

THE ROLE OF THE EUROPEAN UNION IN CONFLICT RESOLUTION IN UKRAINE

*Mihaiela BUȘE, PhD lecturer **

Abstract: *European Union (EU) is a regional player that aims to strengthen its global status by becoming involved more actively and effectively in maintaining peace and stability in the world. In the EU's vision, the methods of conflicts solutions are peaceful, the organization choosing to respond to violence through mediation and dialogue and not through military force. Since the beginning of the conflict in Ukraine, the EU sent its representatives to assist it in the difficult times that it has been experiencing. As the crisis evolved, the EU has made use of various instruments in an attempt to solve the crisis: restrictive, diplomatic, economic measures merged with mediating and facilitating dialogue. Currently, EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, has continued the efforts of the Baroness Catherine Ashton in this regard.*

Keywords: *conflict resolution, European Union, Ukraine, mediation, dialogue.*

1 UN Charter - landmark on methods of conflict resolution

The conflict resolution is a relatively new field. But the armed conflicts and wars have a rich history. The two world wars shook the world so much that mankind wanted the establishment of a period of peace, harmony, understanding between peoples. Thus was founded the United Nations, whose declared aim is to maintain international peace and security and which is based on the UN Charter. The starting point for violent conflicts resolution should be based on the UN Charter, which mentions two ways of resolving conflicts: on the one hand peaceful ways, on the other hand – in certain condition –the use of force.

* PhD lecturer at the Security and Defence Faculty within “Carol I” National Defence University in Bucharest, Romania, Email: mihaelabuse@yahoo.fr

Peaceful methods for violent conflict resolution

Chapter VI of the UN Charter presents the peaceful methods of dispute settlement – negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means – they are recommended to be used in a spirit of tolerance and good coexistence among peoples.

The use of force as a means to resolve violent conflicts

In Chapter VII of the UN Charter two situations are provided within which armed force can be used. First it provides that where prevention and constraint measures taken against a state do not have the desired result, the Security Council “it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations”¹. Secondly, Article 51 provides that if an armed attack occurs against a UN member state, it can exercise the right to individual self-defense, being allowed to use military force in response to the aggression to which it has been undergone.

The conflict resolution is mainly the preserve of supranational construction. Among the big mediators are the UN, EU, OSCE and the African Union. The USA also enjoy the status of mediator as the world great power. Note also the recent initiative of Germany and France in the Minsk negotiations to conclude a peace agreement on the conflict in Ukraine.

2. The resolution of violent conflicts from the European Union perspective

Since 2011, the EU has a diplomatic service created by the Treaty of Lisbon as the European External Action Service (EEAS). EEAS and implicitly the European diplomacy are led by the High Representative of the Union for Foreign Affairs and Security Policy, the only voice of the 28 member states and EU diplomacy chief.

As a promoter of peace, democracy and human rights, the EU has all the makings to set itself up in a mediator to pave the way for peace and stability. Mediation is the most used method in diplomacy within the EU to

¹ ****Charter of the United Nations*, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, Article 42, accessed February 16, 2015, on <http://www.un.org/en/documents/charter/chapter7.shtml>.

facilitate the conflict resolution. In this respect, the EU contribution concerning the settlement of the Israeli-Palestinian conflict, the dialogue between Belgrade and Pristina and the efforts to end the Six-Day War in Georgia, are eloquent evidence of the EU's experience in this field.

Although the EU mediation experience was rich, it was considered necessary to take measures to increase the capacity of mediation and dialogue so, on the 3rd of November 2009 the *Concept on Strengthening EU Mediation and Dialogue Capacities* was elaborated. For the Council and the European Commission, the concept is “a policy basis for EU engagement in the area of mediation and dialogue”². The EU involvement in mediation and dialogue can be found both in the European Security Strategy (2003) and the report on its implementation (2008), all prepared under the direction of Javier Solana, the EU High Representative for the Common Foreign and security Policy (CFSP) at the time.

