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- PROTRACTED CONFLICTS
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Protracted Conflicts

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OUR MAIN TASK: TO SURVIVE THIS WAR

*Interview with Director of the National Institute for Strategic Studies
Dr. Volodymyr Horbulin*

What, In Your Opinion, Do “Frozen” Conflicts in the Post-Soviet Space Have in Common?

“Frozen” conflicts in the post-Soviet space have become the consequence of exacerbating ethnic and linguistic tensions with the crucial role of the Russian Federation in it. Russian military presence in conflict zones and further occupation of disputed territories was legitimized under the pretext of these conflicts’ resolution. At the same time, Russian economic influence on these territories has been strengthening, as well as the process of Russian citizenship granting was established. Afterwards, unrecognized states, created as a result of “freezing” (Abkhazia, South Ossetia, Transnistria), have become the zones of “controlled chaos” whereby Moscow has got leverage over domestic situation in countries embarked on the path of democratic transition.

After 2014 – the year of Crimea annexation and occupation of a part of Donbas, the Russian Federation has continued the transformation of the post-Soviet space into a regional conflict zone, which is dangerously merging with the Middle East regional conflict zone, threatening global peace and security. That is why resolution of the Crimean and Donbas problems, which did not have ethnic or linguistic preconditions, became closely intertwined with the problems of Transnistria, Abkhazia, South Ossetia, and Nagorno-Karabakh. All these conflicts are related to each other and have a common source – the imperial nature of Russia considering itself a regional hegemon.

Now, prerequisites for multilateral diplomatic dialogue among the post-Soviet states are brewing, which aims to support peace and security in the post-Soviet territories. Negotiations on Donbas and Crimea may become the beginning of a wider regional negotiation process, which would cover the whole post-Soviet space and would be held in the form of international conference.



Negotiations on Donbas and Crimea may become the beginning of a wider regional negotiation process, which would cover the whole post-Soviet space

Moldova, Georgia, and Ukraine, being victims of the Russian aggression, have the full right to launch such a process, and they have diplomatic opportunities to do it.

How Long Do You Think the Conflict in Eastern Ukraine Will Last?

Ukraine remains a priority of the Russian foreign policy. The Kremlin spent considerable resources on pursuing a “hybrid war” against our state.

The Russian government does not abandon hope for success of the “long game” and expects to reach its aim to establish a proxy government in Ukraine in several years. To this end, financing of pro-Russian political forces,

support for pro-Russian non-governmental bodies, certain experts, and humanitarian projects, etc. are being enhanced.

At this stage, the Kremlin's aim is to create turbulence in all spheres of the Ukrainian life. One of them is the international sphere (by means of "reconciliation plans"), another – economic (through increasing the complexity of economic relations within Ukraine), the next one is the political realm (agitation for re-elections at all levels). There are plenty of such spheres. We manage to tackle a lot of these challenges. But not all of them. And this is that very problem which has not been solved within the security and defence sector reform. Although our Western partners have actively helped us during these years, saying we do not have problem areas would be a big exaggeration.



“Freezing” of the conflict in Donbas is advantageous, primarily, for Russia

The war in Donbas should be considered through this lens. The current state of the conflict in the east proves that the Kremlin does not need this region as a part of Russia, and in fact, the conflict remains a way to weaken Ukraine. Attempts to arrive at a political solution face Russia blocking any initiative to promote rapid reintegration of this region into our state. The Kremlin is interested in the creation of a specific “conflict trap” – consolidation of existing contradictions, establishment of a false identity in the uncontrolled territories, and maximal involvement of the population in the cooperation with the occupation regime.

For the three years of the conflict, Russia has not managed to find ways to exploit these terrorist groups in any other dimension but

military. That is why the only way out of the stalemate for Russia is a new escalation or, at least, a threat to do it. It does not matter whether the threat is real or is just a way to induce us to “cooperation” by this means.

Meanwhile Russia keeps seeking any equivalent of the “Helsinki Final Act 2.0”. The expectations of the Russian government to make a “big deal” with Western states do not seem to be met. Therefore, in the short term, confrontation is likely to be continued.

Can “Freezing” of the Conflict in Donbas Be Considered as an Alternative Option to Its Solution? Is It Beneficial for Ukraine?

“Freezing” of the conflict in Donbas is advantageous, primarily, for Russia. Its essence lies in the fact that the districts that suffered from the conflict the most, the so-called “DPR” and “LPR”, will remain a “burden” for Ukraine. Under this scenario, economic relations between these territories and the rest of Ukraine should be restored, and hence Ukraine will have to take the responsibility for economic recovery of the destroyed areas of Donbas. Meanwhile, a proxy regime controlled by Russia will de facto operate in Donbas. It will try to influence Ukrainian foreign and domestic policy by pursuing interests of another state.

In case of implementation of this scenario, Ukraine will obviously slow down on its way to Europe, get a source of political instability as well as economic load represented by the “damaged” dependent regions. We should not expect a quiet life, as the conflict will smoulder, destabilizing the situation by the threat of return to its active phase.

Meanwhile, termination of military actions in Donbas and “reconciliation” under this scenario will give ground for European countries to lift the sanctions against Russia and its political leaders and to restore

economic ties, which will contribute to Russian economic growth. At the same time, leaders of the European countries will get the opportunity to shift their attention to tackling domestic problems in the EU. It will facilitate the increase of their political ratings instead of the growth of “fatigue” caused by the continuation of the Russian-Ukrainian conflict.

Although such a scenario provides a rapid cessation of hostilities in Donbas, in the long run, Ukraine will remain an unattractive state of permanent crisis with a considerable number of various international organisations’ representatives, humanitarian aid trade, smuggling, illegal arms and drugs trafficking, and thousands of Blue Helmets on the demarcation line. It is unknown how long the conflict will remain in the “frozen” form as well as the consequences of that. Historical experience proves it may last for decades and, finally, Ukraine will turn back to the starting point, beginning a new circle of antagonism.

Which Conflict Experience Has the Ukrainian Side Studied? What Parallels Do You See?

The war in Donbas is a unique conflict due to the scope of confrontation, geopolitical consequences, and international diplomatic efforts to solve it. The conflicts where the Russian impact is considerable (Transnistria, Nagorno-Karabakh, Abkhazia, South Ossetia) are the most similar to it. The existence of permanently unstable areas in the post-Soviet space let the Russian Federation maintain additional opportunities to realize its geopolitical interests.

The Croatian experience of conflict resolution can be an example for Ukraine. Zagreb managed to get the occupied territories back after a well-planned military operation. But in this case, Croatia faced confrontation with a rather weak Serbia, which can hardly be compared to the armed-

with-nuclear-arsenal Russia, maintaining considerable military contingent on the border with our state.

The experience of these and other similar conflicts shows that the use of international negotiation formats and the mediation of international organisations or individual states is a necessary, but not always effective, measure to prevent or resolve such conflicts and mitigate their consequences. That is why Ukraine should, first of all, rely on itself and be ready to take decisive actions under favourable conditions for the restoration of its territorial integrity.

What Are the Lessons of the Ongoing Conflict for Ukraine?

The example of Ukraine shows what can happen if Russia is not repelled on time; what happens if Russia is given the opportunity to sponsor politicians, to form your information space at its own discretion, to promote its agents of influence to public offices (who start to destroy the system of public administration from the inside). We lived through all of this and paid dearly for our credulity and unwillingness to look at the world without “rose-coloured glasses”. We are ready to do our best so Europe and the whole world will not have to pay the same price.

In the meantime, Ukraine is in a unique situation. We did not just experience a new model of aggression from the Russian side, but manage to defend ourselves, to develop mechanisms to counter the most aggressive methods of hybrid attacks, while continuing trench warfare against a much stronger adversary. That is why our experience not only deserves close scrutiny (as NATO bodies and representatives of certain Eastern European states have already done) – it is the only one in terms of assessing the threats with which the world (and especially Europe) will have to deal in the near future.

Our main task, simple and concrete, is to survive this war; the second one is to get out of it being much stronger; the third – to teach our partners (who want it) to fight; and the last one – to join forces with those who are ready to resist as we do.

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THE “FIRST HYBRID”: THE TRANSNISTRIAN CONFLICT IN THE CONTEXT OF THE RUSSIAN- UKRAINIAN CONFLICT

Artem Fylypenko
Political expert, Ukraine

The article presents an analysis of the Transnistrian conflict of 1990-1992 through the lens of the Russian-Ukrainian conflict and criteria for “hybrid warfare”. According to the author, the Transnistrian conflict may also be considered a “hybrid” one due to its methods and means. Just like the Russian aggression against Ukraine, it has also been a part of the Russian strategy to restore Moscow’s control over the former Soviet republics.

The Transnistrian conflict cannot be classified as understudied. There have been written enough books about it in the 25 years since the active phase of the conflict and its completion¹. At the same time, this historical event in itself was considered beyond the interrelationship with similar events that were happening at the beginning of the 1990s in the former Soviet republics. The Russian aggression against Ukraine makes it possible to regard this conflict not only within the certain historical context and to find similarities between the events of 1990-1992 and those of 2014-2017 but also to determine political interconnection between the events separated by the time gap of 20 years.

Is the Transnistrian Conflict a Hybrid One?

Traditionally, the Transnistrian conflict is localized by March-July 1992, and the armed confrontation in Dubossary on 2 March 1992 is considered its beginning. At the same time, the armed phase of the conflict was just the culmination of confrontation. The referendum on the establishment of TMR (Transnistrian Moldovan Republic) was held in December 1989-November 1990 (due to the impossibility to hold the referendum simultaneously throughout the territory); the first armed clashes took place in November 1990, with the seizure of administrative buildings by the separatists,

¹ Волкова, А.З. *Создание Приднестровской Молдавской Республики (Creation of the Transnistrian Moldovan Republic)*, Бендеры, 2010., *История Приднестровской Молдавской Республики (History of the Transnistrian Moldovan Republic)*, Том 2-2, Тирасполь: Риопгу, Приднестровский Государственный Университет им. Т.Г.Шевченко, 2001., А.В. Козлов, В.Н. Чернобривый, *Непокоренное Приднестровье. Уроки военного конфликта (The Unconquered Transnistria. Lessons of the Armed Conflict)*, М., 2015., Г. Перепелица, *Конфликт в Приднестровье. Причины, проблемы и прогноз развития (Conflict in Transnistria. Causes, Problems, and Development Forecast)*, К., 2001.

and the establishment of their own authorities and armed units was completed by the end of 1991-beginning of 1992.

First of all, it is necessary to answer the question: Can the Transnistrian conflict be classified as a “hybrid war”? There are several definitions characterizing this type of conflicts. One example is a “classical” definition by F. Hoffman:

Hybrid wars can be conducted by both states and a variety of non-state actors. Hybrid wars incorporate a range of different modes of warfare, including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder. These multi-modal activities can be conducted by separate units, or even by the same unit, but are generally operationally and tactically directed and coordinated within the main battlespace to achieve synergistic effects².

