

Should War Be Given the Name ... and A Chance?

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In 2003 the EU leaders proclaimed: "Europe has never been so prosperous, so secure nor so free. The violence of the first half of the 20th Century has given way to a period of peace and stability unprecedented in European history".¹ European Security Strategy declared "the development of a stronger international society, well functioning international institutions and a rule-based international order" as one of the EU objectives for maintaining and strengthening a favourable security environment in Europe and in its neighbourhood. Putting primary accent on the importance of the effectiveness of international organisations, regimes and treaties in confronting threats to international peace and security, the EU reaffirmed its readiness to act when the rules are broken.

The 2014 armed conflict in Ukraine has undermined the whole security architecture in Europe and revealed the inadequacy of the existing arrangements in the face of a new challenge. It took time to understand the real nature of the conflict, its main reasons and main players. The unprecedented level and intensity of international efforts aimed at conflict resolution has created very little hope for success. The readiness of the EU as well as other main international actors to act "when the rules are broken" has been severely tested since.

The Russian-Ukrainian armed conflict has no military solution – an opinion which is widely recognised, publicly accepted and reiterated endlessly even by the Russian side. But, the question remains: How many options does one side have to avoid fighting when the other side is willing and able to use force as a primarily argument?

No military solution to the Russian-Ukrainian armed conflict?

Any attempt to challenge such an approach either in Ukraine or abroad risks to

be perceived as a counterproductive and dangerous move of a "party of war" and provoke a confrontation. However, all the diplomatic and political efforts and economic sanctions have proved to be only partially successful and for the time being the Ukrainian government forces and volunteer battalions have been the most effective in deterring Russian aggression in the East of Ukraine.

Every conflict has at least two sides involved. As long as one side is willing and able to use military force as a primarily argument, the other side has very limited options if tries to avoid fighting. When you are attacked, you either fight back, hide or run away. It is terribly risky to waste time available for reaction to appease someone geared up for a fight.

Neither Ukraine nor the West wants a war with Russia, but avoiding "unnecessary" confrontation with one who does not respect any "red lines" has served so far rather in favour of the aggressor. President Putin has an absolutely different perspective on the value and appropriateness of military instruments. It is not about his words but mainly about his deeds. The level of success he has achieved (or at least he believes he has) in pursuing his objectives in Ukraine and on the international arena was secured mainly by the use of military force or by demonstrating a firm will and readiness to fight a war.

Europe failed to recognise the new reality after the 2008 Georgian-Russian war and was too naive to expect Russia (i.e. Vladimir Putin) to "honour its commitments in a way that will restore the necessary confidence" ... and a partnership "based on respect for common values, notably human rights, democracy, and rule of law, and market economic principles as well as on common interests and objectives".²

The pathetic western response then and now – however not as weak as was expected by the Kremlin – has encouraged Russia to use the military force or the threat of force as the most effective tool to achieve its foreign policy objectives. There still prevails an adherence to non-military solution among the key European leaders and in the White House, but it remains uncertain whether we have enough time and an actual chance for Sun Tzu's art "to subdue the enemy without fighting". 2400 years old wisdom is still relevant today. To paraphrase another famous Sun Tzu's saying – "who wishes to fight must first count the cost" – one may also suggest to count the cost for those who avoid a battle at all costs.

Ukraine lost Crimea in March 2014 in fact without fighting with some cases of the low level resistance and few casualties. The official Kyiv was afraid to provoke an armed conflict and the acting Head of State Oleksandr Turchynov later acknowledged the intensive external pressure advising not to provoke Putin. The US Secretary of State John Kerry, for instance begged Turchynov to avoid starting a fire: "You should understand that the Russians are just waiting for a provocation... to play the Abkhazia or Ossetia scenario. It is a local problem".³ That conversation took place when the Russian State Duma supported the Putin's decision for deployment of the Russian troops on the Ukrainian territory, which was already under attack.⁴ Today, there is little point in speculating about possible scenarios of the conflict development if the Ukrainian side had decided to use arms in Crimea.

