ukraine. Russian political leadership and Kremlin's figureheads in the DPR and LPR also clearly signalled that they would welcome a peacekeeping mission.

On the other hand, Ukrainian military potential is inferior to that of Russia. With this in mind, looking from a rational standpoint, the deployment of a peacekeeping contingent does not seem the worst possible scenario in any way. A peacekeeping mission would help avoid great human losses in case Russia instigates the so-called proxy war in Ukraine, which might be inevitable if Ukraine fails to compromise with Russia. For example, Nicaragua, which used to be the proxy war battleground, lost around 2% of its population during the war. Another example of how high the price for the absence of diplomatic solution to the conflict might be is the Syrian Civil War, which resulted in hun-

dreds of casualties and destroyed infrastructure. On a Ukrainian scale, 2% of the population is equal to 900,000 persons. Even if the war takes away lives of only one tenth of those 900,000 persons, it is still too high a price to pay.

Back in 2014, Ukrainian and foreign experts, namely Chairman of the ICPS Board Vasyl Filipchuk and Brussels-based political expert Amanda Paul, stated that under the existing circumstances Ukraine should call on its Western partners to deploy a peacekeeping mission. Back in 2014, it was abundantly clear that the Kremlin was on a trajectory towards tearing Ukraine apart and provoking separatist movements inside Ukraine. The flight of the then president Viktor Yanukovich from Ukraine was not the victory over the Kremlin but rather a red rag waved in front of the Russian leadership, which led to the escalation of tensions between Ukraine and Russia. Under such circumstances, the immediate deployment of a peacekeeping mission would have secured Ukraine from the loss of territory and allowed for keeping the intra-elite conflict at a political level. Unfortunately, in the spring of 2014 the Ukrainian government turned out incapable of calculating a whole range of risks and subsequently make a rational decision. At first, an attempt was made to reconcile with pro-Russian Ukrainian political elite. Later, after this attempt had failed, the violent scenario was chosen. As a result, we witnessed a premature and ill-prepared summer offensive against the rebel forces, launched by the Ukrainian army. We also witnessed a desperate counter-offensive of the Russian armed forces and, subsequently, a series of military defeats inflicted on the Ukrainian armed forces near Izvaryne, Ilovaik and Debaltseve.

Russian “blitzkrieg” postponed

Nevertheless, the Russian plan for the “blitzkrieg” in Ukraine had to be modified. It became clear in June that the attempts to destabilize the situation in Ukraine’s south-east with the help of the Kremlin-inspired terrorist underground failed, whereas Novorossiia shrank to the size of only several areas of Donetsk and Luhansk regions. Russian plans to reach Kyiv in a brisk fashion and dismember Ukraine foundered. The Russian leadership came under the pressure of both international sanctions and domestic problems, which were becoming increasingly hard to handle. For that reason, a time

frame for the implementation of the “pre-peace-keeping” phase of the proxy war in Ukraine has appeared to be limited to a couple of months.

Apparently, the Russian leadership is hoping that military defeats and deterioration of socio-economic problems in Ukraine, coupled with an institutional weakness of Kyiv authorities, will upset the balance of Ukrainian political environment and trigger off mass social disturbances. Russia may see social disturbances in Ukraine reach its peak as early as the beginning of May, which would allow Russia to propose new conditions for (perhaps) new political leadership in Kyiv to settle the conflict. The settlement of the conflict might include the deployment of a peacekeeping mission in Ukraine under Kremlin’s conditions. If Vladimir Putin fails to implement this plan by the end of May, the summer might make Putin’s thoughts veer in the direction of domestic affairs, complicated by international sanctions.

According to some sources, at the beginning of February, Vladimir Putin admitted behind closed doors that he would opt for a UN peacekeeping mission, but only with the Russian Armed Forces being part of it. Such a stance of the Russian president was repeatedly reiterated by Russian diplomats and separatist leaders. However, Ukrainian leadership waved Russian demands aside. French and German representatives also showed little enthusiasm about Russian troops’ participation in a peacekeeping mission to Ukraine.

