

The Role of European Security Organisations in the Conflict in Ukraine

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The present conflict in Ukraine is considered one of the most significant crises in Europe since the disintegration of Yugoslavia. Moreover, it is taking place in a very specific area with special interests of external actors. The conflict, which has escalated into a war, has been regulated and, in fact, frozen, due to the participation of international organisations. This study focuses on the role of three European security organisations—the European Union (EU), the North Atlantic Treaty Organization (NATO) and the Organization for Security and Co-operation in Europe (OSCE)—in the de-escalation and resolution of the conflict in Ukraine. The qualitative case study examines the ability of the selected organisations to take a position and enter the conflict. The study proves that the ability of an organisation to enter the conflict is, to a certain extent, determined by its position towards the conflict (resulting particularly from its membership) and by the tools available to it.

Keywords: Ukraine, Russia, NATO, EU, OSCE, security organisations conflict

Introduction

Due to its location, Ukraine has historically been significantly influenced both by Russia and the West. In fact, the current conflict in the country was triggered by the decision of Ukraine's president, Viktor Yanukovich, not to sign the Association Agreement with the European Union in November 2013. Since this time, the conflict has had a

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strong international dimension with the involvement of Russia, the EU and the United States. By refusing to sign the Association Agreement, which would symbolically place Ukraine in the West and closer to the EU, Yanukovich chose an association with Russia by agreeing to accept the Russian offer of immediate loan to Ukraine. This led to demonstrations on Kiev's Independence Square (Maidan) with protesters demanding that the Association Agreement, which was understood to be a confirmation of the Western and pro-European orientation of Ukrainian foreign policy, be signed. In February 2014, the demonstrations escalated as protesters began demanding the resignation of Yanukovich as a reaction to an unsuccessful effort aimed at limiting the presidential powers through a return to full validity of the Constitution from 2004. The regime used force in an attempt to terminate the protests, resulting in fatal shootings of tens of demonstrators. Subsequently, the ousting of Yanukovich and growing separatism in the East led to the outbreak of war in Ukraine. The regions in the eastern part of Ukraine that traditionally have a deeper relation to the Russian Federation than to the EU did not approve of this 'EuroMaidan Revolution.' The situation in Ukraine further escalated after the annexation of the Crimean peninsula by the Russian Federation in February 2014.

The conflict in Ukraine has been thoroughly dissected in academic articles' and therefore we do not focus on a general analysis of it. The conflict and its impacts were clearly strongly internationalised and external actors, particularly security organisations, were clearly interested in its de-escalation. The article therefore focuses on analysis of the role of European security organisations—namely NATO, the EU² and OSCE—in the conflict, as these organisations played an important role in de-escalation and finding ways to resolution of the conflict. We set out with the conviction that all the monitored organisations were able to legitimately and legally enter the conflict due to their relation to Ukraine, as Ukraine is either a participating state of the organisation (OSCE) or has established quite strong ties to the organisation (NATO and the EU). From the methodological point of view, we are producing a qualitative case study which analyses the involvement of these three organisations in the conflict based primarily on the study of official documents of these organisations.

First, we analyse the ability of the selected security organisations to adopt a position towards the conflict, and should such a position be adopted, we analyse how the organisation was able to declare its

position in its documents. Activities which stimulate and assist the conflicting parties in de-escalation and resolution are naturally of a more significant character with respect to the organisations' direct involvement in the conflict. These activities can be divided into those connected with the use of coercive diplomacy (military, diplomatic and economic)³ and the use of conflict resolution tools, which include a wide range of long-term and short-term field activities and the ability to act as a mediator in the conflict. We do not discuss the theoretical aspects of conflict resolution due to the limited scope of the article.⁴ Instead we focus on the tools which are of an operational character and are a direct reaction to the conflict, such as various diplomatic and civilian tools; the use of military force (e.g. peacekeeping) has been excluded due to the character of the conflict (involvement of significant external actors). It would be hypothetically possible with a United Nations Security Council (UNSC) mandate, though Russia, a permanent member of the UN Security Council, would certainly veto any UN motion to intervene militarily. The article discusses the involvement of the selected European security organisations until August 2016.

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Ukraine and its relation to European Organisations

The gradual escalation of the conflict in Ukraine, turning violent in 2014, did not occur in a vacuum. After gaining independence in 1991, Ukraine became an integral part of the European security system. Ukraine became a participating state of the CSCE/OSCE after the disintegration of the USSR and adopted the treaties which were a part of the OSCE system (such as the Treaty on Conventional Armed Forces in Europe and the Treaty on Open Skies). The CSCE/OSCE significantly participated in the stabilisation of Ukraine, as various forms of CSCE/OSCE field activities have taken place in Ukraine since the 1990s. Ukrainian problems related to questions of nationality (especially in Crimea) have been also solved with the assistance of the OSCE, thanks in particular to the activities of the OSCE High Commissioner on National Minorities and the OSCE Mission to Ukraine from 1994 to 1999.⁵ Ukraine has also established close relations with NATO and the EU. The relationships with these organisations have become more significant not only at the formal level, but also in the form of practical cooperation that has impacted both Ukraine's internal transformation and external relations. Ukraine may have viewed its closer cooperation with