Perhaps, that might have been the right decision taking into consideration the then existing circumstances. Simultaneously with the Crimean operation, Russia deployed reportedly 40 to 60 thousand heavy armed troops alongside the Ukrainian eastern border. It is unclear why Vladi-

mir Putin did not seize the opportunity to bite off a bigger piece of the easy piece of Ukraine's "pie" in March 2014. Whether he was deprived of the expected provocation in Crimea, or whether there was another reason – nobody would know for sure anytime soon.

In fact, in February-March 2014 the Ukrainian Government had almost no military means to deter the Russian invasion either in Crimea or anywhere. The national armed forces were in ruin (undertrained, under-equipped, and demoralized) due to many reasons, including the traditional denial of any possibility of the armed conflict with Russian. However, it remains unclear whether the official Kyiv would have tasked the forces to fight if it had had proper military capabilities at its disposal. It is not an easy decision to send your people to die under any circumstances, especially when there is hope (which appeared wrong) that the war could be avoided, negotiated. Plus, the strategic partners suggested exactly that. The decision-making process in Kyiv was further complicated by the Kremlin's official denial and the Western leaders' reluctance to accept the obvious facts of the ongoing Russian military invasion. The principal objective of the intensive diplomatic efforts between Kyiv, Moscow and Western capitals was to avoid military escalation, i.e. to avoid war with Russia. To achieve that objective all the parties mutually agreed not to provoke Putin. The checkbox "Do Not Provoke Putin!" has become one of the most important criteria in the checklist for peace-making initiatives ever since.

Encouraging aggressor by not calling and handling the war as a war

The Ukrainian Government – also a proponent of the peaceful solution to the conflict – evaded to call Russia an aggressor for many months and to officially declare the state of war with Russia. The war was not declared after the first signs of military invasion in Crimea at the end of February 2014 followed by its annexation and the waves of spreading Russian aggression in Eastern Ukraine.

In fact, starting from the end of February 2014 almost every action conducted by the Russian Federation can be classified as the acts of aggression according to both the international law and the national legislation:⁵

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation ... or any annexation by the use of force of the territory of another State or part thereof...

On the 27th of March the UN General Assembly (by a recorded vote of 100 in favour to 11 against, with 58 abstentions) adopted a resolution titled "Territorial integrity of Ukraine", calling on States, international organizations and specialized agencies not to recognize any change in the status of Crimea. Also, the Assembly called on States to "desist and refrain" from actions aimed at disrupting Ukraine's national unity and territorial integrity... through the threat or use of force. It urged all parties immediately to pursue a peaceful resolution of the situation through direct political dialogue...⁶

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

In July-September, 2014, Ukrainian armed forces more than 120 times were attacked from the Russian territory by artillery and MRLSs near the Russian-Ukrainian border. These cases were reported by the Ukrainian authorities as well as by independent international sources.⁷

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

On the 27th of February 2014 two groups of the Russian commandos seized the main administrative buildings and city airport in Simferopol, the Crimean capital, pro-Russian militia backed by the Russian military took control over the land crossing points entering Crimea.

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

From the 27th of February 2014 Russian troops performed a blockade of all the Ukrainian military compounds, bases, navy ships on the territory of Crimea forcing them to surrender. Some of them were attacked after weeks of a total blockade.

(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State...;

Military annexation was performed by the troops stationed in Crimea according to the 1997 Russia-Ukraine Agreement. Under the Agreement, Russia was permitted to keep up to 25,000 troops at its military facilities in Crimea. The Agreement also required Russian forces to respect the sovereignty of Ukraine, its law and to not interfere in the internal affairs of Ukraine. Russian forces were not allowed to operate outside their deployment sites without coordination with Ukrainian authorities.

(f) ...

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State...

From the very beginning of the conflict all the actors fighting against Ukraine demonstrated their pro-Russian position or their affiliation with Russia. Numerous reports confirm that the Russian officials have provided continuous, overwhelming and varied support including heavy weapons supply.⁸

Presumably, "not to provoke Putin" was also the rationale behind Kyiv's decision to give the title of an "Anti-terror operation" to a full-scale armed conflict. It is also important to mention that the Ukrainian authorities have failed to take the proper actions prescribed by the national legislation. Article 4 of the Law "On Defence of Ukraine" reads:⁹

In the case of an armed aggression or any threat of an armed attack on Ukraine, the President takes a decision to declare a full or partial mobilisation, to introduce martial law on the national scale or on some territories, to deploy the Armed Forces and other State Military Formations created in accordance with the Laws of Ukraine. The President submits a related proposal to the Verkhovna Rada for approval. The President also submits a proposal for the declaration of a state of war to the Verkhovna Rada.