For Petro Poroshenko, Russia’s drive to participate in a peacekeeping mission was reminiscent of the Transnistria scenario. For this reason, the Ukrainian president reacted to this initiative rather sceptically. Petro Poroshenko put it as the main condition that in case a peacekeeping operation is required, Russian troops, as well as those of any other CIS country, should not be part of it. This stance was made public by the President during the Munich Security Conference on February 7, 2015: “We do not need a peacekeeping mission. We need peace. To that end, we need to close the borders. Only then peace and stability will become a matter of just a few weeks. Only then we will do without peacekeepers...The decision [as to the conflict in eastern Ukraine] cannot be postponed. The conflict should be resolved, not “frozen”.

Nevertheless, Russia ensured that the issue of peacekeepers would periodically resurface dur-

ing negotiations in the Normandy format. In early February, diplomatic sources informed that Ukrainian and Russian leaders had completely opposing views of a peacekeeping mission. That is precisely why the idea of a peacekeeping mission had died down at that time. However, the Ukrainian government unexpectedly decided to return to that idea. The defeat of the Ukrainian army near Debaltseve and a direct military threat to Mariupol prompted Ukrainian leadership to reconsider the possibility of a peacekeeping mission.

Why Poroshenko changed his mind

Given the actual defeat of the Ukrainian army in Debaltseve, the National Security and Defence Council of Ukraine decided to call on the UN and the EU to “deploy a peacekeeping mission in Ukraine”. It seems Petro Poroshenko have undertaken to outrun the Russian president and “freeze” the DPR and LPR within the existing borders. Ukraine urgently needs to restore control of the Ukrainian-Russian border, as the Minsk-2 offered no solution in this regard. The decision of the National Security and Defence Council contains a provision, according to which peacekeepers will be deployed not only along the dividing line between Ukrainian and rebel forces, but also along the border with Russia, which is not controlled by the Ukrainian government. To this end, according to Council Secretary O.Turchynov, the Ministry of Foreign Affairs of Ukraine is set to elaborate a draft resolution to be submitted to the Verkhovna Rada of Ukraine for approval.

The deployment of a peacekeeping mission along the Ukrainian-Russian border is the program maximum of Ukraine’s peacekeeping initiatives. During a phone conference in the Normandy format on February 19, Petro Poroshenko once again stressed Ukraine’s expectations of a peacekeeping mission. However, even the program minimum — a UN or EU peacekeeping mission along the current contact line, — has a slim chance of success. It can take place only in half a year at best.

Notwithstanding, the very fact that Kyiv has undertaken some solo efforts to resolve the crisis is a positive indication. Petro Poroshenko attempted to seize the initiative from the Kremlin. On the other hand, it was done too late. Secondly, Ukrainian diplomats did not do their best as regards the initiative. The way the initiative was being pushed

through the UN showed how weak the current Ukraine’s foreign ministry actually is. Ukrainian foreign ministry has little understanding of the desired format of a future peacekeeping mission. Signals from Ukrainian diplomats are contradictory and they do not take into account the existing procedures and real possibilities.

What are the possible options of peacekeeping today?

NATO mission should be rejected as irrelevant. It only exacerbates the conflict with Moscow, which already considers the Revolution of Dignity to be Euro-Atlantic countries’ technology aimed at undermining geopolitical stability in the southern underbelly of Russia. Therefore, there are three options at the moment.

A. The United Nation peacekeeping mission.

The UN Department of Peacekeeping Operations will get the right to begin preparations for the deployment of “blue helmets” in Ukraine after the sequential execution of a procedure: (a) the request from Ukraine; (b) obtaining the mandate of the peacekeeping mission from the UN Security Council. In addition, the UN Security Council will have to approve the composition of the peacekeeping forces and the goal of the mission. In reality, due to the length of technical training of the UN contingent, it usually takes from six months to a year between the government request and dispatching peacekeepers to “hot spots”. During this period the aggressor forces can further advance into the territory of Ukraine.

Another possible scenario is that the UN will give the peacekeeping mandate to the EU as a regional organization to maintain international peace and security in accordance with Article 53 of the UN Charter. In this case, the veto power of Russia in the UN Security Council becomes crucial.