these organisations as a certain factor of stabilisation in the European area. This was possible as both organisations opened themselves up to cooperation with external actors as part of their transformation. Potential future Ukrainian membership in these Western organisations, particularly NATO, has not been fully ruled out due to the open door policy of these organisations. Ukraine participated in the Partnership for Peace in 1994, within which NATO provided assistance with modernisation of the participating countries' armies and assisted them in compilation of their military budgets by assisting them in their reform and increase of effectivity of these budgets. Ukraine also participated in joint exercises with NATO. Ukraine could thus intensify and transform its relations with NATO with the objective of reaching a certain compatibility in military, security and political fields. Ukraine also took part in international missions organized by NATO and supported their implementation, in particular the KFOR mission in Kosovo and the ISAF mission in Afghanistan. Ukraine also sent an entire contingent of 1,600 soldiers to Iraq in 2003 and participated in NATO's navy anti-piracy mission.⁶

The question of Ukraine's possible membership in NATO has been repeatedly discussed within NATO's open door policy. The Charter on a Distinctive Partnership was signed between NATO and Ukraine in June 1997 during the Madrid Summit. The charter explicitly states the areas of cooperation and mutual consultations. A special committee on NATO-Ukraine relations was established for this purpose. Ukraine was becoming a privileged partner of NATO, having a relationship similar to the relationship between NATO and Russia.⁷ The cooperation further intensified after adoption of the NATO-Ukraine Action Plan in November 2002, as this cooperation was clearly aimed at supporting Ukrainian efforts within Euro-Atlantic integration.⁸ The NATO-Ukraine Action Plan focused on complex deepening and enlargement of the relations between NATO and Ukraine. Specific plans further dealt with political and economic topics, issues of broad security, information and legal problems and defence and military forces.⁹ NATO was willing to move Ukraine from the 2002 NATO-Ukraine Action Plan to a Membership Action Plan (MAP) leading to future membership. However, due to the current conflict, this question remains open.¹⁰

Discussion surrounding Ukraine's membership in NATO intensified during the second half of the last decade. NATO membership required fulfilment of various political and military criteria, such as a stable po-

litical democratic system based on the shared values of NATO—free and just elections, rule of law, a free market economy, and civil management of the military and its democratic control. Other criteria included popular support of NATO membership and Ukrainian willingness to defend the shared values of the organisation. The state must also dispose of a military capacity to contribute to the collective defence, cooperate within the alliance structures, and achieve interoperability with other NATO members. The last criterion includes resolution of territorial disputes of a separatist character and disputes with neighbouring countries, as well as assurance of the position of minorities living in the state territory in accordance with OSCE principles.¹¹ The criterion of unanimous political agreement of NATO member states to invite a state to accede to the treaty (based on Article 10 of the Washington Treaty) is of fundamental importance for any potential NATO candidate state. The basic assumption for NATO enlargement is derived from the consensus that the main objective of NATO enlargement is to support stability in Europe. Ukraine's potential membership in NATO was understood to be a furthering of this aim.

Ukraine decided to accede to the Membership Action Plan (MAP) in March 2008. This was understood as its first step on the road to NATO. This programme was approved at the NATO Summit in Washington and its main objective was to provide assistance to the candidate countries in their preparation for NATO membership. NATO understood the MAP as a tool to ensure that the candidate countries would enhance the alliance and not 'merely reap the advantages of membership.'¹² Ukraine understood NATO membership to be of strategic importance for the country, as it provided firm guarantees for the maintenance of Ukrainian sovereignty, national identity and territorial integrity. It was thus understood to be a significant alternative to the somewhat neutral position of Ukraine as a country located between the West and Russia.

The question of Ukraine's fast entry into NATO was nevertheless problematic for many NATO member states (in particular France and Germany) and it was reflected in the refusal to put Ukraine on the MAP.¹³ Russia viewed Ukrainian efforts to join NATO as a threat and exercised massive diplomatic pressure against the adoption of the MAP. At the NATO Summit in Bucharest in April 2008, NATO refused the MAP for Ukraine. Negotiations about Ukraine's NATO membership significantly slowed after the ascension of Yanukovich to the presidential

office in 2010; MAP adoption was postponed. Russia still feared the potential location of NATO military bases close to its borders, including in Ukraine, despite the fact that the question of Ukrainian integration in NATO had not been discussed significantly since 2008.¹⁴ The Russian position did not change after 2010 when Ukraine officially rejected efforts to become a NATO member by adopting a new Foreign Policy Doctrine placing Ukraine in the so-called 'non-bloc status.'¹⁵ The possibility of future Ukrainian membership in NATO thus became one of the main sources of dispute between NATO and the Russian Federation.¹⁶

The main reason for tensions between Russia and NATO issues from the strategic location of Ukraine and the dispute over Russian military bases in Crimea,¹⁷ as Ukrainian membership in NATO would most likely influence further negotiations about the presence of a Russian military base on Ukrainian territory. The question is whether a NATO member could host military bases of non-NATO members.¹⁸ John Kriendler in the report 'Ukrainian Membership in NATO: Benefits, Costs and Challenges' states that 'although it would be difficult to imagine any requirement for the stationing of substantial non-allied military forces in any allied country, other than temporarily and related to NATO or NATO-led operation, there is no NATO prohibition for such stationing if the allied host country were in agreement.'¹⁹