There had been several reasons explaining this decision or – better say – “indecisiveness”, including the necessity to conduct presidential (in May) and parliamentary elections (in October 2014), to receive the IMF loan, etc. However, there has been an obvious fear to provoke Putin by making official statement defining his actions. Despite the evident facts of the Russian military aggression against Ukraine at the beginning of 2014 and the occupation of parts of national territory, twelve month after no resolute action has been taken to proclaim Russia an “aggressor state”. Strong arguments supported by even stronger evidence failed to force the Russian officials to accept what has become obvious for the rest. But why should they, if the victim of the aggression has been hesitant to declare the state of war? No matter what other reasons are to take into consideration, but the fact remains: all the attempts driven by the sole purpose “not to provoke Putin!” have instead encouraged Mr Putin’s assertive behaviour. The “Anti-terror operation” title given to the apparent full-scale armed conflict has made this “hybrid war” even more hybrid and further complicated the prospects of settling the conflict.

Hybrid nature of the conflict

Talking about a hybrid nature of the ongoing war conducted by Russia against Ukraine, politicians and experts usually refer to the facts of the skilful and well-organised application of the hybrid manpower (special operations’ forces acting as

“green men”, local rebels, volunteers and mercenaries), non-military instruments (blackmail, economic and energy pressure), propaganda as well as conventional armed forces. Many tend to believe that this is an absolutely new type of a warfare, which needs to be properly defined and described in order to understand it and to develop adequate countermeasures. In fact, most of the military conflicts of the recent history could be characterised as “hybrid wars” differentiated in that respect only by the scale and proportions of using different military and non-military techniques and tools for achieving an ultimate victory or specific objectives. Thus, it may be stated that the hybrid feature is rather conventional for warfare. The hybrid novelty of temporary conflicts is just a reflection of the social development and the information technology.

It is hardly possible to add anything new to what have been written about the Russian hybrid tactics – also known as New Generation Warfare – used against Ukraine. Being preoccupied with the tasks of understanding the details experts and decision-makers are often distracted from the more important task of the real hybrid nature of that conflict.

There are other important features of this “hybrid” war in regard to the way it was created, presented, perceived and treated. The most important drivers behind the current Russia-Ukraine conflict are the “hybrids”: of an aggressor and a mediator; of fiction and reality; of strong words and weak actions; of efforts aimed to stop an aggressor and in fact encouraging it for more belligerent behaviour.

Being a party to the war, Russia has succeeded to present itself as a peacemaker and a mediator especially in the eyes of its domestic audience. The overwhelming majority of the Russians believe, that their country (i.e. their President) does everything to stop the civil war in Ukraine, organised by the USA and Brussels in order to undermine the power of rising Russia. In

their opinion, every actions performed by Putin has been the necessary and unavoidable response to protect peace, national interests, Russians and Russian-speakers, Christian Orthodox values, etc. The hybrid of truth and falsity explains why the anti-war protests in Russia have been rare and attended by very few activists while, reportedly, hundreds of the Russian soldiers have lost their lives in “military exercises” at “temporary locations”.

Vladimir Putin, the President of the “aggressor state” pretends to be a peacemaker and he is allowed to do so by the international community. After many months of the intensive armed conflict, thousands of military and civilian casualties¹⁰ the aggressor was allowed to continue his role of a mediator in February 2015 in Minsk.