Yuriy Sergeyev, Permanent Representative of Ukraine to the UN, has already announced the intention of Ukrainian delegation to use Article 27 of the UN Charter while considering the UN Security Council resolution to send a peacekeeping mission. This article, inter alia, specifies that the country which is a party to the conflict loses the right to vote in the UN Security Council as regards the victim of aggression. Hence Russia’s right of veto on the Ukrainian question in the UN Security Coun-

cil could be potentially overturned. It is worth reminding the foreign partners of Ukraine about the Verkhovna Rada appeal of January 27 to the UN and the European Parliament to recognize the Russian Federation as an aggressor state under the UN General Assembly Resolution 3314 on the Definition of Aggression, December 14, 1974. However, to recognize a conflict as such that involves Russia as one of its sides, the UN Security Council's decision is necessary. However, Russia is guaranteed to veto such a decision.

So, only the international organization in which Russia dominates totally will be able to get a peacekeeping mandate from the UN Security Council. It does not matter a great deal if it will be the CIS, the OSCE, or Eurasian Union. It will certainly not satisfy Ukraine.

B. The EU mission. For Ukraine, the EU mission without the representatives of the aggressor state is desirable. It usually takes about three months to send peacekeepers of the EU member states since the decision, which is significantly less than the minimum six in the case of the UN. It is noteworthy that there are at least two precedents in history when the EU peacekeepers were sent on mission without the UN mandate — Macedonia (2003) and Libya (2011). Ukraine has made a proposal to the EU to launch operations within the EU agreement on a common security and defence policy. Currently it is under discussion in the EU Political and Security Committee. On February 23-24, such a possibility was discussed in the European Parliament, but the EU member states are to take the fundamental decision.

Therein lies the problem. In order to take the decision to carry out the EU peacekeeping mission in Ukraine, the governing body of the EU has to reach a consensus among all its members. To quash the relevant decision of the EU Council, Moscow will expectedly use all opportunities and leverage on its traditional allies — Greece, Slovakia, Hungary and others. Vladimir Putin's recent visit to Hungary has proved that the Kremlin has endless possibilities to buy the loyalty of the leaders of some Eastern European countries by providing them with considerable economic and energy preferences.

The lack of political will on the part of the EU member states to enter the direct conflict with Russia should not be underestimated. The EU will

hardly dare to send its soldiers to the front line. Therefore, the EU peacekeepers are out of the question, it is unrealistic. Another thing is the European Union Police Mission. The retired policemen will happily hold seminars for Ukrainian police in Lviv or Kyiv. However, even to Dnipropetrovsk they will go with considerable reservations, not to mention the contact lines of the Armed Forces of Ukraine and Russia. That is why the police mission will not solve any of the key issues of Ukraine.

Thus, this option should not be considered seriously.

C. The OSCE enhanced mission. This is so far the most realistic scenario of international mission. Special Monitoring Mission (SMM) has the OSCE mandate and its activities are spelled out in a set of measures of February 12. However, the OSCE missions have proven their inefficiency, both in previous conflicts and in the current confrontation. That is why representatives of Russia and separatists insist on it. On the other hand, this format is very handy for some EU member states as it allows them to continue being in the position of observers of the bloody drama in eastern Ukraine. Behind the scenes this fact is recognized by European diplomats.

In this context, a wake-up call for Kyiv was the statement of Johannes Hahn, the Commissioner for European Neighbourhood Policy, who urged the Ukrainian authorities “not to speculate on other opportunities” but “implement the Minsk agreements instead”, on February 20.

At the same time, the strengthening of the OSCE mission and its maximum approximation to the desired format of the peacekeeping presence is feasible. Apparently, there is not even a need to approve additional documents. Approximately 70% of the OSCE consists of EU member states. The Special Monitoring Mission, with the political will of the EU and with the help of diplomatic efforts of Ukraine, can greatly increase in numbers, upgrade technically and be dispatched to the contact line of the opposing sides on a regular basis. Unlike the UN and the EU, it requires neither 3–6 nor 12 months.

The EU has already signalled its readiness to consider this option as well as the belief that, firstly, in this case, the OSCE mission will manage to fulfil most functions of peacekeeping missions. Secondly, Russia will not be able to block SMM activity or use it to legalize its military. Expanded and enhanced

SMM will fill the gap of time necessary for Ukraine to prepare peacekeeping operations in the UN and the EU, even if the UN Security Council agreed to give a peacekeeping mandate to the EU today and the EU immediately proceeded to implement it.