The relationship between the EU and Ukraine has developed without any official guarantee or acknowledgement that Ukraine may one day become a full member of the EU. The partnership was first initiated in the Partnership and Cooperation Agreement which came into effect in 1998. After 2003, the EU stressed the development of relations with Ukraine within the European neighbourhood policy and, since 2009, within the Eastern Partnership. Relations between the EU and Ukraine have been characterised by a more ambitious driving force since the second half of the last decade, reflected in particular in closer political and economic cooperation resulting from the signing of a new agreement. The Ukrainian Orange Revolution of 2004 is considered a significant turning point in relations between the EU and Ukraine, as the EU tried to intensify its cooperation with Ukraine.²⁰ The Council of the EU expressed its support for the newly elected Ukrainian president Victor Yushchenko and the proposed reforms of the new government at the end of January 2005. The EU-Ukraine Action Plan was created as a basic tool of mutual cooperation which was expected to initiate new dynamics in relations. This was most clearly reflected at the EU-

Ukraine Summit of September 2008, which stressed the shared values and common history of the EU and Ukraine and declared close cooperation also in foreign and security policy. Eastern partnership (EaP) after 2009 could be considered as ground-breaking by stressing the effort of the EU to play a stronger role in this part of Europe.²¹

The complicated negotiations regarding the association agreement became the decisive factor in relations between the EU and Ukraine.²² The signature of the association agreement was meant to be confirmation of the clear geopolitical orientation of Ukraine, and in fact disabled the membership of Ukraine in the proposed Eurasian Union.²³ The EU expressed interest in deepening relations with Ukraine, but nevertheless stressed the fact that these relations have to be based on shared democratic standards and values. The agreement has not been signed or ratified although the negotiations were finalized by 2011 and ended in 2013.²⁴ Should the association agreement be signed, Russia would be defeated—because it viewed the geopolitical situation in Ukraine as a zero-sum game²⁵—as the association agreement would reflect significant change in the geopolitical orientation of Ukraine. EU officials, on the other hand, continuously stressed that association would be a win-win-win for EU, Ukraine and Russia.²⁶ This demonstrated that the integration of Ukraine to Western structures was understood as a breach of the strategic balance in Europe.²⁷

More active participation of European organisations in the conflict in Ukraine—even though their participation seemed to be a logical step—was significantly complicated by their previous relations to the nation. Any discussions about the direct entry of NATO or EU into the conflict were crushed by the fact that the previous behaviour of these organisations (and the rather close relationship between Ukraine and these organisations) was an integral part of the development in Ukraine. Neither NATO nor the EU could have acted in an unbiased manner in the conflict because they openly and clearly supported the policy of the government which was established after the EuroMaidan. It therefore seemed natural to activate the OSCE as an important organisation of cooperative security and part of the Euro-Atlantic security architecture. The OSCE developed as a regional security organisation in a forum for political dialogue focused on questions of security and stability in Europe according to Chapter VIII of the UN Charter.²⁸ However, after the end of the Cold War OSCE-participating states primarily preferred other forms of conflict resolution and organisations other

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than the OSCE. The OSCE was frequently asked to perform actions for tactical reasons but did not play a significant role in security management.

Ukraine, like most of OSCE-participating states, considered Russia to be an aggressor and explicitly declared this. It was evident that the conflict could be solved only through cooperation at the European level and with the participation of Russia. On the other hand, relations towards Russia — with respect to its behaviour in Ukraine (in supporting the separatist states in Donbas) and in particular regarding the annexation of Crimea (breach of international law and security order in Europe) — could have been at the same time characterised by the imposition of sanctions and limited cooperation with the nation. In addition to assistance to Ukraine, NATO and the EU significantly limited political cooperation with Russia and the EU also introduced several restrictions towards Russia. The OSCE could thus serve as a useful tool and a significant actor of stabilisation and de-escalation of the conflict; its active involvement not only stabilised the situation in Ukraine but also influenced the further development of this conflict. The OSCE therefore became the natural platform for dialogue about the conflict and representation of the international community in Ukraine.

The position of the EU, NATO and the OSCE on the conflict in Ukraine

The crisis in Ukraine has had a direct impact on the security system in Europe. Therefore, it is not surprising that the conflict has become part of the discussions of the EU, NATO and the OSCE. The contrasting positions of the EU and NATO on one side, and the OSCE on the other, resulted from their respective relations with Ukraine and Russia. From the beginning, NATO and the EU viewed the Russian approach towards the crisis as aggressive and perceived the separation of Crimea and its subsequent annexation by Russia as a clear and gross violation of international law. The differences between the EU and NATO were of a more rhetorical character, relating chiefly to the extent of their rejection of Russia's actions. These differences could clearly be seen between the US and its European allies.