Thus, it is worth noting that a number of similarities unite the Transnistrian conflict and the conflict in Ukraine. The scenario under which the events in Donbas are developing is very similar to the events of 1990-1992 in Transnistria:

- The formation of two poles of the social confrontation: the Popular Front of Moldova against the International Movement (Maidan and Anti-Maidan in Ukraine).
- Transnistria was supported by Moscow, which was, at that time, the centre of the Soviet Union, seeking to retain Moldova in the USSR with the help of separatist enclaves, though the position of the Communist Party Central Committee was not consistent in this matter. In 1990-1991, the leaders of Transnistrian separatists, I. Smirnov and G. Marakutsa, as well as the leadership of Gagauzia had numerous informal meetings in Moscow with the Head of the Supreme Council of the USSR, A. Lukyanov, who fully supported and contributed to declaring and establishing new state entities on the Moldovan territory. Despite the fact that Moldova boycotted the referendum on the preservation of the USSR (17 March 1991), it was held in Transnistria and Gagauzia. Among 84% of the Transnistrian population, 98% voted for the preservation of the Soviet Union. Permanent close ties of the Ukrainian President V. Yanukovich government and the Party of Regions with Russia were well-known as well.
- The language issue was the formal reason for confrontation (adoption of the Law of the Republic of Moldova “On the functioning of languages on the territory of the Moldavian SSR” [September 1989], according to which the Moldovan language received the status of a state language and was transliterated into Latin). In the Ukrainian situation, the eastern regions actively referred to the attempt to repeal the law on the principles of state language policy (2012) by the representatives of the Maidan.
- After the collapse of the Soviet Union, Transnistria received not just political but also military support from Russia. Units of the republican guard have been armed with the assistance from the 14th Russian army. Units of Cossacks arrived at Transnistria from Russia. Igor Strelkov (Girkin), who later became the main media figure of the Donbas seizure, had gone through combat “practice” exactly in the Transnistrian conflict. In the Ukrainian situation, the Black Sea Fleet units and supplies of Russian weaponry to Donbas played a decisive role.

² F. Hoffman, *Conflict in the 21st Century: The Rise of Hybrid Wars*, Potomac Institute for Policy Studies: Arlington, p. 14.

- The so-called “state security institutions” of Transnistria were established with the assistance from Moscow. In late 1991, Vladimir Artyufeev, under the name of Vadim Shvetsov, and other wanted (because of the armed dispersal of Latvian protests for independence) officials of the Latvian Ministry of Internal Affairs came to the unrecognized republic to participate in the establishing of the Transnistrian Ministry of State Security. It is noteworthy that V. Artyufeev, forced to leave the post of the head of the Transnistrian special services in 2011, and his former employees have become active in the Russian “hybrid war” against Ukraine. Initially they participated in the operation to occupy Crimea and then they were sent to DPR for strengthening the cadres there. In a short while, the Transnistrian leaders gained leading positions: Artyufeev himself took the post of the vice prime minister for security issues³, the former TMR vice prime minister A. Karaman became the vice prime minister for social affairs and then minister of foreign affairs in DPR; other leading positions were also taken by other former officials of the Transnistrian special services.
- In the course of the conflict, the 14th Russian army, located on the territory of the separatist enclave, was increasingly getting involved in the armed confrontation, pretending to be “volunteers who want to defend their families” at the early stage. Participation of the Russian military in the war became undisguised in June 1992 at the height of the Battle for Bender: The tank attack on the Bender Bridge, retained by Moldovan military and police, and the artillery

attack on Moldovan positions turned the tide in favour of separatists. Similarly, direct participation of the Russian armed forces units reversed the course of events near Ukrainian Illovaisk in August 2014⁴.

Methods and Tools Used

Thus, it should be noted that during the Transnistrian conflict as well as during the war in Donbas a similar set of methods and tools was used, namely:

- active use of irregular forces supported and armed by Russia;
- information warfare: discrediting the leadership of the states (Ukraine and Moldova), their armed forces and security forces within and outside of the state; shaping a negative attitude toward attempts of the government to regain control over the separatist territories, etc.;
- direct participation of the Russian armed forces in military actions.

In the Ukrainian case, a range of methods applied was enlarged through economic sanctions and terrorist acts (Odessa and Kharkiv, late 2014-first half of 2015).

At the same time, both conflicts are related to each other not only by means of similar methods and tools. The analysis of ideological methods, myths, templates, memes that were used in the Russian information wars against Moldova (1991-1992) and Ukraine (2014-2017) is indicative of certain schemes and templates for waging these wars. The following directions of information campaigns can be distinguished:

³ *Экс-министр КГБ Приднестровья стал «вице-премьером» ДНР (Ex-minister of Transnistrian KGB Became “Vice Prime Minister”)*, “NB News”, 11 July 2014, <http://nbnews.com.ua/ru/news/126804>.

⁴ *Прокуратура выяснила все обстоятельства Иловайской трагедии (The Prosecutor’s Office Discovered All Circumstances of the Ilovaisk Tragedy)*, “Pravda.com.ua”, 14 August 2017, <http://www.pravda.com.ua/rus/news/2017/08/14/7152171>.

- dehumanization of the enemy, dissemination of information about their cruelty and inhumanity (rumours about a mass rape of school graduates committed by Moldovan soldiers; dissemination of information about Moldovan military throwing booby traps made in the form of toys for children; in the Ukrainian case – a sensational fake about the national guards crucifying a boy in Sloviansk; a story that “nationalists played football with severed heads of police officers”, etc.);



The analysis of ideological methods, myths, templates, memes that were used in the Russian information wars against Moldova (1991-1992) and Ukraine (2014-2017) is indicative of certain schemes and templates for waging these wars

- manipulation of historical facts. The most widespread manipulations against Ukraine are the following: “Ukrainians and the Ukrainian language were invented by the General Staff of Austria-Hungary at the time of the First World War in order to weaken Russia”⁵; “Ukrainian language is the Polish dialect of Russian language”; “the war in Ukraine is waged by Uniates (Greek Catholics), Protestants, and schismatic (supporters of Kyiv Patriarchate)”⁶; “all the patriotic actions in south-eastern regions are held by Western Ukraine citizens”. There were also active attempts to use historical facts for justification of claims for independence in Transnistria: for example,

a constant emphasis on the difference between Romanians and Moldovans; also, Moldavian Autonomous Soviet Socialist Republic, which existed within Ukrainian Soviet Socialist Republic in 1924-1940 and covered territory of TMR and several districts of Odessa region in Ukraine, was considered a historical basis for Transnistrian statehood;

- restoration of the constitutional order and the fight against separatism and terrorism are presented as an aggression of one state against another. Therefore, there are attempts to bring negotiations into an “equal” bilateral format, with the presentation of Russia as a mediator;
- an effort to present separatists’ actions as a continuation of the “Great Patriotic War”: Transnistrian separatists claimed to fight against “Romanian fascists”; separatists in Donbas – against “banderites and Nazis”; the use of symbols related to the war times;
- the use of vocabulary that revives stereotypes of the Soviet era: “junta” (the analogy is with “Pinochet junta” in 1970-1980s), “punishers”, “fascists”;
- dissemination of information about the participation of foreign mercenaries in military actions on the side of governmental forces: Lithuanian snipers and Romanian soldiers in the Transnistrian conflict in 1992; Georgian snipers, German, Polish, and American soldiers in Donbas⁷;
- emphasis on the “popular” nature of the separatist movements, and lack of weapons in their hands at the first stage of the conflict.

⁵ For example: В. Панов, *Корифей украинской мифологии (The Coryphaeus of Ukrainian Mythology)*, “Stoletie”, 24 August 2014, http://www.stoletie.ru/territoriya_istorii/korifej_ukrainskoj_mifologii_337.htm.

⁶ For example: А. Никишин, *Получите, «суки православные». На Украине готовится чудовищная провокация против Православия (Take That, “Orthodox Bitches”...)*, “Русская Правда”, <http://ruspravda.info/Poluchite-suki-pravoslavnie.-Na-Ukraine-gotovitsya-chudovishchnaya-provokatsiya-protiv-Pravoslaviya-17096.html>.

What Makes It Different?

However, despite formal resemblance between the conflicts, serious differences should not be ignored. The Transnistrian conflict developed within another historical context, when centrifugal tendencies covered the entire Soviet Union. Attempts to establish an independent Republic of Gagauzia in Moldova and Republic of Bessarabia in Ukraine (in the south of Odessa region) were the integral parts of this process.

The economy of Moldova was not integrated into the global one and was a part of the single all-union Soviet economy. From the beginning, the Transnistrian conflict looked like a movement for preserving the USSR. The economy of Donbas, on the contrary, has already been integrated into the global economy, although its significant part was oriented to the Russian market.

Furthermore, in the Ukrainian case, an important factor influencing the nature of the conflict is the existence of a common border with Russia. As for Transnistria, it is an enclave separated from Russia by Ukraine, which complicates economic and military relations with Moscow.

Thus, the similarity of scenarios, means, tools, ideological methods used in both conflicts (Ukrainian and Transnistrian) as well as their interim results (establishment of the enclaves that are not controlled by the legitimate governments) suggest that the Transnistrian and Ukrainian conflicts belong to the category of “hybrid” ones. We can say Transnistria was a “test case”, the first and, unfortunately, successful experiment that allowed Russia to accumulate the necessary experience to conduct such operations.

Russian Goals

However, the creation of controlled enclaves (TMR in Moldova, DPR and LPR in Ukraine) has not reached the final objective to get these states back under the Russian political influence. The final objective is the settlement of the conflict on favourable for Russia conditions, namely the conditions depriving Moldova and Ukraine of international subjectivity and of the possibility to implement their foreign policy irrespective of Moscow’s political will.

In 2003, Moldova was close to signing a document, which, under the pretext of solving the Transnistrian conflict, would have fixed its state of a Russian vassal. It is about the well-known Kozak Memorandum, which envisaged the transformation of the Moldovan Republic into an “asymmetric federation”.

An analysis of demands to Ukraine, articulated by Russia and terrorists from the so-called DPR and LPR (controlled by Russia), points to similarities between them and leads to the conclusion that they are parts of a single scenario. The principles are as follows:

- at the constitutional level, establishing quotas in the parliament for representatives of the separatist enclaves and actual transformation of Ukraine into a federation;
- granting for the separatist enclaves the right to recruit staff for police, security services, judiciary, prosecutor’s office, border guards, etc. independently, without coordination with the central authorities;
- granting broad economic (freedom of foreign economic activity), political (right to choose its own parliament,

⁷ *Американский блогер: В Донбассе воюют и гибнут кадровые офицеры стран Запада (American Blogger: Western Officers Fight and Die in Donbas)*, “Русская весна”, 14 August 2015, http://rusvesna.su/recent_opinions/1439583413.

government, and president), and cultural (protection of the Russian language) autonomy of the region;

- granting the right to coordinate all passing laws and the right to veto all decisions of the states (Ukraine and Moldova) in foreign policy;
- neutral or non-aligned status for the state.

History does not know conditional clauses, but if the Kozak Memorandum had been adopted, the model of conflict resolution serving as an example for other similar conflicts in the post-Soviet space (particularly the Ukrainian one) would have been implemented.

Ukraine itself joined negotiations on the political status of Transnistria in 1995. The Memorandum on the Basis for Normalization of Relations between the Republic of Moldova and Transnistria was signed on 8 May 1997. According to it, Ukraine alongside with Russia and the OSCE act as guarantors of the negotiation process. Within these years, the Ukrainian position in the negotiation process was ambivalent. Standing for the territorial integrity of Moldova, offering its own settlement plans (e.g. Yushchenko's plan of 2005), Kyiv very often followed the Russian position. Many of the problems were overlooked.

The attitude to Transnistria changed after the annexation of Crimea and the beginning of the events in Donbas. The presence of the Russian military forces in the unrecognized republic gave grounds for considering this enclave to be a threat to the national security of Ukraine. It was fixed in the relevant strategic documents. During 2014-2017, Ukraine took steps to reduce risks related to Transnistria: It increased security of the Ukrainian-Moldovan part of the border, including establishing of the common border and customs posts. The Parliament of Ukraine denounced the agreement on transit through the Ukrainian territory of Russian

military formations temporarily located on the territory of the Republic of Moldova.

As for now, the existence of the unrecognized TMR constitutes direct and indirect threats to Ukraine.