From the EU perspective, mediation is an effective and relatively inexpensive tool that can be used successfully both in prevention and also in transformation and conflict resolution. In this respect, the EU concept on mediation activity and the implementation of peace agreements resulted in a holistic approach involving both support through a wide range of civilian and military instruments for crisis management and the specific areas of trade and development tools. Regarding the role of a mediator, the High Representative (HR), the Presidency, the European Commission, EU Special Representatives and European Commission delegations can undertake mediation actions within EU.

The proposed concrete measures meant to strengthen the capacity of EU in the area of mediation cover several directions: strategic and horizontal aspects, operational support, training, knowledge management, outreach and co-operation. Among the measures set out in the *Concept on Strengthening EU Mediation and Dialogue Capacities* we mention: the EU mediation activity carried out by its representatives with expertise in this area, should materialize in an early stage of the conflict; EU must act as a binder at the diplomatic level and at the same time to financially intervene to support the mediation process; EU must provide specialized training to its

² Conseil de l'Union Européenne, *Concept relatif au renforcement des capacités de l'UE dans le domaine de la médiation et du dialogue*, Bruxelles, 3 novembre 2009, accessed February 12, 2015, on http://eeas.europa.eu/cfsp/conflict_prevention/docs/ening_eu_med_fr.pdf.

actors involved in the mediation process; the exchange of experience and best practices of mediators are encouraged and it is required to strengthen the cooperation with the international partners.

The vast experience of the EU as a mediator has opened new perspectives in the mediation approach, the EU contributing significantly to the development of important aspects of mediation by: promoting mediation as a peaceful method of resolving tensions and conflicts; supporting mediation by tools specific to different domains - civilian and military instruments for crisis management and tools of trade and development; providing assistance in mediation in terms of training, logistical support and expertise provided both to the mediator and the parties to the conflict; financially supporting the mediation process. The consolidation of the support capacity in the mediation and dialogue field will enable the EU to have a considerably greater role in the efforts directed towards conflict prevention and resolution.

A complementary tool is the Mediation Support Team in the mediation field, which provided expert support in the area of mediation and dialogue to the EU institutions, its partners and EU representatives that were active in many parts of the world: Mali, Myanmar, Yemen, Lebanon, Syria, Middle East, North Africa, Afghanistan, South Caucasus, Central Asia, Western Balkans, Zimbabwe, Kenya, Nigeria, Central America³. This team was established within the European External Action Service in 2011 in order to provide support on technical expertise, advice, and operational support⁴ and to address the need for the consolidation of the EU support capacity in the mediation and dialogue field.

3. The EU demarches to resolve the conflict in Ukraine

The annexation of Crimea by the Russian Federation on the 16th of March 2014 marked the first step in Vladimir Putin's bold plan to restore Russia's domination on the States from the former USSR. This fact has generated, in addition to the dismay and condemnation from the international community, a serious diplomatic crisis. The European

³ Union Européenne. Action Extérieure, *Équipe de soutien à la médiation de l'UE*, accessed February 14, 2015, on http://www.eeas.europa.eu/cfsp/conflict_prevention/docs/2013_eu_mst_factsheet_fr.pdf.

⁴ European Union External Action, *Fiche technique, Équipe de soutien à la médiation de l'UE*, accessed February 14, 2015, on http://eeas.europa.eu/factsheets/docs/factsheet_eu-mediation-support-team_fr.pdf.

Parliament has taken action since the 13th of March 2014 by asking Russia to withdraw its military forces from Ukraine. Crimea was attached, and the EU's response to this action that threatened the territorial integrity of Ukraine was extremely fast: the day after the annexation of Crimea by the Russian Federation there were adopted restrictive measures⁵ against those responsible for undermining or threatening the Ukrainian territorial integrity, sovereignty and independence, consisting of imposing travel restrictions and assets freeze. A few days later, on the 21st of March, the EU decided to extend these restrictive measures⁶ by adding other persons to the existing list, followed by a cascade of restrictive measures that were both for people from Russia and Ukraine, Russian entities, but also relating to Crimea and Sevastopol (May 12, May 28, July 11, July 18, July 24, July 25, July 29, July 30, July 31, September 11, November 28, December 18, 2014).