The EU strongly condemned and refused to recognise the illegal annexation of Crimea and Sevastopol by the Russian Federation in the European Council Conclusions of 20 to 21 March 2014. The EU stated

that it did not recognize the illegal referendum in Crimea, which was clearly at odds with the Ukrainian constitution. The EU also declared that Russia's actions clearly contradicted the Helsinki process, which contributed to overcoming factors dividing Europe and building a unified continent living in peace.²⁹ All EU and NATO member states supported the United Nations General Assembly Resolution presented by Germany, Latvia and Poland on 27 April 2014 under the title 'The territorial integrity of Ukraine.'³⁰ The resolution refers to Article 2 of the UN Charter, which rejects the threat of the use of force in relations among nations and which calls for peaceful resolution of international disputes. The text was supported by 100 UN member states including all NATO and EU member states. The declaration undoubtedly tried to isolate Russia internationally after it annexed Crimea. EU member states further 'condemned the increasing inflows of fighters and weapons from the territory of the Russian Federation into Eastern Ukraine as well as the aggression by Russian armed forces on Ukrainian soil and called upon the Russian Federation to immediately withdraw all its military assets and forces from Ukraine'³¹ in the European Council Conclusions of 30 August 2014.

NATO also took a clear position towards the crisis after the annexation of Crimea. NATO issued a statement suggesting that 'Russia's aggressive actions against Ukraine have fundamentally challenged our vision of a Europe whole, free, and at peace,' and affirmed that NATO nations 'condemn in the strongest terms Russia's escalating illegal military intervention in Ukraine'³² at its summit in Wales in September 2014. The resolution used strong language similar to the condemnation by the UNSC resolutions in the cases of Korea in 1950 and Kuwait in 1990, referring to Russia's actions as a 'breach.'³³ This specific case stressed that the 'violation of Ukraine's sovereignty and territorial integrity is a serious breach of international law and a major challenge to Euro-Atlantic security.'³⁴

The OSCE as an organisation did not take a position towards the conflict mainly because Russia is a participating state of the OSCE. However, dramatic discussions took place within the Permanent Council of the OSCE concerning the situation in Ukraine in relation to the Russian aggression and the need to implement the Minsk agreements (discussed below) as well as the question of the kidnapping and illegal imprisonment of Ukrainian citizens by the Russian Federation.³⁵ Russia nevertheless refused to comment on the situation in Ukraine

in relation to the aggression or to participate in the discussions in any way. Russia's participation in the discussion on this point would have been understood by the Russian representatives as an accusation that Russia was an aggressor. It soon became evident that specific political decisions which defined the position of the organisation on the conflict in Ukraine were being taken by other organisations (the EU, NATO and, to a smaller extent, the UN) and at individual national levels. The OSCE did not influence these decisions in any significant way.³⁶ The OSCE thus adopted an unclear position and actually remained neutral in the conflict.

The participation of the EU in the conflict in Ukraine

As a reaction to the conflict in Ukraine, the EU called, in particular, for the preservation of the internal unity of the EU. The EU as an international organisation was very active from the very beginning of the conflict, as the offer of the Association Agreement to Ukraine and its refusal became one of the initial causes of the protests at Maidan. On 21 February 2014, the Ministers of Foreign Affairs of Germany, France and Poland, along with the opposition and governmental forces of Ukraine, contributed to the signature of an agreement on the organisation of Ukrainian presidential elections by the end of 2014, punishment of those guilty of Maidan crimes and other measures. Further development in Ukraine resulting from the Maidan events had nevertheless been so fast that the agreement never came into effect. During the escalation of the crisis, the EU supported Ukraine by continually stressing maintaining continuity and deepening of relations with the EU, and by continuing to offer the signing and accelerated implementation of the Association Agreement. The EU also continued discussions on the cancellation of visa duties.

The EU also used sanction mechanism as a tool aimed at changing the behaviour of Russia, in particular trying to limit its active role in escalating the conflict in eastern Ukraine. The EU based its restrictive policy towards Russia on a three-tier strategy of sanctions. The first stage included an immediate freeze on the participation of Russia in selected international negotiations.³⁷ The second stage was initiated after the annexation of Crimea. New restrictive measures were calculated to target people responsible for misdeeds and/or close to President Vladimir Putin. As the EU does not recognise the policy of 'the il-

legal annexation of Crimea and Sevastopol,' it has imposed substantial restrictions on economic exchanges with the territory.³⁸

EU policy changed fundamentally after the shooting-down of Malaysian Airlines passenger flight MH-17 on 17 July 2014. A third round of sanctions was initiated at the end of July 2014, which has been described as 'a shift from a focus on sanctioning individuals to sanctioning key sectors in the economy.'³⁹ This third stage of sanctions not only had a direct economic impact on Russia, but also on EU member states. As Francesco Giumelli explained in the EUISS Chaillot Paper, international sanctions can affect other actors by coercing, constraining or signalling them.⁴⁰ EU sanctions are meant to: 'signal to foreign target countries or domestic audiences dissatisfaction with certain policies, constrain the target countries or their leaders from undertaking future actions, or coerce a government into changing or reversing existing policies.'⁴¹ Imposing a wide range of sanctions that had an impact on economic cooperation also raised the question of whether the sanctions were in line with the normative understanding of Europe.⁴² Hrant Kostanyan and Stefan Meister are convinced that 'the sanctions have become an important element in the Kremlin's policy of testing the unity of the EU member states. At the same time, however, together with low energy prices, the global economic slowdown and bad economic policy, they affect the Russian economy.'⁴³

The EU also supported development in Ukraine by sending a mission within the framework of its Common Security and Defence Policy (CSDP). The EU launched a civilian EU Advisory Mission (EUAM) to mentor and advise Ukrainian officials on civilian Security Sector Reform (SSR) on 1 December 2014. The mission aims to improve the accountability of Ukraine's security services and restore public confidence.⁴⁴