This is also a hybrid of civil and interstate war. From the very beginning the Russian-Ukrainian conflict has been named in the Kremlin as the *Ukrainian internal crisis*. It used to be an internal crisis, which could be resolved by political means, but someone from outside decided to create a hybrid. Even the annexation of Crimea by Russian forces did not help to change this rhetoric. President Putin, who initially refused to admit and later acknowledged the direct Russian military involvement in the Crimean affair, still insists on the internal nature of Ukrainian conflict. After twelve hours of talks with French President Francois Hollande and German Chancellor Angela Merkel in Minsk Vladimir Putin failed to admit Russia’s and his personal role in the conflict: “I would like to call on both conflicting parties once again to stop the bloodshed as soon as possible...”.¹¹

However, few days before the Minsk meeting, he made two mutually contradictory statements in one paragraph of his interview. After reiterating that “the Ukrainian crisis was not caused by the Russian Federation”, he has *de facto* disclosed the Russian interest behind that conflict by saying that “It has emerged in response to the attempts of the USA and



its western allies who considered themselves 'winners' of the cold war"... "We have seen how NATO's infrastructure was moving closer and closer towards Russian borders and how Russian interests were being ignored".¹² There must be something wrong with his logic if the "Ukrainian internal crisis" emerged in response to the attempts to ignore Russian interests, but was not caused by Russia.

By the way, there is a hybrid of Russian interest (as officially declared) and Mr. Putin's personal ambitions. In fact all what have been done during the last twelve month was against the Russian national interests. For instance, the Russian national idea of creating "Russkiy Mir" has been destroyed by making Ukraine -- a critically important component of this idea -- an enemy. Another officially declared Russian strategic objective of preventing NATO's enlargement now looks less possible then before. Due to the Russian threat NATO forces have been deployed close to the Russian borders and some neutral countries are now reconsidering the expediency of NATO membership.¹³

Si vis pacem, para bellum and let your adversary know

Now, we come to the last but not least feature of the hybrid nature of the Russian-Ukrainian war. This is not the Ukrainian internal conflict as it has been portrayed by the Kremlin. This is not just the Russian-Ukrainian conflict, as it has been seen by many in the West, but denied by the Kremlin. This is a greater hybrid war of Vladimir Putin against the West where Ukraine has been used as the battleground and an instrument. Trying not to provoke Putin in Crimea did not help Ukraine to avoid the war on its territory. Whether the efforts not to provoke Putin in Ukraine will help the West to escape from Putin's attack are yet to be seen.

One year ago the author presented a possible (unrealistic as it was and is still seen by many) scenario of the start of the Russian attack against NATO:¹⁴

Friday afternoon, when most of the NATO staff is commuting toward their weekend destination, a kind of peaceful Crimean scenario begins in, let's say, the Estonian city of Narva where 88 percent of its residents are Russian. No shooting takes place. Will it be considered as an act of military aggression? If yes, how much time will it take for NATO to respond? What will the response be?

NATO has already provided some additional measures to reassure the Baltic nations, but the question remains. What if not Narva, but a trivial piece of NATO member state is violated?

Should this issue be managed diplomatically and politically only? For how long the Article 5 of the Washington Treaty remains a deterrent to Putin's options? Can Europeans really rely on own and NATO's military forces (capable and willing to fight) if the politicians would try to avoid confrontation with Putin by any means.

No doubt that a war should not take place in the twenty first century's international relations. Hard to say whether the Russians have different opinion on the role of war in general or simply have an alternative opinion about who started first and who prepared it in advance. The "alternative" opinion will be widely broadcasted by "Russia Today".

Notes

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- 2) Report on the Implementation of the European Security Strategy – Providing Security in a Changing World, Brussels, 11 December 2008 S407/08 - www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/reports/104630.pdf
- 3) Interview with Oleksandr Turchynov, 24.10.14, <http://censor.net.ua/r308694> (in Russian).
- 4) Russian parliament approves use of armed forces in Crimea, DW, 1.03.2014, <http://www.dw.de/russian-parliament-approves-use-of-armed-forces-in-crimea/a-17467100>.
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- 6) <http://www.un.org/press/en/2014/ga11493.doc.htm>

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8) U.S. Says More Russian Troops, Weapons Enter Ukraine... <http://www.wsj.com/articles/more-russian-troops-enter-ukraine-1424342640>

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10) Death toll in eastern Ukraine crosses 6,000, Zeid says, as UN releases new report. <http://www.un.org.ua/en/information-centre/news/1963>

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