The second phase materialized in a short time by taking control over the state institutions by the pro-Russians demonstrators in the cities of Harkov, Donetsk and Lugansk located in eastern Ukraine. After the Crimean model, which was based on the Kosovo precedent, on the 11th of May a referendum was organized and Donetsk and Lugansk were declared independent. These destabilizing actions which affect the territorial integrity of Ukraine are denounced by Ukraine as being caused by the Russian Federation. Ukraine triggered an anti-terrorist operation in the areas where pro-Russians separatists acted, but the powerful military equipment in their possession and their military training had the effect of gradual withdrawal of the Ukrainian army and therefore the continuing loss of land, numerous civilian casualties and an increasing number of people who, for fear of armed battles, left their homes and work of a lifetime to even save themselves.

An element with a deep emotional charge in the Ukraine crisis was the collapse of the Boeing 777 of the company Malaysia Airlines, on the 17th of July 2014, in the Ukrainian region of Donetsk controlled by the pro-

⁵ Council of the European Union, *EU adopts restrictive measures against actions threatening Ukraine's territorial integrity*, Brussels, 17 March 2014, accessed February 17, 2015, on http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141603.pdf.

⁶ Council of the European Union, *EU strengthens sanctions against actions undermining Ukraine's territorial integrity*, 21 March 2014, accessed February 17, 2015, on http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141741.pdf.

Russians separatists who were carrying violent clashes between them and the Ukrainian army . The plane had taken off from Amsterdam bound for Kuala Lumpur. Both Ukraine and the Russian Federation accused each other for shooting down the plane that caused the deaths of all 288 people on board. According to *Der Spiegel* cited by Mediafax, the German Foreign Intelligence Service determined that the plane “was shot down by pro-Russians insurgents with a missiles system stolen from the Ukrainian army”⁷. Following this aviation tragedy EU countered by establishing new sanctions.

On the 29th of July 2014⁸ the EU set up economic sanctions and diplomatic measures against the Russian Federation. The economic sanctions take into account two distinct aspects: on the one hand, Russia’s restricting access to the capital markets in the EU and on the other hand the establishment of an embargo on the import and export of weapons and related materiel from and to the Russian Federation. The diplomatic measures taken against the Russian Federation aimed at the isolation and the restriction of access to international organizations. In this context a G7 meeting in Brussels was preferred on the 4th and 5th of June 2014 and not the upcoming G8 summit held in Sochi. The EU also decided to suspend negotiations on Russia's accession to the Organisation for Economic Co-operation and Development (OECD) and the International Energy Agency and the cancellation of the EU-Russia summit.

The G-7 Leaders’ Statement on Ukraine from July 30, 2014 stated openness to finding a political solution to end the ongoing conflict. It was asked a peaceful settlement of the crisis in Ukraine and it appealed to the warring parties to establish as soon as possible a sustainable cease-fire. The attention of the G-7 leaders also targetted the Russian Federation to which they requested help in two situations: to use their influence to pro-Russian

⁷ Mihai Drăghici, *Raport privind zborul MH17: Avionul prăbușit în Ucraina, doborât de proruși cu un sistem luat de la armata ucraineană. Rebelii resping acuzațiile*, Berlin, 19 octombrie 2014, accessed February 17, 2015, on <http://www.mediafax.ro/externe/nou-raport-privind-zborul-mh17-avionul-prabusit-in-ucraina-doborat-de-prorusi-cu-un-sistem-luat-de-la-armata-ucraineana-rebelii-resping-acuzatiile-13415452>.

⁸ Council of the European Union, *EU restrictive measures in view of the situation in Eastern Ukraine and the illegal annexation of Crimea*, Brussels, 29 July 2014, accessed February 17, 2015, on http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/144159.pdf.

separatists and ensure an efficient border control by the OSCE observers's help.