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The participation of NATO in the conflict in Ukraine

NATO participated rather reluctantly in the conflict in Ukraine due to geopolitical sensitivity. It only declared its positions towards the conflict without taking substantive action. At the time when the crisis on the Maidan escalated, NATO as an organisation first appreciated the fact that the Ukrainian army had not participated in the crisis; the organisation also recalled how it had decided at its summit in Bucharest in 2008 that Ukraine would become a NATO member state in the future. Nevertheless, this did not mean that NATO would participate in

the conflict, nor did it constitute a promise of more significant NATO assistance to Ukraine.⁴⁵

The events in Ukraine also presented a military challenge for NATO because the conflict was taking place within its borders. The objective was to keep each other informed about current developments in Ukraine as NATO first expected that the development in Ukraine was a political crisis which required a political solution. The aggressive behaviour of Russia, and its understood role in the fast escalation of the crisis into a war, led NATO not only to take a clear stand but also to use pressure on Russia. The aim was to create pressure on Russia while still leaving space for dialogue. NATO nevertheless interrupted all civilian and military cooperation with Russia after the annexation of Crimea, including the political dialogue at the level of ambassadors and in the NATO-Russia Council.⁴⁶ The Secretary General of NATO repeatedly talked about the presence of Russian soldiers in the eastern part of Ukraine during the conflict.⁴⁷ NATO criticised the fact that Russian military instructors were training the separatists, equipping them with Russian weapons and military material, and that Russia was sending its soldiers to territories controlled by the separatists. The approach towards Russia as a combination of deterrence and an attempt at dialogue continues to be characteristic for NATO at a time when, after an almost two-year gap, the NATO-Russia Council meeting was held on 20 April 2016 (but ended without any tangible breakthrough).⁴⁸ In his opening remarks, the General Secretary of NATO stated that member states of the NATO have no intentions to 'isolate' Russia.⁴⁹

In contrast, cooperation with Ukraine was supposed to be intensified. NATO focused in particular on assistance with defence reform and improvement of Ukrainian defence forces by providing consultations and assistance in army-building (new programmes with a focus on command, control and communications, logistics and standardisation, cyber defence, military career transition and strategic communications).⁵⁰ NATO, however, refused to supply arms to Ukraine as NATO did not want to allow Russia's action in Ukraine to jeopardise progress for aspiring NATO-member nations.⁵¹ It was clear that NATO members were not prepared to use force to defend Ukraine as a sovereign state. On the other hand, it was agreed that the alliance would remain open to new members, although the foreign ministers refrained from mentioning Ukraine specifically. This was an important message to Russia

that it could not expect any authority, or even veto, over the future expansion of NATO.⁵²

NATO therefore used deterrence and strengthened the military presence of NATO in Eastern Europe (nevertheless it never reached the level of significant military forces). Increase of military presence was gradual and was in part to deter Russia and in part a reaction to the mass snap-exercises conducted by Russia just across border. At the Warsaw Summit in July 2016, NATO leaders agreed to deploy four 'battalion-sized battle groups' in Poland and Baltic states.⁵³ NATO considers the use of coercive diplomacy tools a defensive measure and a direct response to the actions undertaken by Russia. Sharyl Cross has noted that 'NATO allies have repositioned equipment and forces in the Baltics, East-Central Europe and the Black Sea region' and 'additional multinational exercises among NATO allies and plans for military training are underway for Georgia, Moldova and Ukraine to enhance capacity to work alongside NATO forces as well as to provide for their own defence'.⁵⁴

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The participation of the OSCE in the conflict in Ukraine

The OSCE has not been able to clearly declare its position towards the conflict in Ukraine due to both the consensual character of the organisation and the fact that Russia is an OSCE-participating state. Nevertheless, the OSCE was the only actor that was able to agree upon, and effectively use, conflict resolution tools as a distinctive platform for dialogue among the states directly involved in the crisis, and, to a certain extent, serve as a mediator in the conflict.

Ukraine was the presiding state of the OSCE in 2013. The annual December meeting of the OSCE Ministerial Council in Kiev took place at the time of the protests on the Maidan. Regarding the developments in Ukraine, the differences of opinion between the Russian and Ukrainian governments on the one hand, and the EU and NATO member states on the other, were already clearly visible. The OSCE Secretary General offered the use of conflict resolution tools to Ukraine; however, the Ukrainian chairmanship (representing one of the parties involved in the conflict) refused OSCE's mediation.⁵⁵ The OSCE has nevertheless been active in the conflict thanks to the flexible bureaucracy of the OSCE in Vienna and due to the very important role of the Swiss chair-

manship of the OSCE⁵⁶ that even appointed a OSCE Personal Envoy for Ukraine, Tim Guldemann.⁵⁷

