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Europe on the Edge: NATO and the EU in the Ukraine Crisis

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The crisis unfolding in Ukraine over the last three months has all the ingredients of classical geopolitics: big power politics, pursuit of regional influence, military maneuvers and protests on the streets. Realist terminology seems to fit the scenario pretty well. Issues such as balance of power, military might, and the anarchy of the international system, where no entity exists above the states, are being used to understand the behavior of the main actors. When analyzing international crisis such as the one in Ukraine, states are seen as the pivotal actors, moved by their national interests defined along rational cost-benefit equations. There are good reasons for this, but there are also good reasons for considering other important dynamics that influence the course of events and could play an important role in finding a permanent solution for the conflict between Kiev and Moscow.

This article looks into the way two Western international organizations have behaved during the Ukrainian crisis, and considers their possible contributions. While new developments happen on a daily basis, it is possible to sketch out some of the main trends exhibited by NATO and the European Union (EU) over the last weeks. This exercise allows a better understanding of what is at stake for Kiev, Moscow and the Crimea. More particularly, it reveals that in theory neither Kiev nor Moscow can make strategic calculations disregarding the impact of international organizations on specific issues,

but in practice they mostly do. In addition, it also provides a good case study of the capacities and limitations of these international actors.

The Political Dimension

The EU, for all its sluggishness and inability to speak with one voice, has been the main trigger for the current crisis in the Ukraine. The attraction of closer ties with the EU by some sectors of the Ukrainian society clashed with former President Viktor Yanukovich's pro-Russia stance. Popular discontent with high levels of corruption had been growing for months. And when Kiev's Cabinet of Ministers decided on 21 November 2013 to suspend preparations to sign the Association Agreement with Brussels, Ukrainians flooded onto the streets to protest against the shadow of Moscow's influence, fearing a future less anchored to the West than to Russia. The Association Agreement between the EU and the Ukraine had been negotiated between 2007 and 2011 and included a Deep and Comprehensive Free Trade Area, a fundamental step for opening and expanding the Ukrainian economy. It focused on the elimination of custom duties and technical barriers to trade (such as harmonization of sanitary and phytosanitary measures and regulation of intellectual property), and provided a framework for modernizing EU-Ukraine trade relations. In short, the agreement promised extensive harmonization of laws, norms and regulations in various trade-related sectors,

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creating the conditions for aligning key sectors of the Ukrainian economy to EU standards.¹

In fact, the Association Agreement went beyond that to address areas such as energy, transport and environment protection, industrial cooperation, social development, equal rights, consumer protection, education, youth, and cultural cooperation. As in all EU agreements with neighbor partners, the agreement focused on values and principles found in the Treaty of Lisbon: Ukraine should observe respect for democracy and the rule of law, respect for human rights and fundamental freedoms, principles of good governance, a market economy and sustainable development. The Agreement also included provisions regarding enhanced cooperation in foreign and security policy and energy. The EU-Ukraine Association Agreement was the most ambitious agreement ever signed between the EU and a non-candidate state from Eastern Europe. The EU faces a puzzle that is difficult to solve. Part of the difficulty relates to the importance of EU relations with Russia. Russia is considered one of the EU's ten strategic partners,² with cooperation covering a range of economic, environmental, security, nuclear and energy issues. Since the 2003 St. Petersburg Summit, a specific set

of agreements related to these issues have provided the platform for cooperation between Moscow and Brussels, developed within the so-called Four Common Spaces: economy and environment; freedom, security and justice; external security, including crisis management and non-

proliferation; and research and education, including cultural aspects. But the main share of the deadlocks preventing further EU action in the recent crisis comes from

the bilateral relations that different EU member states have with Moscow. Countries from the former Eastern bloc see the resurgence of Russia as the reappearance of a Cold War ghost and align themselves with stronger measures against Russia. Many Western European countries, on the other hand, fear that a strong stance will harm privileged economic relations and curtail access to Russian gas. Germany and France, among others, have developed strong ties with Moscow since Russia became a highly attractive market following the end of the communist era. The massive investment of Russian oligarchs in different sectors of the British economy is also something worth considering when evaluating 10 Downing Street's behavior over the last weeks.

Overcoming these internal quarrels and reacting effectively to a crisis with this complexity requires strong leadership and an efficient institutional setting. The European External Action Service (EEAS) and EU's High Representative for Foreign and Security Affairs, Catherine Ashton, made efforts to address the escalation of the conflict in late February. But the EU failed dramatically in three dimen-

The EU failed dramatically in three dimensions: it was unable to anticipate or to prevent the deterioration of the Ukrainian political scene; it was unable to halt the escalation of the conflict; and it did not muster a strong enough reaction to Russian actions in Crimea. This becomes more serious when one realizes that little seems to have been learned from the Arab Spring, a social movement that occurred off of the EU's radar despite significant regional and bilateral cooperation with Mediterranean countries.

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1 "EU-Ukraine Deep and Comprehensive Free Trade Area" (DG Trade, European Commission).

2 The ten strategic partnerships of the EU are Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea, and the US. EU's main document regarding this foreign policy tool is the *European Council 16 September 2010 Presidency Conclusions* [EUCO 21/1/10 REV 1 CO EUR 16 CONCL 3].



cal might. Witnessing a military invasion in 2014 so close to EU borders, and in its main area of influence, is a slap in the face of the European Neighborhood Policy.