The direct threats include:

- intelligence activities against Ukraine;
- presence of the Russian armed forces units numbering 1,400 soldiers and officers on the territory of TMR;
- Transnistrian armed forces (4,000 soldiers, artillery, armoured vehicles including heavy armour, aircrafts);
- weapons depots at the Colbasna station;

The indirect threats include:

- necessity to improve security of the Transnistrian part of the border, which diverts significant forces from other directions;
- threat of blockade of the railway communication with the Danube ports;
- disconnection of southern districts of Odessa region from electricity supply from the Moldovan hydro power plant;
- participation of Transnistrian residents in the anti-governmental actions in Odessa region;
- broadcasting of Russian TV channels in the border areas of Odessa region, information warfare;
- smuggling of goods.

Furthermore, there is a risk of retaking the Kozak Memorandum as a model of the Transnistrian conflict resolution. President of Moldova I. Dodon claimed reintegration

of Transnistria by means of transforming Moldova into a federation to be one of his priorities. He reaffirmed his intention during his visit to Moscow in January 2017. At the joint press conference with the Russian president, Dodon admitted that the refusal to implement the Kozak Memorandum in 2003 was a mistake⁸. If the plan is successfully implemented, this model can be imposed on Ukraine, which will contribute to reaching the aims of the “hybrid war” waged by Russia against Moldova in 1990-1992 and Ukraine in 2014-2017.

Conclusions

The Transnistrian conflict in 1990-1992, the annexation of Crimea, and the conflict in the Eastern Ukraine in 2014-2017 are the parts of the Russian general strategy to keep Moldova and Ukraine in Moscow’s sphere of influence. In this context, the Transnistrian conflict has an apparent “hybrid” nature. The final objective of this strategy is the reintegration of the separatist enclaves on favourable for Russia terms, namely: the possibility to influence foreign policy, change of foreign policy priorities (abandoning the course on European and Euro-Atlantic integration), and maintaining dependence on energy supplies from Russia.

Responses to the “hybrid” aggression can be in the following forms: asymmetric actions aimed at neutralizing Russian influence on certain regions of states undergoing humanitarian aggression, including Transnistria; an active humanitarian policy (publishing books, creation of movie and TV products, support for national culture, holding conferences, culture and social campaigns) aimed at neutralizing the Russian impact; holding information campaigns abroad in order to shape the image of Russia as an aggressor.

Given the fact that Ukraine and Moldova are subjects to Russian foreign policy ambitions to the same extent, there is a need to join efforts to weaken Russian influence in the region, force the Transnistrian separatists to obey the rules worked out in Chisinau and Kyiv on the terms of legitimate authorities.

The key conditions for the reintegration of Transnistria should be the following:

- a) demilitarization of the region: withdrawal of Russian troops and weapons, replacement of armed peacekeepers with a police mission under the auspices of the United Nations;
- b) democratization of the region: authorization of activity of Moldovan political parties, non-governmental organisations, and mass media in Transnistria;
- c) restoration of the single economic space, namely, the use of the Moldovan leu as the single national currency; establishing a single banking system;
- d) development of a single educational and cultural space: gradual unification of educational programs and systems of education assessment, adoption of single rules of getting academic titles, certification of teachers, etc.

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⁸ Совместная пресс-конференция с Президентом Молдовы Игорем Додоном (Joint Press Conference with President of Moldova Igor Dodon), “Kremlin”, 17 January 2017, <http://kremlin.ru/events/president/news/53744>.

THE SOURCES OF SUSTAINABILITY OF THE TRANSNISTRIAN DE FACTO STATE

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The article is aimed at identifying the key factors and policies contributing to the economic sustainability of the Transnistrian republic, which over a long period of time functions as an unrecognized de facto 'state' on the sovereign territory of the Republic of Moldova. The author indicates the role of the Russian economic patronage for the breakaway republic and explains the rationale behind the ambiguous hybrid soft policy approach taken by Chisinau with regard to Transnistria, which along with the Russian factor substantially contributed to the maintaining of the unrecognized regime of Tiraspol.

For more than 25 years so far, on the left bank of the Dniester River in the Republic of Moldova a fairly sustainable quasi-state entity exists, which is not recognized by any member-state of the UN.¹ Being from legal standpoint an integral part of the Republic of Moldova, the so-called "Transnistrian Moldovan Republic" or Transnistria was able to bestow on its de facto controlled territory most of the attributes inherent to a real full-fledged state: the national flag, the government and other state bodies, a tax system, passports (citizenship), the police, army, customs service, and even the national currency.

In addition, there is a population of the unrecognized republic that is quite loyal to local authorities in Transnistria, as

evidenced by their rather active participation in the electoral procedures and elections of the breakaway republic.² Being deprived of external international legitimacy, the authorities of the self-proclaimed republic possess certain domestic legitimacy or recognition on the part of the population living in the respective territory. Transnistria, being illegitimate from the international legal standpoint, has nonetheless managed to form itself as at least a 'de facto state'.

Paradoxically, even in the ambiguous position of the international non-recognition, the very existence and functioning of the unrecognized institutions of the Transnistrian de facto state over a fairly long period of time have still been possible. This article is aimed at clarifying the factors and

¹ Transnistria was recognized in 2006 only by three states with limited recognition – Abkhazia, South Ossetia, and Nagorno-Karabakh republic. This fact does not give a reason to claim even a partial recognition of Transnistria, as it was not recognized by any UN member-state. See also: <http://www.newsru.com/russia/17nov2006/aup.html>

² The turnout was over 60% for the last presidential elections in 2016 and 47% for the elections of the Supreme Soviet of TMR (2015). See: "Central Election Commission of the TMR", 30 November 2015, [<http://www.cikpmr.com/index.php/novosti/item/1131-pobedil-vadim-krasnoselskij>]

policies which might have contributed or continue directly or indirectly to contribute to the sustainability of the unrecognized de facto state in Transnistria.

The Role of the Russian Economic Patronage

First and foremost, one should mention Russia as a long-term contributor and de facto patron of the Transnistrian breakaway republic of Moldova over the whole period of its existence. Moscow provided support to the Tiraspol regime over the course of its existence through several key channels.

The Russian Ministry of Finance has been providing annual funding to the social needs of Transnistrian pensioners (the so-called pension supplement) since 2008.³ Such regular appropriations, although not fully covering the amount of required pension payments, certainly allow for relieving the budgetary costs for Tiraspol for the social protection of its own population.

The second, and probably crucial for maintaining viability of Transnistria, factor is an indirect subsidy of the regime through the provision of natural gas to the Transnistrian company called "TiraspolTransGaz" by "Gazprom" free of charge starting from 2009.⁴ The former company in turn sold the gas to the

population and economic agents (companies) in Transnistria at the tariffs which were significantly below the market price and lower than those on the right bank of the Republic of Moldova. The money obtained from the sale of natural gas (about \$ 270 million per year)⁵ are accumulated in a separate bank account and used by the self-proclaimed Transnistrian authorities, in particular, to cover enormous budget deficits.⁶

Besides, natural gas sold at subsidized prices allows residents of the breakaway Transnistrian republic to spend considerably less money for housing and, at the same time, provides local economic agents with hidden competitive advantages. In the breakaway republic, where according to the statistics provided by the "State Statistics Service" of Transnistria almost 1/3 of the population is employed in the industry sector, these subsidies might be of utmost importance.⁷

It is also worth noting that the Transnistrian economy is highly dependent on imports from neighbouring countries. According to the official statistics of the breakaway republic, annual imports of Transnistria exceed the respective exports more than twice, and almost a half of the total imports last year were from Russia.⁸ A major part of these Russian imports apparently consists of the supply of energy (natural gas).

³ By 2015, the Russian pension supplement for the retirees residing in Transnistria was about 15 USD for one person, but in 2015 it was reduced to 9 USD. See more: <https://republic.ru/posts/66931>; See also: *Russian Surcharge*, "Information and news resource TMR"; [<http://newspmr.com/novosti-pmr/obshhestvo/11822>]

⁴ At the same time, the debt for the supplied natural gas (that according to some sources already exceeds 5 billion US dollars) is assigned to official Chisinau. See: *Transnistria Has a Significant Debt for the Russian Natural Gas in the Short Term and in 10-20 Years, the Region Will Be not Able to Pay It off*, Yevgeny Shevchiuc, "InfoMarket", 06 April 2015, [http://www.infomarket.md/en/transniester/Transnistria_has_a_significant_debt_for_the_Russian_natural_gas_in_the_short_term_and_in_10-20_years_the_region_will_be_not_able_to_pay_it_off_Yevgeny_Shevchiuc]

⁵ K. Calus, *Transnistria's Economy Going from Bad to Worse*, "New Eastern Europe", 23 January 2015, [<http://neweasterneurope.eu/articles-and-commentary/1462-transnistria-s-economy-going-from-bad-to-worse>]

⁶ According to the data provided in the Statistical Yearbook of TMR (2015), the budget deficit in 2014 was around 28%. See also: K. Calus, *An Aided Economy. The Characteristics of the Transnistrian Economic Model*, "OSW Commentary", 16 May 2013, [<https://www.osw.waw.pl/en/publikacje/osw-commentary/2013-05-16/aided-economy-characteristics-transnistrian-economic-model>]

⁷ See: *Statistical Yearbook of TMR – 2015*, Tiraspol, 2015, [<http://mer.gospmr.org/assets/files/pdf/stat-2015.pdf>]

⁸ *Ibid*, p. 32

Thus one can speak of, at least, triple benefit gained from the Russian direct and indirect subsidies for the Transnistrian regime: (1) the unloading of the budget social spending (pensions); (2) the actual revenues for the budget due to the sale and usage of natural gas; (3) the possibility for the citizens and the local economic agents in the country to save on the purchase of energy resources, which allows the latter to remain profitable and competitive on external markets.⁹ The covert maintaining of the profitability of companies in the region due to the subsidized rates (much lower than the market) allows local industrial enterprises of the energy and metallurgical sectors, the backbone of the Transnistrian economy¹⁰, to stay afloat and thus to be able to fill the budget of breakaway Transnistrian republic with tax revenues.

Furthermore, the region receives some tangible economic benefits from Russian interest-free loans¹¹ because of the activities of social and humanitarian projects undertaken in Transnistria with the support of Moscow. For instance, the projects already implemented by the Russian NGO "Eurasian Integration" in the recent years included the construction of several educational and healthcare facilities.¹²

Thus, Russia has taken over a substantial part of the economic burden, which the self-proclaimed authorities of Transnistria would have inevitably faced and would have had to deal with under the international non-recognition and lack of internal resources.

It could be assumed that without such a continuous economic support on the part of Russia, the real capacity of the unrecognized political regime in Tiraspol to maintain sustainable and functional state institutions would be quite limited, if at all possible.

Maintaining Separatists or the Role of Chisinau in Sustaining the Tiraspol Regime

Support on the part of Russia, although being of crucial importance, yet is far from being the only factor contributing to the sustainability of the unrecognized Transnistrian de facto statehood.