On August 11, the European Commission President, José Manuel Durão Barroso had a phone conversation on the situation in Ukraine both with President Poroshenko and President Vladimir Putin. The conversation with President Poroshenko focused on humanitarian aid needed by Ukraine. President Barroso came to meet the demand of the Ukrainian President informing him that he would urgently adopt a decision on additional humanitarian assistance regarding the supplementary humanitarian assistance within the international intervention plan initiated by the United Nations.

Indeed, the second day after the phone conversation between President Barroso and President Poroshenko, the European Commission offered a further humanitarian aid of 2.5 million€ to Ukraine to assist people affected by conflict in the east. The allocation of these funds was intended "to register and relocate internally displaced people (IDPs), provide shelter, food, water, healthcare, psycho-social assistance and protection in preparation for the coming winter"⁹. This prompt financial aid from the EU to the Ukrainian civilian population was possible because of the values shared by the member states and especially because of the EU status as the principal donor of humanitarian aid worldwide. It was not the only financial aid provided to Ukraine from the EU.

On the telephone conversation with the Russian President, the European Commission President "expressed concern at the gathering of Russian troops near the Ukrainian border, as well as the continuing flow of arms, equipment and militants from Russian territory"¹⁰ which are elements designed to aggravate the situation in eastern Ukraine, not to help stabilize it. In this context, President Barroso "warned against any unilateral military actions in Ukraine, under any pretext, including humanitarian"¹¹. Also, President Barroso asked Putin for help, using his influence to facilitate

⁹ European Commission, *EU increases humanitarian assistance for Ukrainian conflict-affected population*, Brussels, 12 August 2014, accessed February 17, 2015, on http://europa.eu/rapid/press-release_IP-14-924_en.htm.

¹⁰ Commission Européenne, *Ukraine: entretiens téléphoniques du président Barroso avec le président Porochenko et le président Poutine*, Bruxelles, le 11 août 2014, accessed February 18, 2015, on http://europa.eu/rapid/press-release_IP-14-921_fr.htm.

¹¹ *Ibidem*.

smooth and safe departure of civilians from areas controlled by pro-Russian separatists.

On August 14, President Barroso spoke again on the phone with President Vladimir Putin about the situation in Ukraine. They discussed about ways that could contribute to de-escalate the conflict and the organization of consultations between the presidents of Russia, Ukraine and the European Commission on issues related to the implementation of the Association Agreement. In order to discuss in detail these important issues it was agreed to use diplomatic channels.

On the 26th of August 2014 at the meeting in Minsk, the EU was represented by Catherine Ashton, the EU High Representative, Karel De Gucht, Commissioner for Trade and Gunter Oettinger, Commissioner for Energy. President Lukashenko, President Putin, President Poroshenko, President Nazerbayev and EU representatives took part in these discussions and they focused on economic issues and issues related to peace and security in eastern Ukraine.

President Barroso was in a continuous telephone contact with President Poroshenko and President Putin discussing about the crisis in Ukraine, about the need to prevent the escalation of conflict and reiterating the necessity of solving the crisis through a political solution. In his view, the visit of President Poroshenko of August 30, 2014 in Brussels “is an important symbol of the European Union's continuing support for Ukraine and our commitment to achieving a political, negotiated solution to the conflict which respects Ukraine's sovereignty, independence and unity”¹². So, the Ukrainian President's visit was the proof that there were some EU efforts made to peacefully settle down the crisis in this country.

As the crisis worsens in Ukraine, the EU sets harsher and harsher restrictions. Thus, at the request of the European Council, the European Commission and the EEAS presented on September 3, “a set of enhanced measures related to access to capital markets, defence, dual use goods, and sensitive technologies. Additionally, a new list of individuals, including the new leadership in Donbass, the government of Crimea as well as Russian

¹² European Commission, Brussels, *Statement by President Barroso following his meeting with President Poroshenko of Ukraine*, 30 August 2014, accessed February 18, 2015, on http://europa.eu/rapid/press-release_STATEMENT-14-265_fr.htm.

decision-makers and oligarchs was presented”¹³. The President of the European Council, Herman Van Rompuy, and the President of the European Commission, José Manuel Barroso, considers that this new package of restrictive measures against Russia are regarded as an effective tool that “will increase the effectiveness of the measures already in place. It will also reinforce the principle that EU sanctions are directed at promoting a change of course in Russia's actions in Ukraine”¹⁴. In the vision of EU officials, if the restrictive measures are more severe the more effective will be, and the ultimate goal is to change the attitude of the Russian Federation in Ukraine so that the moderation of Russia's actions to slow down the worsening of the crisis.