Thus, the third option of “temporary peacekeeping solution” is possible. To be implemented, it only requires skill and perseverance of Ukrainian diplomatic corps. Unfortunately, it is the weakest link in the chain of foreign policy decision-making. Thus, from a practical point of view, the results of the Minsk-2 document preparation (Complex of measures and Declaration) cause many questions. Obviously, the proper diplomatic drafting is not

sustained and personal responsibility of the contracting parties for each step of a set of measures is not defined, which, by the way, allow a variety of interpretations and contain vague, sometimes contradictory, formulation of described necessary actions.

The passivity of Ukrainian diplomats in the key world capitals and the lack of initiatives from the MFA in the period when diplomatic skills could save hundreds of lives prompt criticism. It seems that foreign policy moves of Ukrainian authorities increasingly resemble reactive and ad hoc solutions. Nonetheless, they cannot substitute the missing strategy today.

Sanctions against Russia: Ukraine lags behind its western partners



The failure to comply with provisions of the new Minsk agreements by the Russian side and representatives of the self-proclaimed Donbas “republics” encourages the international community to strengthen measures against the aggressor. Since 2014, in addition to the US and the EU, the international sanctions against Russia have been introduced by Canada, Japan, Israel, Australia, New Zealand (overall 41 country), as well as by the Parliamentary Assembly of the Council of Europe. Compared with political and economic measures imposed by the United States, European sanctions against the aggressor are softer, which is explained by significant dependence of European economics on Russia and, in many cases, by Russia’s direct bribery of some European (for example, the Russian side has supporters of cancelling or easing sanctions in the governments of Hungary, the Czech Republic, and more recently in Greece as well). According to the EU estimates, Russia lost EUR 24 billion in 2014 only because of European (excluding the US) sanctions. This year its losses may reach nearly EUR 75 billion, or 4.8% of GDP. The continued drop in world oil prices adds up to severe damage to the Russian economy.

Apparently, Ukraine, as a victim of attack, should be the very first country to introduce its own sanctions against Russian aggressor. However, the Ukrainian side delayed the introduction of sanctions for several months, while demanding their introduction from the other partners caused at least misunderstanding on their part, since for some of them economic losses were significant. Despite the loud statements about the termination of diplomatic relations, border overlap etc. in the spring of last year, Ukraine demonstrated inability and in many cases unwillingness to help to stop the aggressor with sanctions in the first period after the military attack. In the initial period patriotic civil society rather than the government was significantly more active by launching campaigns “Do not buy Russian goods!” and flash mobs “Russian kills!”

On August 14, 2014, the Verkhovna Rada adopted and on September 10 the President of Ukraine signed the Law of Ukraine “On sanctions”, which in the context of the Russian-Ukrainian war is directed against the Russian Federation. The law specifies 24 types of sanctions that can be imposed against foreign entities and the possibility of introducing their other types. Pursuant to the law, the Cabinet

has prepared a package of restrictive measures concerning 172 individuals and 65 companies, mostly Russian. An important first step was to break off all relations with the Russian Federation concerning the fulfilment of defence orders and dual-use goods (mainly for aircraft industry). There were also sanctions imposed against the former Ukrainian officials and holders of senior positions in the Russian Federation government, as it was done in the EU and the US.

However, after a surge of activities resulting from the law “On sanctions”, there have not been effective steps in their implementation in recent months. Moreover, there is a danger that, because of clumsy actions of relevant Ukrainian structures, sanctions imposed earlier by Western partners can be lifted. Recently the experts of “Transparency International” have warned that to extend the EU sanctions against the former president of Ukraine Viktor Yanukovych and his people, the Prosecutor General must provide the proof of these individuals’ guilt, otherwise, their assets might be unfrozen.

There are both objective and subjective reasons for this situation. Among the former, as an example, is the fact that Ukraine is still bound by obligation under the “Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation” dated 1997 and it is not out of the CIS yet, contrary to the previous statements and announced intentions. Russia, not disdaining any means of economic and legal pressure, may cling to these legal points to defend its own interests and displace Ukraine from the markets of EurAsEC countries and to make claims in international courts.

However, it is certain that most of the reasons that hinder the implementation of sanctions are subjective. Among them, in particular, are strong positions of lobbyists of the Ukrainian military-industrial complex of the former Soviet Union, who could not or did not want to shift to production of civilian goods or are not sure whether Putin will win and old connections should be restored. The distribution of markets emerged in recent years between oligarchs and their dependence on supply of Russian raw material (such as natural gas, not only as an energy resource but as a raw material for the production of fertilizers) is another deterrent. However, there is also a trivial lack of political will on the part of the Ukrainian leadership.