The involvement of the OSCE deepened in March 2014 when the conflict in eastern Ukraine intensified. Eighteen OSCE-participating states (all NATO members) decided unilaterally to send unarmed military representatives based on Chapter III of the 2011 Vienna document on confidence and security-building measures.⁵⁸ The short-term monitoring activity under the umbrella of the OSCE did not require the consensus of all participating states. The OSCE subsequently used the opportunity to implement its long-term tools, in particular its so-called field activities. These included the establishment of a special monitoring mission at the Russian-Ukrainian border. The project co-ordinator with a long-term mandate also participated in the stabilisation of the situation in Ukraine. Its main objective was to assist local authorities in improvement of the legislative system, including maintaining the rule of law and preventing human rights abuses. The co-ordinator also provided training for persons responsible for organisation of the 2014 parliamentary elections, including several informational campaigns. A similar information campaign asking people to participate in local elections was also implemented in 2015.⁵⁹ Additionally, the project co-ordinator had to react to the direct impacts of violence escalation and participated in activities which directly reacted to the impacts of violent conflict, including educational campaigns, publication of security rules for inhabitants regarding unexploded ammunition, and cooperation with the Ukrainian government in the field of police reforms and training new members of the OSCE police force.⁶⁰

The OSCE entered the conflict in Ukraine in a significant way by sending a special long-term monitoring mission based on an official request by Ukraine. The OSCE thus enabled involvement of international observers on Ukrainian territory and became the most visibly involved member of the international community in the conflict.⁶¹ OSCE-participating states agreed on the necessity of implementing a monitoring mission, despite the fact that the opinion of Ukraine (and all other OSCE-participating states) regarding the annexation of Crimea and Russian activities in the eastern part of Ukraine, differed significantly from the Russian interpretation. The OSCE obviated this difference of opinion in the form of interpretative statements attached to the decision on the mission mandate.⁶² OSCE-participating states, unlike Russia, consider Crimea an integral part of the Ukrainian territory

and the breach of the territorial integrity of Ukraine was considered a significant violation of the most significant norms of international law, the CSCE Final Act, and all bilateral and multilateral contracts which guarantee Ukraine's territorial integrity, inviolability of borders and non-intervention in the nation's internal affairs.⁶³ The objective of the OSCE Special Monitoring Mission is to maintain stability in the territory, reduce tensions, facilitate dialogue, especially among all parties involved in the conflict in eastern Ukraine,⁶⁴ and support and control implementation of the so-called Minsk agreements. The mission's activities include monitoring of the conflict between the Ukrainian army and separatist forces, observance of cessation of hostilities, and control of weapon removal from the established security zone. The mission monitors and supports implementation of all principles and obligations of the OSCE and promotes cooperation among the OSCE executive structures, relevant actors in the international community and Ukrainian authorities.⁶⁵ The mission is comprised of several hundred unarmed observers. The first observers were on the spot 24 hours after their mandate was approved.⁶⁶ The maximum number of observers is limited to 1,000.⁶⁷ Most observers are located along the so-called 'line of contact' and in Donbas, particularly in the Luhansk and Donetsk areas.⁶⁸ By sending the mission, the OSCE demonstrated its ability to become involved in the conflict although it is not able to discuss the question of Crimea's annexation or find a solution regarding its status.⁶⁹ Though the mandate of the mission officially covers the entire territory of Ukraine, the mission's observers are, in fact, not allowed to act in Crimea. It is also difficult to keep the mission impartial and independent, as the mission must manoeuvre in a political and diplomatic 'minefield,' balancing between the necessity of securing the approval of Russia and the ability to act on the spot and prevent Russia from reducing its credibility and neutrality.⁷⁰

The OSCE Permanent Council decided to send another mission to Ukraine in the summer of 2014, as it was formally necessary to increase the transparency of the Ukrainian-Russian border. The Ukrainian government lost control over the entire length of the border during the conflict, it falling under control of the pro-Russian separatists. The Permanent Council Decision 1130—on the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border from July 2014—granted a mandate to the OSCE Observer Mission to the two Russian checkpoints of Gukovo and Donetsk.⁷¹ The

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decision recalled the Joint Declaration made in Berlin on 02 July 2014, which was adopted by the Ministries of Foreign Affairs of Germany, France, Ukraine and Russia and which called for a more transparent border. This mission is very small (approximately 20 observers) and one of its objectives is the monitoring of the two checkpoints at the Russian-Ukrainian border. Information about activities at the checkpoints are available to all OSCE-participating states. The mission contributes to a reduction of tensions and maintenance of stability when the Ukrainian security forces cannot objectively control the border; in fact, the mission substitutes the activities of Ukrainian security forces. Nevertheless, Russia has blocked the effort of some OSCE-participating states to enlarge the territorial scope of the mission to encompass a larger part of the Ukrainian-Russian border, including other checkpoints. The real contribution of the mission to the resolution of the conflict is thus rather limited; however, it cannot be neglected due to the fundamental importance of these two checkpoints for transit between Russia and Ukraine.⁷²