The EU has acted from the very onset of the crisis in Ukraine by supporting it by sending repeatedly the High Representative of the time, Catherine Ashton, in Kiev. The purpose of these visits was the support offered to Ukraine to overcome the difficult time it was going through. Catherine Ashton held talks on the one hand with President Yanukovich and opposition leaders, on the other hand with the civil society representatives. Through her work, Catherine Ashton supported the presidential conduct of democratic elections and the formation of a new government in the same democratic spirit. The purpose of HR Catherine Ashton's diplomatic efforts was to facilitate dialogue between the parties. They also held meetings of EU foreign ministers and meetings of Heads of State and Government chaired by HR Catherine Ashton on whose agenda was the priority development of the crisis in Ukraine. Among the top officials of the EU, José Manuel Durão Barroso and HR Catherine Ashton reiterated the EU's desire that the crisis should be resolved peacefully through a political solution.

In addition to the mediation activities carried out, a notable achievement in the support of Ukraine proces during the mandate of HR

¹³ European Council, *Joint letter to the EU Heads of State or Government by the President of the European Council, Herman Van Rompuy, and the President of the European Commission, José Manuel Barroso, on restrictive measures against Russia*, Brussels, 5 September 2014, accessed February 20, 2015, on http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/144670.pdf.

¹⁴ *Ibidem*.

Catherine Ashton is the Association Agreement between the EU and Ukraine signed in June 27, 2014.

In November 2014, once concluded the mandate of HR Baroness Catherine Ashton, Federica Mogherini was appointed. She continued the diplomatic activities started by the former head of European diplomacy. In this respect, Federica Mogherini traveled to Kiev on the 16th and 17th of December where she attended meetings with the President of Ukraine Petro Poroshenko, the Prime Minister Arseniy Yatseniuk and the Ukrainian government, representatives of the opposition and civil society. After these meetings, the new EU HR declared that “The EU stays firmly and strongly at the side of Ukrainian People (...) to support the process initiated in Minsk to implement all the points that are in the Minsk agreement”¹⁵. With this statement the EU's position is reaffirmed to support Ukraine and to promote a peaceful solution to solve a violent conflict.

With the intensification of violence in eastern Ukraine, EU HR was concerned about the continue development of the crisis: “The fighting provoked by the continued separatist offensive, notably around Debaltseve, is causing great human suffering and undermines all efforts aimed at a political solution”¹⁶. According to Federica Mogherini the only solution for peace in Ukraine is to respect the cease-fire agreement, and this is one of the EU priorities; another priority is to provide financial support to OSCE: “The Minsk agreements must be fully implemented, this is our common priority. The EU is already providing substantial practical and financial support to the OSCE mission. We are now working to increase our support to OSCE so that it can fully play its role on the ground”¹⁷. Despite the worsening situation in Ukraine in March 6, 2015, Federica Mogherini maintained her position relating to a peaceful, political settlement of the crisis and not a military solution.

¹⁵ European Union External Action, *EU High Representative visits Ukraine*, 17/12/2014, accessed February 21, 2015, on http://eeas.europa.eu/top_stories/2014/171214_hrvp_visits_ukraine_en.htm.

¹⁶ European Union External Action, *Statement by High Representative/Vice-President Federica Mogherini on the latest development in Eastern Ukraine*, Brussels, 04/02/2015, accessed February 24, 2015, on http://eeas.europa.eu/statements-eeas/2015/150204_01_en.htm.