Opportunities of an unrecognized state to perform legal foreign trade are severely limited because of the need for such a state

 ***Chisinau, while not recognizing Transnistrian statehood officially and considering this territory being an integral part of the Republic of Moldova, went for quite a serious concession to economic agents functioning in the breakaway region.***

to have an internationally recognized status. Since the Transnistrian breakaway republic from the international legal standpoint is an integral part of the Republic of Moldova, Tiraspol needs customs certificates

⁹ The natural gas provided by Russia is used as a fuel for producing electricity on the Kuchurgan Power Plant, which is further exported to the right bank of Moldova. See more: <https://moldovanpolitics.com/tag/kuchurgan-power-plant/>

¹⁰ The electricity sector (32.2%) and ferrous metallurgy (27.2%) in aggregate account for about half of the total industrial production in the TMR, according to statistics. See more: *Statistical Yearbook of TMR – 2015*, Tiraspol, 2015, [<http://mer.gospmr.org/assets/files/pdf/stat-2015.pdf>]

¹¹ *Farmers of Transnistria Has [sic] Received from Russia Interest-free Loans*, "Agro2b", 29 December 2015, [<http://agro2b.ru/en/news/26322-Farmers-Transnistria-has-received-from-Russia.html>]

¹² *Results of the Year. Projects NGO 'Eurasian Integration'*, "News of Transnistria", 21 December 2015, [<http://novostipmr.com/ru/news/15-12-21/itogi-goda-proekty-ano-evraziyskaya-integraciya>]

(certificates of origin) of the Republic of Moldova to export its products abroad.

Paradoxically, as it may seem at the first glance, the official Chisinau, while not recognizing Transnistrian statehood officially and considering this territory being an integral part of the Republic of Moldova, went for quite a serious concession to economic agents functioning in the breakaway region.

In fact, since 2006 the official Moldovan authorities have been allowing economic agents from the left bank of the Dniester River (territory of Transnistrian region), which re-registered in the Ministry of Justice of the Republic of Moldova, to conduct legal foreign trade (exports) on behalf of the Republic of Moldova.¹³ And it is particularly remarkable in this context that the Transnistrian companies re-registered in such a way continue to pay taxes on exports to the budget of the self-proclaimed Transnistria but not to the state budget of the Republic of Moldova. Thus, even being unrecognized, the Tiraspol regime has gained a unique opportunity to carry out foreign trade operations through its economic agents that are legalized in Moldova.

Apart from this, it is also worth noting that the business of Transnistria, legalized in the Moldovan legal framework, enjoys all the benefits of trade preferences and free trade agreements that the Republic of Moldova

has with the European Union (DCFTA and Autonomous Trade Preferences regime), as well as within the framework of the World Trade Organization (WTO) and other free trade agreements.¹⁴

Such an ambiguous state of affairs seems to contribute to the sustainability of the Transnistrian economy and 'statehood' no less than the Russian support does. After all, the revenues from foreign economic activity of Transnistria allow local economic agents to fill the budget of the breakaway republic. The latter ensures the functioning of all institutions of the unrecognized state, ranging from defence to the social, healthcare, and education systems of Transnistria.

Moreover, it is the Republic of Moldova (the right bank of the Dniester), according to the official statistics of Transnistria, that is a major market for the Transnistrian economy. The share of Moldova in the structure of Transnistrian exports has even grown in 2016 up to 46% (while only 8-8.5% is exported to Russia).¹⁵

The above clearly serves to prove that the Republic of Moldova itself, despite its official non-recognition of Transnistria, actually serves as one of the sponsors of its economic sustainability along with Russia. Economic agents of Transnistria enjoy preferences in foreign trade (without paying taxes to the Moldovan budget) and have access to the Moldovan market, the

¹³ See: K. Calus, *An Aided Economy. The Characteristics of the Transnistrian Economic Model*, "OSW Commentary", 16 May 2013, [<https://www.osw.waw.pl/en/publikacje/osw-commentary/2013-05-16/aided-economy-characteristics-transnistrian-economic-model>]

¹⁴ See: *Free Trade Agreements: Moldova*, European Commission – Export Helpdesk, [http://exporthelp.europa.eu/thdapp/display.htm?page=cd%2Fcd_Moldova.html&docType=main&languageId=en]. See also: *Council Regulation (EC) No 55/2009 of 21 January 2009 Introducing Autonomous Trade Preferences (ATP) for the Republic of Moldova and Amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC*, European Commission – Export Helpdesk, [http://exporthelp.europa.eu/thdapp/display.htm?page=cd%2Fcd_Moldova.html&docType=main&languageId=en]

¹⁵ See: *Statistical Yearbook of TMR – 2015*, Tiraspol, 2015, [<http://mer.gospmr.org/assets/files/pdf/stat-2015.pdf>]. See also: *Where Transnistria Supplied Goods in 2016: The Exports Geography*, "News of Transnistria", 16 December 2016, [<https://novostipmr.com/ru/news/16-12-16/kuda-pridnestrove-postavlyalo-tovary-v-2016-godu-geografiya>]

population of the region does not experience substantial obstacles in visiting the right bank of the Dniester, and the Transnistrian holders of Moldovan biometric passports (75,000 people) have actively been using the opportunities of visa-free travel to EU countries for several years.¹⁶

However, with respect to such an ambiguous soft policy of Chisinau towards breakaway Transnistria, a number of significant reasons are being voiced. First of all, there is a conviction that such a policy of the 'most favoured' (or vice versa – of the lowest impediment) with regard to the Transnistrian region can create important preconditions for rapprochement, confidence building, and even the possibility of reintegration of the region into the Republic of Moldova in the long run. Maintaining and deepening economic relations, the actual retraction of different business entities (and ordinary residents of the Transnistrian region) into the legal framework of the Republic of Moldova, creation of certain 'threads' of TMR depending on Chisinau (customs certificates, free trade agreements, energy supply contracts, visa-free regime with the EU, etc.) – all this supposedly strengthens the levers of influence that Chisinau has over Tiraspol and its policies, creates a space for ongoing dialogue and confidence-building between the parties.

Besides, it should be recognized that such a soft policy approach as applied by Chisinau reduces the tension and potential for a

possible conflict escalation between the parties. Taking a tougher political stance towards Tiraspol could potentially cause counteraction on the part of Russia, which carries out efficient patronage over the breakaway republic.

An important hidden leverage that Moscow has at its disposal is Transnistria's huge debt for the consumed gas of the "Gazprom" company, which accounts for around 6 billion US dollars.¹⁷ As Russia officially does not recognize breakaway Transnistria as a sovereign state, it considers the debt of the self-proclaimed separatist republic as the debt of the Republic of Moldova and this approach of Moscow might become a crucial obstacle for the future reintegration of the Moldovan state.¹⁸ The range of possible leverages of pressure Moscow has over Chisinau is quite extensive: from economic sanctions (embargo) and manipulations with gas prices or supply up to the possibility of direct military provocations ignited by the Russian military forces stationed in the Transnistrian region.¹⁹ Given the prevailing military capabilities that Transnistria enjoys over the rest of Moldova, Chisinau might reasonably fear the scenarios that could potentially lead to the escalation of tension on the line of the Dniester.

However, it is quite clear that under the conditions of a continuous dialogue and openness between the parties, the possibility to reach an agreement with the appearance of a real 'window of opportunity' for the

¹⁶ R. Schwartz, *Visa-free Travel for Eastern Europe, but with a Lot of Question Marks*, "Deutsche Welle", 26 December 2015, [<http://www.dw.com/en/visa-free-travel-for-eastern-europe-but-with-a-lot-of-question-marks/a-18933243>]

¹⁷ *Gazprom Rejected Moldova's Proposal to Separate Its Gas Debt from that of Transnistria*, "Moldova.org", 13 February 2017, [<http://www.moldova.org/en/gazprom-rejected-moldovas-proposal-separate-gas-debt-transnistria/>]

¹⁸ *Tri missii Rogozina (Rogozin's Three Missions)*, "Economiceskoye obozrenie", No.15 (943), April 2012, [<http://logos.press.md/node/34164>]

¹⁹ Russia has already imposed import duties on the 19 types of goods from Moldova in September 2014 after the country has signed the Association Agreement and DCFTA with the EU. See: [<http://newsmaker.md/rus/novosti/u-moldovy-i-rossii-vse-poydet-po-planu-cto-soderzhit-soglasovannyi-dokument-o-vos-28632>]. The Joint Group of Russian Forces (JGRF) that has around 1,300 soldiers being stationed on the territory of Transnistria (Moldova).

reintegration will be significantly better than under conditions of hostile confrontation and economic blockade of the Transnistrian region on the part of Moldova. Some experts also point to the necessity of increasing people-to-people contacts between Moldova and Transnistria as a part of the broader context of confidence building between the parties and in the longer term – of the bottom-up reintegration process.²⁰

Readiness for the reintegration of Transnistria should be demonstrated by the citizens living on both banks of the Dniester River. Without implementing trust-building measures between the parties, it is difficult to imagine the attainability of such an ambitious goal as stapling the state – the Republic of Moldova – in its full internationally recognized borders.

An important point that is also often stressed to justify the current Moldovan soft policy approach with regard to the breakaway republic is based on the very fact that the Transnistrian region uncontrolled by Moldovan authorities is a home for many citizens of the Republic of Moldova. According to the unverified data of 2009, at least 107,600 Transnistrians held the citizenship of the Republic of Moldova (which was about 19.4% of the then population of Transnistria).²¹ This consideration could be the defining principle that guides Chisinau to apply a rather soft and balanced policy towards breakaway Transnistria, which would not significantly complicate the life of ordinary Moldovan citizens living on the territory of the unrecognized republic.

Anyway, the current Moldovan policy of the ‘most favoured’ with respect to Transnistria is actually rather ambiguous or even multifaceted. On the one hand, such a policy is justified by the strategic considerations of creating real prerequisites for confidence building, bringing together the two banks of the Dniester, solving common issues, which might be crucial and essential steps to reunify the Moldovan state. On the other hand, this policy in some respects contributes to the sustainability and viability of the Transnistrian de facto statehood, which is definitely at odds with at least the official line of Chisinau with regard to its separatist region.

The Factor of Corruption behind the Hybrid Moldovan Policy Regarding Transnistria

One should not exclude potential hidden corrupt interests, which may be behind the current soft policy of Chisinau regarding Transnistria. The Republic of Moldova is a rather corrupt state, according to the Transparency International Corruption Perception Index.²² The latest indication of the problems that the country faces with regard to the institutional transparency and corruption was the resonant bank fraud in 2014 when the National Bank of Moldova loaned about 1 billion USD to three Moldovan banks (Banca de Economii, Banca Sociala, and Unibank), which were further transferred to offshore accounts and led these banks to declare bankruptcy.²³

Some experts point to the possible corrupt interests in the energy sector and electricity

²⁰ N. Popescu, L. Litra, *Transnistria: A Bottom-Up Solution*, European Council on Foreign Relations, “ECFR/63”, September 2012, p. 4, [https://www.files.ethz.ch/isn/173479/ECFR63_Transnistria_Brief_AW.pdf]

²¹ *Problem of Organising Elections in Transnistria*, “E-democracy”, 14 February 2009, [http://www.e-democracy.md/en/monitoring/politics/comments/20090214/]

²² *Corruption Perceptions Index 2016: Moldova on the 123rd place with a score of 30/100*, [http://www.moldova.org/en/corruption-perceptions-index-2016-moldova-123rd-place-score-30100/]

²³ T. Whewell, *The Great Moldovan Bank Robbery*, “BBC News”, 18 June 2015, [http://www.bbc.com/news/magazine-33166383]

supplies to Moldova (the right bank of the Dniester) from the breakaway territory of Transnistria. As it is known, the Republic of Moldova has recently imported electricity from Transnistria through the dubious intermediary company “Energocapital” registered in Tiraspol. The final beneficiaries of this company with offshore roots may be, according to some reports, some of the Moldovan and Transnistrian high-ranking officials and businessmen.²⁴ Besides, the contract for the electricity supply to Moldova, as the Transnistrian minister for economic development admitted, “made up 37% of all the export of Transnistria and if not signed for 2016, then for the Transnistrian economy it would be a disaster.”²⁵

Corruption might also be among the central reasons of Moldovan political elites’ unwillingness to undertake for all the years of its independence any substantial steps towards creating an alternative to the Russian gas-transporting infrastructure, for instance, with the neighbouring Romania. Only in 2014, a new gas pipeline with Romania called Iasi (Romania) – Ungheni (Moldova) was launched. However, it remains virtually empty due to the lack of funding for the project to become a significant factor in diversifying gas-distribution for the Republic of Moldova.²⁶ Dependence on the Russian import of energy resources (mainly, gas) among other things might give Moscow a certain leverage over the decisions taken by Chisinau.²⁷

Corrupt interests of a part of political elites in Moldova could have led to the current ambiguous or hybrid policy approach of Moldovan authorities with regard to the breakaway territory when it is not recognized at the official level but preserving its sustainability as a ‘grey zone’ is beneficial for elites on both sides of the Dniester. However, it is worth mentioning that since 2005, when the EU Border Assistance Mission (EUBAM) was launched, and later on after some agreements have been reached between Moldova and Ukraine (since 2014) on strengthening common border control, the smuggling capabilities through Transnistria have been substantially limited.