By becoming part of the so-called Trilateral Contact Group composed of the representatives of Russia, Ukraine and the OSCE, the OSCE has played the role of mediator in the dialogue between Russia and Ukraine regarding the de-escalation of the conflict and stabilisation of the situation in eastern Ukraine.⁷³ This was made possible by the fact that Russia refused the more active participation of the EU in the so-called 'Geneva format,' which would include the Ministers of Foreign Affairs of the USA, Russia, Ukraine and the EU. The fundamental form for the search of an agreement was the so-called 'Normandy format' created by France, Germany, Russia and Ukraine. The OSCE was represented by its ambassador, Heidi Tagliavin, who was appointed by the Swiss chairmanship,⁷⁴ and the office was subsequently taken over by Martin Sajdik in June 2015.⁷⁵ Representatives of the self-declared separatist republics (Luhansk and Donetsk) also participated in these negotiations. This proved to be a fundamental format of dialogue, because it enabled the parties to reach agreement and sign the most important documents that led to de-escalation of the conflict, stabilisation of the territory and gradual facilitation of the conflict. The so-called 'Minsk protocol'—on ceasefire and initiation of a political process to conflict resolution—was signed in September 2014. An additional memorandum was signed in Minsk several days later, focusing on specific measures within the ceasefire. The Minsk protocols required an immediate

ceasefire, monitoring by the OSCE, and decentralisation of the power in Ukraine, with an emphasis on local administration in the Donetsk and Luhansk territories of Ukraine. The protocol granted new tasks to the Special Monitoring Mission of the OSCE, consisting in particular in monitoring of the ceasefire. The situation in eastern Ukraine nevertheless continued to escalate and the ceasefire was not maintained.

Against this backdrop, the leaders of the Normandy format met in the Belarusian capital of Minsk on 11 February 2015 to try to de-escalate the spiking conflict, once again agreeing to a ceasefire and working out a political solution to the conflict. The Trilateral Contact Group therefore adopted a 13-point package of measures for implementation of the Minsk agreements (Minsk 11) as comprehensive catalogue of undertakings, ranging from security to political, economic and constitutional changes.⁷⁶ The package repeatedly called for immediate ceasefire and withdrawal of heavy weapons from the line of contact, and adopted additional political and legal steps of conflict resolution.⁷⁷ A panel of eminent persons from the OSCE member states, including Russia, describes the fulfilment of the Minsk agreements as a 'starting point for the development of a sustainable political, military and economic settlement of the crisis in and around Ukraine.'⁷⁸ Six points from this agreement were partially implemented: withdrawal of all heavy weapons and establishment of a security zone; monitoring and verification of ceasefire and withdrawal of heavy weapons by the OSCE; modalities of local elections in accordance with Ukrainian legislation and the law of Ukraine 'on interim local self-government'; exchange of prisoners; determination of the procedure for the full restoration of socioeconomic relations; and constitutional reform including decentralisation and special status for separatist held regions. Six points were not implemented: ceasefire; amnesty; humanitarian assistance; handover of control of the Russia-Ukraine border from the Ukrainian side to Kyiv; withdrawal of all foreign armed forces, military equipment and mercenaries; disarmament of all illegal groups; and holding elections in accordance with the OSCE standards and monitored by ODIHR. Only one point—the creation of trilateral working groups—was fully implemented, though with limited results.⁷⁹ The measures are of a consecutive character and can only be implemented upon successful implementation of the previous measures.⁸⁰ Such a huge catalogue of adopted measures is a clear evidence that they are considered to be a certain 'road map' for peace-making activities.

The situation indeed partly de-escalated in 2015, but, so far, it has not been possible to fully implement the agreements. In the year 2016, Minsk 11 is still far from being in effect. Violations occur on a virtual daily basis and the withdrawal of heavy weapons is hard to fully verify. Instead of conflict resolution, we may rather witness a tendency for the conflict to become frozen. Minsk 11 is a step on the way to stopping escalation, rather than a final act leading to resolution. For Russia, the Minsk 11 agreement is a convenient political and diplomatic tool for sustaining the current state of 'not an entirely frozen conflict' in the east of Ukraine.⁸¹ Hrant Kostanyan and Stefan Meister stated that 'the blame game between Ukraine and Russia for non-implementation of the Minsk agreements is ongoing.'⁸² On one hand we can talk about Russian reluctance and on the other about Ukraine's indisposition to fulfil Minsk 11.

This does not, however, negate the specific mediating role that the OSCE played between Russia and Ukraine and how the organisation became an important guarantor of the Minsk agreements. The role of 'honourable mediator' was accepted by Ukraine, the pro-Russian separatists, Russia and the West.⁸³ The OSCE has thus proven to be the only channel that has enabled an agreement to be reached between the actors directly involved in the conflict by consensus at a time when hostile and hateful rhetoric has increased between Russia and Ukraine, and other communication channels and discussions have been limited or completely interrupted. The OSCE has therefore enabled communications between Ukraine and Russia regardless of the fact that many consider Russia to be an unreliable partner.⁸⁴

Conclusion

The analysis above demonstrates that each of the three monitoring organisations showed a specific method of involvement in the conflict in Ukraine. All three organisations reacted very quickly to the escalation of the conflict, though their participation in conflict de-escalation and resolution efforts differed. The following table summarises the results of the analysis of participation of the EU, NATO and the OSCE in the conflict.