After days of intense diplomatic bargaining, the Council of the EU agreed on sanctions against Russia on 3 March. These sanctions include the suspension of the bilateral talks with Russia on visa matters and on a new agreement that the EU and Russia had been negotiating to upgrade the bilateral relationship. The Council also supported the decision of the EU members of the G8 and the EU to suspend preparations for participation in the G8 Summit in Sochi until further notice. This summit, scheduled to take place in early June, has been an obvious target of EU and US's pressure on Putin. It is worth remembering that the group of most industrialized economies, known as G7, became G8 with the inclusion of Russia in 1998.

The Military Dimension

The Ukraine crises gained a military dimension when the revolution in the streets of Kiev spilled over into the territory of Crimea, which saw airports and military bases seized by Russian forces and contractors. The *de facto* occupation of the Ukrainian territory was only possible because Ukraine is

not a member of NATO. Despite the general strengthening of ties between NATO and Kiev in the 2000s and the Bush Administration's efforts to enlarge the North Atlantic alliance to include the Ukraine and Georgia, some European members stalled talks at the NATO Bucharest Summit in 2008. Germany and France, both dependent on Russia for energy and eyeing exports to Russia, were pivotal in thwarting Ukraine's talks with NATO at that decisive moment. Then, the election of Yanukovich in 2010 brought a halt into Kiev's rapprochement to the West and opened the door for a new era of Russian influence over Ukraine, a trend more clearly revealed since November 2013.

On 3 June 2010, the Ukrainian parliament voted against further integration in NATO membership, thus rejecting the possibility of a NATO Membership Action Plan.

Where NATO's door remains open to Kiev in the words of Secretary-General Anders Fogh Rasmussen, Ukraine's current position makes NATO intervention in Crimea highly unlikely. Naturally, out-of-area operations are a theoretical possibility, but only when fundamental issues are at stake and the strategic scenario in place makes them possible. A NATO-Russia military confrontation does not seem possible in 2014. The non-observance of that option substantially reduces NATO's capacity to influence events. This also carries two key consequences: it leaves the military option up to individual states or ad hoc coalitions; and it reduces NATO's role to the technical aspects of its partnership with Russia. Although important, these dimensions of NATO-Russia cooperation will not halt Moscow from pursuing a bold foreign policy in the post-Soviet space. NATO emerged in the late 1940s as a project to deter Soviet expansionist ambitions, and it served as a fundamental pillar of the Cold War. The profound changes in the post-Cold War security environment led to important reforms within NATO, and both the cooperation with

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Moscow and the new Strategic Concept that came out of the 2010 Lisbon summit have been considered the material end of the East/West confrontation. Interestingly, when observing Putin's Russia and its actions in Georgia, Chechnya or Crimea, it is tempting to wonder if the days of Soviet-style intervention are actually over.

In theory, the EU could act on another dimension of the military equation. With its extended Petersberg Tasks, the EU's Common Security and Defense Policy (CSDP) could have a say in the stabilization of Ukraine. Since 2005, the EU has had a presence in the border between the Ukraine and Moldova. The EU Border Assistance Mission to Ukraine and Moldova has been contributing



to enhance the overall border and customs management capacities and to approximate the standards of the border and law enforcement authorities to those of the EU. According to mandate, the mission contributes to a peaceful resolution of the conflict in Transnistria, an area *de facto* controlled by Russia. If this becomes the scenario in Crimea after the end of the current crisis, the EU might have a role to play in confidence building between Kiev and Moscow and in providing technical assistance to the implementation of post-conflict resolutions. However, a CSDP mission with a more ambitious mandate is unlikely for the time being, to say the least.

Some Notes on What Comes Next

The biggest confrontation with Russia since the end of the Cold War has revealed internal EU disagreements on how to proceed regarding Moscow, and it has also exposed NATO’s lack of influence. EU sanctions on Russia were paired with an aid package to Kiev worth €11 billion, clearly demonstrating the EU sides with the new Ukrainian Prime Minister Arseniy Yatsenyuk and his government. This package will require the intervention and supervision of the International Monetary Fund and will be extended for several years.

There are several developments that will require close attention in the coming weeks. The first is how effective EU sanctions against Russia prove to be. If the situation in Crimea does not markedly improve, the EU will enforce additional measures, including travel bans, asset freezes and the cancellation of the EU-Russia summit. As mentioned by the Council on 3 March, the Commission and the EEAS will take forward preparatory work on these measures in order to have them available and ready to be enforced if needed. Additionally, it will be important to understand to what extent NATO will extend the suspen-

sion of its partnership with Russia. The depth of the diplomatic pressure from the Alliance will serve as a test to the post-Lisbon NATO under the new Strategic Concept. It would also be relevant to understand to what extent Ukraine follows the international law option to pursue Yanukovich and to exert indirect pressure on Moscow. The new government could advance towards ratifying the treaty for the International Criminal Court (ICC), which would restrict what Russia could do in Crimea. Having Kiev under the jurisdiction of the ICC would contribute to enforce the rights of the Russian minorities in Ukrainian territory, therefore annulling one of the main reasons invoked by Moscow to justify Russia’s intervention.

Part of the immediate future of Ukraine politics will pass through upcoming presidential elections, from which a new President will emerge with political legitimacy. The importance of that act is pivotal for future developments in the region and all efforts should be made to ensure the normality of the election. Missions from the OSCE, the Council of Europe, and the EU should act in coordination to ensure a fair election. The Ukraine crisis is too important for Europe to fail.

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