Conclusion

The Russian patronage and support in the form of social subsidies, interest-free loans, and free energy resources covers a significant part of the financial and economic needs of the breakaway republic of Transnistria. However, contrary to a popular view about the pivotal role of Russia in providing sustainability of the Transnistrian republic, a more precise analysis shows that it is Chisinau that also contributes substantially to the economic sustainability of the current political regime in Tiraspol.

The Moldovan soft policy of the ‘most favoured’ might be aimed at constructing conditions for deepening cooperation and building sustainable trust between the

²⁴ *Energocapital vs. Energocom: A New Postponed Meeting*, “Crime Moldova”, 01 June 2015, [http://en.crimemoldova.com/news/social/energocapital-vs-energocom-a-new-postponed-meeting/]. See also: M. Andreev, *The Head of Transnistria Has Been Accused of Involvement in the “Theft” of 100 Million USD*, “NewsMaker”, 12 April 2016, [http://newsmaker.md/rus/novosti/evgeniya-shevchuka-oblozhili-prokladkami-glavu-pridnestrovyya-obvinili-v-pri-chastno-24088].

²⁵ *Not Preserving Electricity Supplies to Moldova Would Threaten Transnistria with the Disaster – Ministry of Economic Development*, “News Agency Infotag”, 04 March 2016, [http://www.infotag.md/rebellion/219664/].

²⁶ *The one who provides gas is a boss: by an example of Moldova and Russia*. ‘Jamnews’, February 23, 2017, [https://jam-news.net/?p=20924]; See also: Puiu V. *Moldova Struggles to Escape Russian Gas*. ‘EurasiaNet’, September 25, 2014, [http://www.eurasianet.org/node/70161].

²⁷ S. Gerasymchuk, *Ukraine-Moldova: Complicated but Promising Relations*, “Ukraine Analytica”, Vol. 2, No. 4, 2016, p. 42

Moldovan left and the right banks of the Dniester. But without adjustment of this policy and binding the perspective of its further implementation to the long-term political objectives of Chisinau, it is naive to hope that it will lead to any meaningful result in terms of the political dialogue between the parties. At the current stage, when the economic situation in Transnistria has substantially worsened, not least due to the weakening Russian financial capabilities²⁸, a 'window of opportunity' opens for Chisinau to softly impose 'its own game' in the context of the Transnistrian settlement process.



The Russian patronage and support in the form of social subsidies, interest-free loans, and free energy resources covers a significant part of the financial and economic needs of the breakaway republic of Transnistria.

Above all, the official Moldovan authorities need to be consistent in the implementation of their policy with regard to Transnistria. It would also be necessary to coordinate the efforts and work out a common approach with partners (mainly, the EU and Ukraine) with respect to the breakaway territory. Elaborating a common integrated policy approach might significantly strengthen the bargaining position of Chisinau in the context of the Transnistrian settlement process (in the '5+2' negotiation format). While searching for the common policy approach, Chisinau has to clearly delineate its 'red lines' that should not be crossed due to possible

further legitimization of the unrecognized political regime in Tiraspol.

It is important for the policy of Chisinau regarding Transnistria to be not only agreed upon with key partners but also consistent and subordinated to the long-term strategic objectives of the Republic of Moldova itself. Having clear policy objectives on the issue (on what terms should reintegration occur; what should be the future status of the territory, etc.) is also a valuable factor that strengthens the bargaining position of the country in the negotiation process.

The format and experience of relations chosen by Chisinau with regard to the breakaway Transnistria might be quite revealing for Ukraine, which in the past few years also faced an acute problem of dealing with uncontrolled and Russia-supported separatist entities in Donbas.

At the current stage, Kyiv adheres to the opposite strategy, directed rather at isolation of the occupied territories of Donbas and restriction of economic relations with them, which is in many respects dictated by the ongoing armed conflict of low intensity and the current socio-political moods in Ukraine formed in the conditions of the protracted Donbas conflict. In such a complicated political situation, simply adopting the current Moldovan soft policy approach regarding Transnistria in the Ukrainian context would be fraught with sharp public rejection and could potentially aggravate the already shaky political situation in Ukraine.

However, in case of overcoming the hot phase of the military confrontation in Donbas and general normalization of the situation in the region, the Moldovan experience at

²⁸ M. Tishchenko, *At the Bottom of the Barrel. How Russia Is Funding Transnistria in the Time of Crisis?* "Republic", 20 April 2016, [<https://republic.ru/posts/66931>]

least in some aspects could turn out to be relevant for Ukraine and could be adopted by authorities in Kyiv depending on the goals pursued regarding the temporarily uncontrolled territories of Donbas.

Although the Moldovan policy approach, like the other policy strategies towards breakaway separatist territories (e.g. in Georgia or Azerbaijan) in the post-Soviet space, is not exemplary – as none of them has led to the restoration of territorial integrity – it has certain significant advantages. The soft policy of the ‘most favored’, which is intentionally or unintentionally being implemented by Moldova regarding its breakaway territory (including economic cooperation, socio-humanitarian contacts, and introducing various confidence-building measures) significantly reduces the risks of resumption of military escalation, increases trust between residents of the conflicting

sides, and creates some economic ‘binding ties’ between them, which in the long run creates a more favorable context for territorial reintegration at the bottom people-to-people level than the contrary isolationist approach does.

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PROTRACTED CONFLICTS' RESOLUTION: LESSONS OF THE GREECE-TURKEY CONFLICT FOR THE UKRAINE-RUSSIA CASE

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The article analyses the Greek-Turkish conflict as an example of a protracted international conflict, which proved to be resilient to the years of resolution attempts. Some possible applications of its lessons to the current state and future development of the Ukrainian-Russian conflict are suggested. Special attention is paid to the prospects and limitations of using international legal instruments.

Introduction: The Resilience of Protracted Conflicts

The severe restriction on the use of force in interstate relations in the nuclear age and utmost attention to negotiations and peaceful resolution did not manage to prevent interstate conflicts altogether. Nevertheless, these approaches have diminished the number of conflicts significantly and influenced their structure. As a result, hybrid warfare and proxy wars proliferated while intrastate conflicts started to dominate over the interstate conflicts¹. In addition, numerous protracted conflicts – long-term standoffs that periodically burst into deep crises or even wars, with underlying deep historical and identity grievances – became one of the most pressing issues in contemporary conflict resolution.

The ongoing Ukraine-Russia conflict partly follows this logic, with hybrid tactics at the core of the Russian strategy, but it is also unique in a couple of dimensions. The most important of these is the precedent of the outright annexation of a part of a sovereign state (the case in point is, obviously, the Crimean Peninsula). This becomes even more prominent in view of the fact that the aggressor is a nuclear state and a permanent UN SC member attacking the country that surrendered a huge nuclear arsenal in exchange for security and territorial integrity assurances (1994 Budapest Memorandum). Some researchers even categorize the Russian aggression as a possible breaking point for the future of international law and post-war security system².

Formally in its fourth year, the Ukraine-Russia conflict does not yet meet the

¹ K. Holsti, *The State, War, and the State of War*, Cambridge University Press: Cambridge and New York, 1996.

² T. Grant, *Aggression against Ukraine. Territory, Responsibility and International Law*, Palgrave Macmillan, 2015.

criteria to be categorized as a protracted conflict (according to Michael Brecher, this requires “lengthy duration – at least ten years – and three or more interstate crises, often accompanied by war or lesser degrees of violence between the PC adversaries, and, sometimes their patron(s) and/or ally[ies]”³). Nevertheless, it has all the potential to become one, due to the existential differences between the parties and lack of any viable and long-term resolution plan so far. As the implementation of the Minsk Agreements stumbled, the bulk of the efforts of international mediators concentrate on decreasing the degree of violence and assisting populations of the combat-affected areas, while relying on diplomatic efforts and reconciliation processes in the longer perspective. Surely, this has a potential to become another protracted conflict, and some politicians have even supported such a course of events, especially with regard to the Crimean dimension⁴. Although in a world that progressively relies more on power and less on institutions, even the existing protracted conflicts and ways to resolve them will evolve; learning from other protracted conflicts’ examples could be instructive.

Greek-Turkish Rollback: Cyprus Reunification Talks’ Failure And Beyond

The Greek-Turkish conflict is a useful example of a protracted conflict, which proved to be notoriously resistant to resolution, notwithstanding all the efforts that have been put in by prominent politicians, civil society initiatives, and international organisations. The two countries, overloaded with a long and difficult common history, were accepted

to NATO in 1952 for Cold War strategic reasons, creating a so-called southeast flank of the Alliance. The conflicts have broken out almost immediately. Bloody intercommunal fights in colonial and independent Cyprus in the 1950s-1960s provoked the establishment of the UN-peacekeeping mission (UNFICYP), controlling the “Green line” that has been dividing the island in two parts since 1964.

 ***The Greek-Turkish conflict is a useful example of a protracted conflict, which proved to be notoriously resistant to resolution, notwithstanding all the efforts that have been put in***

The pogrom of Istanbul Greeks in September 1955 and deportations of Greek nationals from Turkey in 1964 initiated the process of a drastic decrease of the Greek minority in Turkey, while the Muslim minority in Greece’s Western Thrace has encountered education, property, and political representation problems. The Turkish military incursion into Cyprus as a guarantor power in 1974 resulted in an occupation of one third of the island, where the Turkish Republic of Northern Cyprus was established in 1983, but remains virtually non-recognised ever since. The emergence of Aegean territorial disputes in the 1970s-1980s over the size of the Greek continental shelf was gradually “enriched” with additional dimensions, culminating in 1996 with the Imia/Kardak incident: a severe crisis as to the territorial allegiance of a small uninhabited island. Not

³ M. Brecher, *The World of Protracted Conflicts*, Lexington Books, 2016, p. 4. PC in the citation is the acronym for “protracted conflict”.

⁴ The recent prominent example was the German Free Democrats Party leader Christian Lindner’s call to accept the annexation of Crimea as “permanent provisional solution”. See for example: Christian Lindner: *Germany Should Accept Crimean Annexation as ‘Permanent Provisional Solution’*, “Politico.eu”, 06 August 2017, [<http://www.politico.eu/article/christian-lindner-germany-should-accept-crimean-annexation-as-permanent-provisional-solution/>]

only the extended timeframe but also the sheer range of bilateral problems illustrates the inherent complexity of the problem and its development over time.