Whereas NATO and the EU clearly defined their position towards the conflict, supported the Ukrainian government, and defended the territorial integrity of Ukraine, the OSCE has not taken a clear position

<i>Organisation</i>	<i>Position towards the conflict</i>	<i>Use of declaratory tools</i>	<i>Use of coercive diplomacy (military, diplomatic and economic tools)</i>	<i>Use of conflict resolution tools</i>
<i>EU</i>	Yes	Yes	Yes	Partially (Field activities - limited)
<i>NATO</i>	Yes	Yes	Yes	No
<i>OSCE</i>	Yes	No	No	Yes (Field activities, mediation)

towards the conflict and its efforts have been aimed at de-escalation, freezing and possible resolution of the conflict in eastern Ukraine. NATO and EU member states clearly defined their position towards Russian behaviour and tried to not only punish Russia with the use of coercive diplomacy tools, but also attempted to modify Russia's behaviour, in particular by stopping support of the separatists in the eastern part of Ukraine. The crisis in Ukraine has become a significant test, in particular for the EU, with respect to the abilities of its transformative power.⁸⁵ On the other hand, the OSCE enabled formulation of a minimum possible common position of Russia and EU and NATO member states and activated the organisation in conflict de-escalation by sending missions or appointing the organisation to the role of a mediator in negotiations between Russia and Ukraine, as well as by guaranteeing the Minsk Accords.

The OSCE was the only organisation to become directly involved in the conflict. The simple fact that participating OSCE states have been able to agree on specific tools to be used in the conflict can be seen as a success. However, the viability of a peaceful resolution to the conflict and the actual implementation of the Minsk Agreements remain in question. We can similarly question the effectiveness of the tools used. The Russian Federation blocks the enlargement of the Special Monitoring Mission to the Russian-Ukrainian border and its activities in the long-term, and thus its added value is rather limited. It is rather paradoxical that thanks to the conflict in Ukraine, the OSCE has again become important as a Europe-wide forum and a security organisa-

Table 1, Participation of the EU, NATO and the OSCE in the conflict in Ukraine.

tion. This is happening at a time of further deterioration of relations between the West (the USA, the EU and other European countries) and Russia (plus Belarus and some Central Asian countries), which is clearly reflected in the Ukrainian conflict. This results from the relatively strongly shared political obligations which have their roots in the CSCE Final Act of 1975 and in the complex approach of the OSCE to security. OSCE has experience in operating even among non-allies and it can flexibly adapt to the situation. Its tools are therefore not connected with enforcement, but cover field activities including long-term and short-term missions. The OSCE has become a significant platform for conflict resolution for its participating states, particularly Russia.⁸⁶

The results of this study point out an interesting fact: the frequently criticised complexity and flexibility (read: lack of hierarchy) of the security arrangement in Europe—which includes a large number of security organisations with a varying understanding of security and membership—is not necessarily a disadvantage for Europe. This can clearly be seen in the deteriorating security situation and escalation of the violent conflict in Ukraine: Despite clearly different interests of the individual actors and the limited possibility of involvement in conflict resolution, it has been possible to de-escalate and freeze the conflict with the participation of European security organisations.



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Notes

1. See e.g. Sharyl Cross (2015), ‘NATO–Russia security challenges in the aftermath of Ukraine conflict: managing Black Sea security and beyond,’ *South-*

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2. The EU is not a security organisation in the traditional understanding of this term and it was considered an example of economic and political integration. However, by the development of so-called 'common security and defence policy' (CSDP) as a part of the common foreign and security policy (CFSP) the integration process also acquired a security dimension, and the EU started to take over the role of a security organisation in its external activities. This was reflected in particular by sending of missions under the CSDP, by building of capacities and adoption of defence obligations in the Lisbon Treaty. Therefore the authors decided to include the European Union in their analysis of the role of international organizations in de-escalating the conflict in Ukraine.
 3. For the purpose of this study we understand coercive diplomacy as a diplomatic strategy with a degree of limited coercion. This includes diplomatic, economic and military measures and one of the important tools is represented also by sanctions. Coercive diplomacy may nevertheless also include the threat of use of force. Bruce Jentleson stated that: 'Carrots may be included, but, by definition, so too are sticks. The sticks can include economic sanctions as well as military force.' Bruce Jentleson (2006) *Coercive Diplomacy: Scope and Limits in the Contemporary World*, Policy Analysis Brief, The Stanley Foundation, available at: <<http://stanleyfdn.org/publications/pab/pabo6CoerDip.pdf?>> (accessed 20 July 2016).
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 6. Dinoj K. Upadhyay (2016), *NATO Warsaw Summit: Outcomes and Implications*, ICWA Issue Brief, available at: <<http://www.icwa.in/pdfs/1B/2014/NATOWarsawSummit1B02082016.pdf>> (accessed 20 July 2016).

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 37. The diplomatic measures included the organisation of the G7 summit in Brussels on 04 to 05 June 2014 instead of the planned G8 summit in Sochi; the organisation has been meeting in the G7 form since then. The EU member states also supported the suspension of negotiations over Russia's joining the OECD and the International Energy Agency. The EU also cancelled the EU-Russia summit and no regular bilateral meetings have taken place since then; regular meetings at the level of the EU member states have been also limited. Negotiations on the new Agreement between the EU and Russia on the strategic partnership (it was supposed to substitute the Partnership and Cooperation Agreement from 1997) have been also suspended as a reaction to the conflict in Ukraine. Hiski Haukkala (2015), 'From Cooperative to Contested Europe? The Conflict in Ukraine as a Culmination of a Long-Term Crisis in EU-Russia Relations,' *Journal of Contemporary European Studies*, 23(1), p. 35.
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