¹⁷ European Union External Action, Press Release, *Call between the HR/VP Federica Mogherini and UN Secretary General Ban Ki-moon on the situation in Ukraine*, 24.02.2015, accessed February 24, 2015, on http://eeas.europa.eu/statements-eeas/2015/150224_02_en.htm.

Conclusions

The first measures the European Union has adopted in order to determine a more cooperative attitude from the Russian Federation to prevent escalation of the conflict were restrictive measures and gradually economic and diplomatic sanctions.

The restrictive measures imposed by the European Union to those who contributed to impaired integrity and sovereignty of Ukraine are of gradual evolution. Thus, initially there were implemented restrictive measures for a limited number of people associated with actions against the territorial integrity of Ukraine who were banned from entering the EU and whose assets were frozen. Gradually restrictive measures were extended to the Russian companies. To increase the effectiveness of restrictive measures already applied economic sanctions were applied, too, and then diplomatic measures against the Russian Federation. The restrictive measures became more stringent, restricting, for instance, Russia's access to capital markets in the EU. The restrictions focused on defense area, sensitive or energy technologies. Also, the Council of the European Union imposed sanctions targeting Crimea and Sevastopol. Thus, in a first stage, prohibiting goods imports in these areas and then, in a second one, introducing significant additional sanctions on investments, services and trade in the Crimea and Sevastopol, EU has given a clear signal that it does not recognize their annexation by Russia.

On the 28th of November 2014, 132 people were under EU sanctions due to the involvement in activities detrimental to the territorial integrity of Ukraine and 28 entities whose assets were frozen by the EU¹⁸, their number increasing as the situation in Ukraine continued to worsen.

The mediation and dialogue were, are and will be the main tools used in the European diplomacy. With the establishment of the position of High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service EU diplomacy becomes more coherent and effective.

One month after taking office of High Representative, Catherine Ashton made known its work objectives and EU aspiration to raise the

¹⁸ Conseil de l'Union Européenne, *L'UE renforce les sanctions à l'encontre des séparatistes opérant dans l'est de l'Ukraine*, Bruxelles, le 28 novembre 2014, accessed February 21, 2015, on http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/FR/foraff/145968.pdf.

importance of its political action by discreet diplomacy and concerted action. The Head of European diplomacy believes that: “It is important for the EU to pursue an active role in areas affected by crises and conflicts. It is the responsibility of a "global player", but also it is an integral part of a security policy for Europe”¹⁹. The UE efforts to resolve the crisis in Ukraine go this way.

Catherine Ashton's diplomatic activity and her predecessor's, Federica Mogherini, to solve the crisis in Ukraine has resulted in efforts to support the implementation of a political solution through mediation and facilitation of a peaceful dialogue between the parties.

Catherine Ashton believes that the EU efforts to help maintain international peace and security is based on three pillars; “the direct involvement in the international negotiations on behalf of the international community; the ability to implement a comprehensive approach and the use of a range of tools to solve a crisis, and the close collaboration with the international and regional partners that only collective efforts can produce results”²⁰.

Regarding the crisis in Ukraine, by diplomatic efforts, the European Union has significantly contributed to the efficiency of the international diplomacy in solving the crisis in this country. Unfortunately, despite the reactions of the international community to condemn the armed aggression perpetrated in Ukraine, the sanctions imposed to Russia, the intense international diplomatic efforts, the crisis has continuously evolved and its solution will be a long process whose end, at least in the near future can not be determined and will require intense diplomatic efforts from the international community.

¹⁹ Catherine Ashton, *Diplomazia discreta e azione concertata* in “*La Stampa*”, 22/12/2009, accessed February 16, 2015, on <http://www.lastampa.it/2009/12/22/cultura/opinioni/editoriali/diplomazia-discreta-e-azione-concertata-VLSeTEfz0jWDxC7xqb6eK/pagina.html>.

²⁰ Nations Unies, *Le Conseil de sécurité salue « l'importante contribution » de l'Union européenne au maintien de la paix et de la sécurité internationales*, 14 février 2014, accessed February 22, 2015, on <http://www.un.org/press/fr/2014/CS11279.doc.htm>.



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