Although in the last two years, heightened expectations emerged that the Cyprus crisis could be resolved once and for all, the solution, which seemed to be at hand in 2015-2017, turned into a sound defeat. It was the most real possibility to reunite Cyprus since the time of the Annan reunification plan failure in 2004, and the motivation of all the parties was strong. The success of Cyprus reunification was crucial for the EU, as it could substantiate its political preference of peaceful conflict resolution with a palpable success, and practically integrate Northern Cyprus into the EU via reunification. This could counter the powerful disintegration trend launched by Brexit and demonstrate that the EU, notwithstanding all the differences, is moving in the right direction. It could also become a breakthrough for Greece and Turkey, which needed smooth cooperation in dealing with a migration crisis with a view to the implementation of the EU-Turkey migration deal, entering into force in March 2016. Also, the presidents of the two parts of the island, representing possibly the last generation that has physically lived in united Cyprus, were enormously motivated to amend the gap. Nevertheless, negotiations, stalled since January 2017, have finally and officially failed in July that year.

Even though the issue of Cyprus is evidently so much more than bilateral, engaging players from the local communities up to the UN, still its importance to the Greek-Turkish relations cannot be underestimated. Moreover, it was this bilateral dimension that

resulted in the failure of the negotiations, with the insurmountable problem of the withdrawal of the over 30,000-strong Turkish army from the island, present in Cyprus since the swift Turkish military operation in 1974, notwithstanding UN resolutions that demanded withdrawal. Related was the future of the 1960 Treaty of Guarantee, which provided at least partial justification to guarantor states' external military involvement. Most players suggest such a regime is unfair and outdated and the two of the three guarantors – Greece and United Kingdom – declared readiness to drop their guarantor status. Turkey, however, decided not to abandon such a powerful instrument of control. The failure of the negotiations quickly returned the situation to a conflicting mode, starting with the issue of the drilling rights offshore Cyprus⁵.

In addition, almost concomitantly, the quarrel as to Greece's refusal to extradite eight Turkish officers over the failed July 2016 coup emerged, and the bulk of Aegean semi-dormant disputes have been reignited: Incidents on sea and airspace dogfights have intensified. Political rhetoric reached dangerous levels, amounting to claims from Turkish politicians as to validity of the basic 1923 Lausanne treaty that defined the sea borders between the two countries. President Erdogan himself raised the bar, claiming:

*July 15 [coup attempt] is the second War of Independence for the Turkish nation. Let us know it like that. They [threatened] us with Sèvres in 1920 and persuaded us to [accept] Lausanne in 1923. Some tried to deceive us by presenting Lausanne as victory. In Lausanne, we gave away the [now-Greek] islands that you could shout across to.*⁶

⁵ *Tensions Grow over Cyprus Gas Drilling*, "ekathimerini", 12 July 2017, [<http://www.ekathimerini.com/219986/article/ekathimerini/news/tensions-grow-over-cyprus-gas-drilling>]

⁶ As cited in: *Erdoğan's Remarks on Treaty that Formed Modern Turkey Irk Opposition*, "Hurriyet Daily News", 29 September 2016, [<http://www.hurriyetdailynews.com/erdogans-remarks-on-treaty-that-formed-modern-turkey-irk-opposition.aspx?PageID=238&NID=104386&NewsCatID=338>]

With the Turkish-EU relations hitting low again and the Greek-Turkish relations returning to a standoff over security issues, the question that remains open is: Was this failure due to some structural deficiencies in the conflict resolution process or did it just become a victim of external circumstances? While the current environment in the region is difficult indeed, the deplorable longevity of the Greek-Turkish conflict and its resilience to a decisive resolution gives us possibilities to see into the influence of long-term trends on conflict resolution and reconciliation and to assess the effectiveness of some conflict resolution instruments.

Aegean Puzzle between Strategic Interests and International Law

In the world where international law is deemed compulsory but oftentimes lacks mechanisms of enforcement, its application to the conflict resolution has only limited effects. Except for the transitional justice and tribunals for atrocities, which are regularly employed in a post-conflict resolution period, applying law instruments to resolve conflicts is relatively rare and limited in scope.

The core of the present-day dispute between Greece and Turkey is territorial, and at the heart of it presently stands an array of sovereignty disputes in the Aegean Sea. While no direct military attack has happened so far over the Aegean issues, several open threats of war, important military build-up, an impressive arms race, and a few dangerous incidents involving casualties still make this theatre vulnerable to eventual escalation.

Asymmetric nature of conflict also has its influence: The stronger player usually stresses power and interests, while the weaker player recurses to international law and international support. Greece, as

the weaker part in this asymmetric conflict, is the one that champions international law over direct negotiations. It is a status quo power that has profited from the 1982



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United Nations Convention on the Law of the Sea (UNCLOS) that permitted it to extend its territorial waters up to 12 nautical miles, and has quite a strong position in legal respect. Since the 1970s, Turkey has started to progressively challenge that status quo, and the scope of these challenges has progressed. It started from the continental shelf issues (claims that islands have no continental shelf), and related problems of international waters and exploration rights; then it challenged 10 miles aerial space, authority of Athens Flight Information Region over the Aegean Sea and finally the sovereignty of the islets that have not been mentioned by name in the Lausanne treaty⁷.

Having never considered becoming party to the UNCLOS, Turkey adopted fierce opposition to its eventual implementation by Greece. As virtually all Aegean islands belong to Greece, with territorial seas going from 6 to 12 nautical miles, Greece could control 64% of the Aegean Sea (currently 35%) and a proportion of the international waters will decrease from 56% to 26%. The rhetoric of not letting the Aegean Sea to become a “Greek lake” gained ground in Turkey. Thus, after Greece ratified the Convention in 1994, the Turkish parliament adopted a resolution

⁷ For more details see, for example, H. Athanasopoulos, *Greece, Turkey and the Aegean Sea. A Case Study in International Law*, McFarland & Company, 2001.

that authorized the government to use all measures to protect Turkey's rights in the Aegean, eventually declaring 12 miles territorial water implementation a *casus belli*. As an alternative, Turkey proposed bilateral negotiations over all the conflicting issues to incorporate all parties' interests. Nevertheless, Greece, acknowledging the existence of the only conflicting issue – continental shelf, has repeatedly proposed to submit the case to the International Court of Justice (ICJ) in The Hague, but to no avail. After the *Imia* incident, Greece also suggested to file the case on the disputed sovereignty in the Aegean to the ICJ, but was no more successful. To this day, the essence of the conflict remains unresolved.

In the meantime, the focus in the Aegean was to keep dialogue and communications lines open and provide for more transparency in each country's military undertakings via introducing different confidence-building measures (CBMs), oftentimes under the NATO sponsorship. The first and utmost reason was to prevent dangerous escalation from incidents, which were not infrequent and at times dangerous. The second aim was to create the atmosphere of mutual trust, which would later contribute to resolving hard security problems and reconcile security interests. The CBMs have been introduced in a series of instances starting from 1988⁸ up to today, most importantly in 2002-2004, when a direct dialogue between the officials of the two countries over the Aegean disputes took place. These included rules or limitations to military exercises, special phone hotlines between the prime ministers and army chiefs, and a range of different self-restraint commitments. This

helped, to a degree, to defuse the tensions and better control the situation on the ground, preventing unwanted escalations. Still, as the development of the events (both in the Aegean and Cyprus negotiations) has demonstrated, the idea of reconciliation via moving from the less contested issues to the more problematic ones did not bear much fruit.

Sanctions and Responsibility for Occupation in the Cyprus Case

The description of all international law puzzles in the Cyprus case exceeds the limits of a small overview article, as for roughly six decades this had been a highly internationalised conflict issue with over 130 UN SC resolutions adopted up to date. I will just briefly stop at a few judicial decisions which could be the most relevant for the Ukraine-Russia case.

One prominent precedent happened in 1994, when the European Court of Justice took a decision in 1994 ruling against acceptance of Turkish Cypriot goods by the other countries. By this decision, furthermore, it effectively established severe economic sanctions against the self-proclaimed TRNC⁹, which remain in force today. The non-recognition is reciprocated: Turkey does not recognise the Republic of Cyprus, and thus deems its passports invalid and prohibits entry of Cypriot ships in Turkey's ports. The impasse around the question over lifting these mutual sanctions also produced no result in the latest negotiations over Cyprus, as they have been a stumbling block in the earlier Turkey-EU accession negotiations.

⁸ For the CBMs evolution, see for example Z. Lachowski, *Confidence- and Security-building Measures in the New Europe*, SIPRI Research Report No. 18, Oxford University Press, 2004, pp. 151-155. The author's conclusion that "the existing CBMs are not supported by strong political determination, but are symbolic and insufficient to reduce tension between the two states" (p. 155) still holds true in 2017.

⁹ S. Talmon, *The Cyprus Question before the European Court of Justice*, "European Journal of International Law", Vol. 12, No. 4, 01 September 2001, pp. 727-750.

The second prominent example of using the instruments of international law in the Cyprus question relates to the individual applications of the Greeks who lost their properties in the north after 1974 to the European Court of Human Rights (ECHR). The success of one such application, *Loizidou case*¹⁰, forced Turkey to pay 1.2 euro as a compensation, and numerous similar applications to the ECHR followed. However, with Turkey establishing a restitution commission (recognised by the ECHR to be a sufficient remedy in 2010), which accepted individual applications from the Greek Cypriots, it could drastically decrease the amount of money to pay (compared with the payments according to the court verdicts). Turkey also became more reluctant to give even small territorial compensations to the Greek Cypriots, as the last negotiations have demonstrated¹¹. This one is an instructive precedent for Ukrainians who lost their property after the annexation of Crimea.

The potentially seminal international-law-related development happened in May 2014 with another ruling of the ECHR, which obliged Turkey to pay 90 million Euro as a compensation for its 1974 Cyprus invasion. In 1998, the ECHR ruled that both the invasion and occupation were illegal, and occupation discourse appeared in UN SC resolutions as early as 1984¹². This decision, if implemented, could be a game-changer for Turkey (although at the moment it does

not accept the ruling). More importantly, the ruling also has wider implications, as an international law professor Philip Sands commented to *The Guardian*,

*It's a strong signal that the passage of time will not diminish the consequences or costs of illegal occupation. It has obvious relevance to the situation in Abkhazia and South Ossetia, which are occupied parts of Georgia, and Crimea, which is occupied Ukraine.*¹³

Before the 2014 ECHR ruling, Turkey only suffered a US-imposed short-term arms trade embargo (1975-1978) due to the Cyprus invasion, and calls for direct economic sanctions against the state have not reached their aims. Still Greece managed for some time to impose indirect sanctions, using some instruments proposed by its EU membership and balancing in this way a generally weaker position.

It is instructive nevertheless that Greece did not manage to get military support or hard security guarantees from the EU in its standoff with Turkey (in the 1990s, the Western European Union directly stated that it would not interfere in the Greek-Turkish conflict)¹⁴. Moreover, in an attempt to lower tensions, international partners were keen on limiting military build-up and arms race in the region, pressuring both states simultaneously. Thus, when Greece

¹⁰ The different interpretations of the *Loizidou case*: Republic of Cyprus MFA, [http://www.mfa.gov.cy/mfa/mfa2016.nsf/CC8E93A64DF9F2FFC2257F9C00386EA3/\$file/European%20Court%20of%20Human%20Rights-Case%20of%20Loizidou%20v%20Turkey.pdf], Republic of Turkey MFA, November 1999, [http://www.mfa.gov.tr/the-loizidou-case-a-critical-examination-by-zaim-m_necatigil_november-1999.en.mfa]

¹¹ B. Yinanç, *Time to Think Outside of the Box on the Cyprus Issue*, "Hurriyet Daily News", 15 August 2017, [http://www.hurriyetdailynews.com/time-to-think-outside-of-the-box-on-the-cyprus-issue.aspx?page-ID=449&nID=116732&NewsCatID=412]

¹² For the overview of UN SC resolutions and most up-to-date summary of the legal dimension of Cyprus conflict, see: P. Ercan, *The Cyprus Question: At an Impasse for Too Long*, [in:] *Turkish Foreign Policy: International Relations, Legality and Global Reach*, Palgrave Macmillan, 2017, pp. 321-342.