In such circumstances the Ukrainian side has to demonstrate a paradigm shift and show that it is becoming a civilized and responsible part of the international community which is able to defend itself not only on the battlefield. Thus, an important next step from the Ukrainian leadership would be the introduction of measures against the Russian banking system. The EU and the US imposed sanctions against Sberbank of Russia, VTB Bank, Gazprombank, Mizhcombank, Russian Agriculture Bank (Rosselkhozbank) already at the end of July 2014 but Ukraine failed to respond to it, even after big scandals related to proving the involvement of these banks in financing the terrorist organizations in eastern Ukraine.

The Ukrainian side is overdue for the introduction of restrictive measures as regards the machinery and equipment used in the energy sector in Russia. Steel industry products used in oil and gas industry, high-tech machinery (optical devices and instruments, radio and electronic equipment) also meet a threat of sanctions. However, there are some problems in terms of introducing restrictions on products of food industry, agro-industrial complex and pharmaceuticals, since their sale is regulated by the United Nations Conventions (food, medicines and hygiene products are not subject to trade embargoes). However, most of the products whose export to Russia may be suspended are likely to be demanded in the domestic market and some might be shifted to other foreign market outlets. In particular, large diameter pipes, which were delivered to the Russian market, due to the cancellation of customs duty on Ukrainian products from the EU, could easily replace Russian and Chinese products on the European market, duty on which was extended for another 5 years.

Breaking traditional ties with Russian partners is certainly painful but the trend of recent years shows that imports from Russia have already gradually decreased for the last 4 years and nowadays Russia’s share in foreign trade with Ukraine is 18%, while the EU share is 32%. Most products from Russia against which sanctions might be imposed by Ukraine are produced in our country and, therefore, trade restrictions will not harm the national economy and will also stimulate their own production. It should be taken into account that there is no sufficient financial capacity to develop import-substituting industries in the country now, and, con-

sequently, new mechanisms of the internal market development and compensatory means to prevent default and social upheaval should be considered. Additionally, there is a compelling need to devise strategies for including Ukrainian enterprises in European production cycles, which will only confirm the immutability of Ukraine's European integration path.

In the event of further Russia's rate to destabilize Ukraine, which should be expected, our response must be appropriate: the increased transfer of the economy on a war footing; the closure of the border in areas controlled by the Ukrainian side and the restoration of control over the entire length of the border; the severance of diplomatic relations (considering all possible consequences); the resolute fight against smuggling and various shenanigans, the closure of offshore schemes; finding the ways to reduce production cooperation with Russian enterprises until its termination. However, in this regard, our country will need real help and coordination with Western countries. The so-called "Kharkiv initiative" of the late 90s in the 20th century should be mentioned, when on demand of the US Ukraine repudiated nuclear contracts with Iran in exchange for the promise to accommodate US orders in the

regional enterprises. Then the initiative ended in failure without any consequences for Americans but caused plunge in profits and damage to the reputation of the enterprise "Turboatom". Therefore, clear guarantees from the West that this situation will not happen again are needed, as well as the situation, when "assurance of security" inherent in Budapest Memorandum in 1994 by the guarantors did not stand the test of life, should not be repeated.

Unawareness of the importance of the aforementioned steps and delay in their implementation tarnish the reputation of Ukraine, undermine the credibility of third parties, question the willingness and ability of the state to strenuously defend against the aggression waged by Russia. Taking into account that necessary economic reforms are carried out very slowly and not always in the right direction, the country should expect demoralization and the lack of faith in its own strength, and, by and large, political power anaemia leads to the loss of legitimacy of its efforts to build a "life in a new way". It all points to the logical conclusion: Ukraine should exert its efforts in the near future to not only catch up with the West in implementing sanctions but also to show the ability to play by the rules the adherence to which we expect from others.

The aim of the publication is to provide analysis of Ukraine's foreign policy in the context of global processes in the region and the world, as well as an overview of major world events that may have an impact on the further development of Ukraine and the region. Special attention is paid to the European integration of Ukraine, in particular implementation of Ukraine–EU Association Agreement.

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