¹³ J. Borger, *European Court Orders Turkey to Pay Damages for Cyprus Invasion*, "The Guardian", 12 May 2014, [https://www.theguardian.com/law/2014/may/12/european-court-human-rights-turkey-compensation-cyprus-invasion]

¹⁴ P. Tsakonias, A. Tournikiotis, *Greece's Elusive Quest for Security Providers: The 'Expectations-Reality Gap'*, "Security Dialogue", September 2003, Vol. 34, No. 3, p. 307.

announced the Joint Defence Doctrine with Cyprus in 1993 and announced that it was going to deploy Russian S-300 ground-to-air missiles there, it was followed by the threat from Turkey to remove the missiles by force. The US and the UK pressured both Greek and Cypriot governments and finally prevented the deployment.

However, the failure to get military support was somehow compensated by the EU support to the resolution of the Aegean conflict according to the international law, as well as letting Cyprus to become the EU member-state before the conflict resolution, both countering Turkish positions. Finally, the EU membership provided Greece with important diplomatic leverage to veto Turkish EU integration initiatives (up to rejecting the Turkish membership bid in 1997).

The longest known and most successful détente and rapprochement period in bilateral Greek-Turkish relations began in 1999, following a change in the Greek strategy, removing its veto and introducing its subsequent support, albeit conditional, to Turkey's EU membership. In this period, the idea that economic cooperation and increased societal contacts bring peace gained ground. While changing attitudes and stereotypes is believed to be the most important condition to get sustainable peace in the Greek-Turkish relations¹⁵, this kind of psychology change needs quite a long-term framework. Thus, the links from economic cooperation were believed to contribute to peace and many governmental and non-governmental initiatives took place. The result was that considerable successes were recorded in the development of trade and tourism. But again, with the EU-Turkey relations going south and the old strategic problems re-emerging on the

bilateral agenda, the increased economic and tourist turnaround exists on a parallel track with strategic quarrels. The possibility of translating economic ties into peace still needs to be proven.

Conclusions: Are Any Cross-case Lessons Possible?

The remarkable resilience of the Greek-Turkish conflict to the resolution attempts, instruments, and policies that were assessed in this article drive certain conclusions. Although direct analogies can be faulty at least, some developments reveal to be extremely instructive. First, the use of the international law possibilities is still a way



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to go that should be thoroughly explored by Ukraine, both in the view of compensation for lost property and paying damages for the occupation. As the Greek-Turkish case demonstrates, this could take decades, but the consequences both in terms of responsibility and parties' standing in the international arena are huge. Second, looking at the Aegean disputes, the territorial issues as to the sea territories could be the next area of contention with Russia, albeit in a different environment with the ongoing occupation of Crimea and Russian de facto control of the Kerch straight, which could threaten the navigation in the Azov Sea and economic well-being of the coastal cities. Third, confidence- or trust-building

¹⁵ A. Heraclides, *The Greek-Turkish Conflict in the Aegean: Imagined Enemies*, Palgrave Macmillan, 2010.

measures are mostly effective for the control of the situation on the ground and for preventing unwanted escalations. Yet, they do not help much to resolve strategic disputes. Nevertheless, the pressure to adopt this kind of measures increases as the conflict grows longer. Fourth, the persistence of the idea that intensified economic cooperation brings peace would have a double consequence for Ukraine: first, the pressure of the anti-sanctions lobby and their idea of restoring and improving relations with Russia through trade; and second, sponsoring the renewal of economic ties not only with the occupied territories, but also between Ukraine and Russia in a kind of a new "Eastern policy"

and encouraging intra-regional cooperation in the post-Soviet space.

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CYPRUS CONFLICT IN THE CONTEXT OF INTERNATIONAL PEACEKEEPING EXPERIENCE: LESSONS FOR UKRAINE

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The article examines the Cyprus conflict in the context of international efforts applied in order to achieve a peaceful solution of the problem and to unify the island. A brief description of the events since 1974 – from the time of the Turkish invasion – is provided. Special attention is given to the peacekeeping initiatives proposed by the United Nations – both during the Cold War era and in the post-bipolar times. The Cyprus case is an example indication of the inefficiency of modern peacekeeping tools that were used by international community.

Introduction

Russian aggression is the main threat for Ukraine's security. Designing an appropriate counter-strategy became an important task for the state. In this context, it is necessary to consider the position of the international community, to study its tools in the field of peacekeeping processes. It requires a detailed analysis of the past experience – various examples of such conflicts in different regions of the world that remain unresolved today or are already over. In this article, it is proposed to consider the context of the Cyprus conflict, which for more than 40 years remains a hotbed of instability in the Eastern Mediterranean and has certain formal similarities (external aggression, creation of an unrecognized state) with the Ukrainian case, as one such example.

Origins of the Conflict and the Turkish Invasion of 1974

Cyprus for a long period of its history was a British colony. It gained independence in 1960 – but this did not bring peace to the island. Almost immediately ethnic confrontation between the Greek Cypriot majority and the Turkish Cypriot minority erupted. Over the course of 14 years, the two communities gradually disassociated themselves from each other. The conflict of low intensity was aggravated in 1974 when, as a result of a military coup, the authorities of the island were seized by supporters of its unification with Greece. Ankara reacted sharply. After an unsuccessful attempt to enlist the support of the United Kingdom – the guarantor of the neutrality of Cyprus, Turkey acted unilaterally. Turkish armed forces invaded Cyprus on 20 July 1974. Despite the swift adoption of the UN Security

¹ *UN Security Council Resolution 353 of 20 July 1974*, [http://dag.un.org/bitstream/handle/11176/71441/S_RES_353%281974%29-EN.pdf?sequence=2&isAllowed=y access 23 August 2017]

Council Resolution 353¹, which called for a cease-fire, the fighting continued until 22 July. As a result, the Turks were able to gain a foothold in the bridgehead, holding a corridor from the port city of Kyrenia to Nicosia. At the same time, the Greek Cypriots captured the Turkish enclaves in the south of Cyprus.

During the end of July-first half of August 1974, attempts of peace talks in Geneva did not succeed. The fall of the military junta in Greece and formation of a democratic government changed the point of view of the international community in favour of Athens. Ankara's proposal to reorganize Cyprus according to the Swiss scenario, with the division of the state territory along the ethnic principle, did not find support among the Greeks. The Greek Cypriots insisted on the constitutional consolidation of the coexistence of two nations within the framework of a single, integral sovereign state. Under these conditions, the Turkish government initiated the second phase of the military operation. As a result of the offensive, Turkish troops occupied the north-eastern part of the island. A status quo has been formed with the creation of the line of demarcation (the so-called "Green Line"), which is maintained until today. The Turkish actions have significantly spoiled the international image of Ankara, exposing it as an aggressor and causing aggravation of relations with Europe.

Peacemaking Process in the Cyprus Problem in 1970-1990s

Solution of the Cyprus problem became one of the core issues for the international community. The situation became more complicated in February 1975, when the Turkish Federated State of Northern Cyprus

was proclaimed in the north of the island. This step corresponded to the Turkish view of the problem – to create a federal state consisting of two ethnic parts. However, it was not supported by either the Greek Cypriots or the international community. The UN Security Council Resolution 367² condemned it.

Taking into account the ethnic nature of the confrontation, the resolution of the issue of population exchange became a specific aspect in the relations between the two opposing parties. An agreement on this was reached in Vienna on 2 August 1975, as part of the negotiation process initiated by the UN Secretary-General, Kurt Waldheim. As a result, thousands of Greeks and Turks were forced to leave their homes and move to the south and north respectively. At the same time, this dialogue had no significant consequences for overcoming the contradictions and developing an effective plan for the unification of the island.

Certain success was achieved only in early 1977. The leaders of the communities – Archbishop Makarios and Rauf Denktaş – met in Nicosia and signed an agreement confirming their vision of a unified Cyprus in the form of a federal state. However, further negotiations were deadlocked. The parties had different views on the format of the federal arrangement. The Turks saw it as an alliance of two ethnically divided parts of a federation. The Greeks defended the principle of coexistence of ethnic groups within the subjects of the federation (undoubtedly – with the dominance of one of them in each part of the country). Ankara was not satisfied with the negotiations, and in 1983, the so-called Turkish Republic of Northern Cyprus was proclaimed, which has been recognized only by Turkey. The

² UN Security Council Resolution 367 of 12 March 1975, [<http://unscr.com/en/resolutions/doc/367> access 23 August 2017]

UN Security Council condemned these actions as well in resolutions 541³ and 550⁴.

However, negotiations over the possible integration of the two parts of Cyprus did not stop. In the mid-1980s, they were characterized by both successes and failures. On the one hand, the call of the United Nations to withdraw the occupation forces from the island caused Turkey's indignation. On the other hand, development of a solution in the practical format continued. The initiative to exchange part of the occupied territory, to withdraw the Turkish troops, and to have 40% representation in the central organs of the unified state met support from the Turkish representatives. However, the Greeks did not like this form of interaction, which was seen as essentially confederative. New meetings of the communities' leaders in 1985, 1988, and 1990 did not bring significant results. The Draft Framework Agreement⁵ and Set of Ideas⁶, which were proposed by UN Secretary-General Javier de Cuellar, remained unfulfilled initiatives.

Contradictions between the Greeks and the Turks in Cyprus acquired another painful point when the Greek Cypriots stated their desire to integrate into the EU. However, North Cyprus stressed that it would not be possible before the completion of the process of the European integration of Turkey, which had already been initiated. The EU did not listen to this wish. The result was a deepening diplomatic confrontation over the creation of a customs union of the Turkish Republic and its unrecognized satellite. Attempts by the new UN Secretary-General, Boutros Boutros-Ghali, to resolve the dispute in the first half of

the 1990s were also unsuccessful. The Turkish side was not ready to make concessions. In the mid-1990s, the peacekeeping processes were increasingly stalled. The anti-Turkish decisions of the European Court regarding the actions of Ankara in Cyprus and the clashes in the buffer zone, resulting in human casualties, had aggravated the situation even further.

The Development and Failure of the Annan Plan

At the turn of the 21st century, the United Nations proposed a complex vision for the settlement of the Cyprus problem. On the eve of a new wave of enlargement of the European Union, which was supposed to affect Cyprus, an attempt was made to unite the two parts of the island. UN Secretary-General Kofi Annan and Special Adviser to the UN Secretary-General on Cyprus Didier Pfirter developed the corresponding plan.

According to the latest version of the plan, it was supposed to reach a compromise by creating a unified Cyprus federal state – the United Republic of Cyprus. It was supposed to consist of two parts – the Greek and Turkish states (each with its own constitution), but united by federal government structures. It was intended to take the Swiss model as an example. The main governing element of the state system was to become the Presidential Council, consisting of nine people. The national composition of the council was clearly determined by the percentage ratio of the Greek and Turkish population of the island in the proportion of 2 to 1. Among the members of the council, the president and

³ *UN Security Council Resolution 541 of 18 November 1983*, [<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/453/99/IMG/NR045399.pdf?OpenElement> access 23 August 2017]

⁴ *UN Security Council Resolution 550 of 11 May 1984*, [[https://undocs.org/S/RES/550\(1984\)](https://undocs.org/S/RES/550(1984)) access 23 August 2017]

⁵ *Draft Framework Agreement on Cyprus Presented by the Secretary-General on 29 March 1986*, "Report of the Secretary-General on the United Nations operation in Cyprus (for the period 10 December 1985–11 June 1986)", pp. 13-17.

⁶ *UN Security Council Resolution 789 of 25 November 1992*, [[http://www.law.gov.cy/Law/lawoffice.nsf/0/61532046D-C1283ACC225742B003BA117/\\$file/Resolution%20789%20_1992_.pdf](http://www.law.gov.cy/Law/lawoffice.nsf/0/61532046D-C1283ACC225742B003BA117/$file/Resolution%20789%20_1992_.pdf) access 23 August 2017]

vice president of the unified state were to be elected, each of them representing a separate ethnic community. Legislative power was to be concentrated in the hands of a bicameral parliament. In the upper chamber, equal representation of the two communities was emphasized. The lower chamber was to be divided based on the ethnic proportion of the population. The judiciary power was to be concentrated in the hands of the Supreme Court, whose members were an equal number of representatives of the Greek and Turkish communities, as well as three foreign experts⁷. It was also proposed to ensure the right of return for displaced refugees who were forced to leave their homes after the division of Cyprus. The territory of the Turkish part of the island had to be reduced – from 37%, which is currently occupied by the Turkish Republic of Northern Cyprus, to 28.5%⁸. It was intended to preserve the Greek and Turkish military presence on the island.

The provisions of the Annan Plan were put to a referendum that took place in both parts of Cyprus on 24 April 2004. It showed the public's keen interest in this issue – the turnout of the population was 89% in the Greek part of the island and 87% in the Turkish part. At the same time, it demonstrated striking differences in relation to this initiative between the Greeks and the Turks. The Greek population of the island and their political leaders initially opposed the proposed conditions. They stressed that they were the real victims of the 1974 invasion. The proposed compromise did not satisfy their desire to

get rid of the invaders. On the contrary, it legalized many of Ankara's achievements, preserving the Turkish military presence on the island. The proposed ethnic division of public authorities also did not suit the Greek Cypriots. In their opinion, the proportions of the Annan Plan did not correspond to the real figures and the influence of the Turkish population. As a result, the majority of voters – nearly 76% – rejected the UN initiative⁹. In the Turkish part of the island, opinions were divided. Official propaganda represented the need for a compromise to end the international isolation of Northern Cyprus. The long-standing leader of Turkish Cypriots Rauf Denktas, as well as Turkish nationalist forces (the "Grey Wolves" movement), spoke against the peace initiative. On the contrary, Prime Minister of the Turkish Republic of Northern Cyprus Mehmet Ali Talat expressed support for the plan. Official Ankara also supported this initiative. This position was dictated by the desire to settle disputes in the relations with the EU in the context of intensification of the Turkish European integration policy. As a result, nearly 65% of the participants of the referendum voted for its adoption¹⁰.

Peacekeeping Talks after 2004

In the 21st century, both parties repeatedly expressed their commitment to the basic principles of peaceful settlement. However, real steps in this area were not undertaken. An essential role in this was played by the irreconcilable position of President of the Republic of Cyprus T. Papadopoulos. The situation altered only after the change of

⁷ *The Annan Plan for Cyprus*, [http://www.hri.org/docs/annan/Annan_Plan_Text.html access 23 August 2017]

⁸ *The Annan Plan for Cyprus*, [http://www.hri.org/docs/annan/Annan_Plan_Text.html access 23 August 2017]

⁹ *Referendums in Cyprus, Parliamentary questions by Ioannis Marinis (PPE-DE) to the European Commission*, European Parliament, 2004, [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2004-1444+0+DOC+XML+V0//EN&language=hr access 23 August 2017]

¹⁰ *Referendums in Cyprus, Parliamentary Questions by Ioannis Marinis (PPE-DE) to the European Commission*, European Parliament, 2004, [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2004-1444+0+DOC+XML+V0//EN&language=hr access 23 August 2017]

power in the south of the island. A new impetus in the negotiation process was provided by President of the Republic of Cyprus D. Christofias, who initiated direct talks on this issue between the leaders of



At the end of the first decade of the 2000s, the situation in Cyprus was somewhat paradoxical. A rather active negotiation process, in which UN Secretary-General Ban Ki-moon was involved, was not accompanied by significant changes and compromises in the most important issues

both communities of the island in September 2008. The subjects of negotiations were six main areas: management and distribution of power; the questions of membership in the EU; the economy; the property of the Greek Cypriots in the occupied territories; territorial issues; security and guarantees¹¹.

At the end of the first decade of the 2000s, the situation in Cyprus was somewhat paradoxical. A rather active negotiation process, in which UN Secretary-General Ban Ki-moon was involved, was not accompanied by significant changes and compromises in the most important issues. According to analysts¹², the achievement of agreement between the parties is quite problematic given the existing serious

disagreements. Negotiations on the Cyprus settlement reached an impasse in May 2012 during the preparation of the Republic of Cyprus for the presidency in the EU, which was strongly opposed by Turkey and the leaders of the Turkish Cypriots. The financial crisis postponed the negotiations. In 2014, leaders of the two communities issued a joint declaration, which stressed the unacceptability of the existing status quo; willingness to meet at the negotiating table; commitment to an idea of a bi-zonal, bi-communal federation, created by the Greek and Turkish parts with their own constitutions; the need to achieve a comprehensive solution to all disputes¹³. However, the real prospects of unification are still far from accomplishment.

To date, there are two approaches to the solution of the Cyprus conflict. The first provides the idea of a unification of both parts of the island in a single state. It is the focus of the international community. The second approach involves the legalization of the existing status quo and the continued development of the two independent states in Cyprus. Today this idea is popular in Turkish circles in an environment where the deterioration of relations with the European Union eliminates the need for compromises for Ankara. It should be noted that the long history of divided life reduced the popularity of the idea of unification among the inhabitants of Cyprus – they have become accustomed to the situation and do not believe in the prospects of change¹⁴.

¹¹ B.I. Gumeniuk, *Ukrainsko-Kiprski Vidnosyny: Dvadsyat Rokiv Dynamichnoho Rozvytku (Ukrainian-Cyprus Relations: Twenty Years of Dynamic Development)*, "Scientific Bulletin of the Diplomatic Academy of Ukraine", 2014, Vol. 21, No. 2, p. 7.

¹² B.I. Gumeniuk, *Ukrainsko-Kiprski Vidnosyny: Dvadsyat Rokiv Dynamichnoho Rozvytku (Ukrainian-Cyprus Relations: Twenty Years of Dynamic Development)*, "Scientific Bulletin of the Diplomatic Academy of Ukraine", 2014, Vol. 21, No. 2, p. 8.

¹³ *Joint Declaration: Final Version as Agreed Between the Two Leaders*, "Cyprus Mail Online", 11 February 2014, [<http://cyprus-mail.com/2014/02/11/joint-declaration-final-version-as-agreed-between-the-two-leaders/> access 23 August 2017]

¹⁴ *Why the Majority Want Partition*, "Cyprus Mail Online", 5 February 2017, [<http://cyprus-mail.com/2017/02/05/majority-want-partition/> access 23 August 2017]

Cyprus Case as an Example of the Ineffectiveness of International Peacekeeping Tools

The current status quo in Cyprus is not a solution of the conflict. International efforts were unsuccessful and have not found due recognition. Long truce and the mediation efforts of international organizations allowed the creation of an effective buffer zone between the parties in order to cease hostilities. However, the more than 40-year period of reconciliation attempts did not bring the positions of the parties closer.

The failure of the Annan Plan is not merely an example of how international efforts towards a peaceful resolution of a conflict have failed. The nature of the proposed initiatives itself clearly demonstrates the inability of international institutions to facilitate the settlement of a frozen conflict. The proposed compromise was characterized by a number of controversial moments. One of them was equating the rights of the aggressor and the victim. Whatever were the circumstances, Turkey initiated a direct, armed invasion in a sovereign territory in 1974. This provoked a split of an independent state; it led to the expulsion of the Greek Cypriots from their native homes. However, the Annan Plan suggested building relationships between the communities with a kind of a blank slate, offering reciprocal concessions. Not surprisingly, for Greeks, it seemed unacceptable – from their point of view, only they made concessions in relation to the positions of the parties that had existed before 1974. The Turks only legalized some parts of their illegal acquisitions. Legalization of the Turkish settlers who have moved to the island since 1974 and were considered by the Greek Cypriots as illegal migrants was also controversial.

We should note that many of these problems are already observed in the occupied Ukrainian territories. Mostly it is about a flow of Russian immigrants who come to

Crimea and Donbas. Over time, this issue will be updated, and its resolution will become more complicated. As a result, the freezing of the conflict will only serve to complicate the situation and to make restoration of the pre-war status quo impossible.

We define the main contradiction between the positions of the victims of aggression and the international peacekeeping institutions in the framework of a settlement, which is typical for both Cyprus and Ukraine. The former seeks to restore its sovereignty over the lost territories, to cancel the effects of foreign intervention. For the latter, the main objective will always be a cessation of hostilities, the freezing of the conflict with a view to a subsequent development of a peaceful solution. However, such a freezing is always contrary to the interests of the victim. The longer it goes on, the harder it is to ensure the return to the pre-war balance of power. Too many factors affect the situation in this case. In the end, the victims face a situation when the international community – which condemned and continues to condemn the aggression – offers such a plan of action that means giving up a certain share of sovereignty over the lost territories in exchange for the return (very often – only formal) of the unified state. In those terms, both the Annan Plan and Western initiatives for Donbas can be described.

Difference of the Cyprus Problem from the Ukrainian Crisis

A distinctive feature of the Cyprus problem is a national-ethnic factor. Despite a rather cosmopolitan nature of the Ottoman Empire, the conflict between the Greeks and the Turks has rich historical background. Throughout the 20th century, it was radicalized under the influence of the armed conflict (Greco-Turkish War, or the Turkish War of Independence), the mutual exchange of populations, and pogroms. As a result, Cyprus has become another arena for such a confrontation between the two nations,

to which it is impossible to turn a blind eye. On the contrary, the relations of the Ukrainian and Russian peoples are without a conflict framework on the personal level. Infringement of the rights of the Ukrainians by the Russian state has always been associated with imperial Moscow's policy towards its colonies. In Ukraine, preconditions and manifestations of an ethnic conflict with Russia are absent.

In this context, it is worth considering the factors and events that accompanied the implementation of Turkey's and Russia's aggressive actions in relation to Cyprus and Ukraine respectively. Indeed some parallels can be made. In both cases, there was a change of power in the states that became victims of aggression. In both cases, invasion was justified by a desire to protect compatriots from hostile actions. However, Turkish actions – despite their illegality – seem more reasonable. Escape of President Yanukovich from Ukraine has little similarity with the military coup that took place in 1974 in Cyprus. Ethnic conflict on the island occurred in reality, not only was created in the propaganda rhetoric (as it was in the case of Crimea and Donbas). Furthermore, there was a danger of losing the independence of Cyprus. Under these circumstances, Ankara had reasons to worry about the well-being of the Turkish population of the island.

An important element of the Cyprus issue is the presence of the British military bases on the island. They serve as a deterrent to a possible escalation of the conflict. On the other hand, their presence defines the importance of the resolution of the crisis for Western actors. For London, and to some extent – for Washington, it concerns the guarantees of preservation of their military presence in the strategically important region. It becomes particularly relevant today, when the metamorphoses of Turkish politicians make the southern flank of the transatlantic partnership less reliable.

Another important difference between the Ukrainian and Cypriot cases is the geopolitical weight of the aggressors. Turkey, despite its strategic position, glorious history, economic success, political influence, and claims to regional leadership, remains a state of moderate strength. Undoubtedly, its military power is absolutely superior to the potential of Cyprus, and it eliminates the factor of the Greek support. However, in any case, Ankara is a minor player compared to Russia. On the contrary, Ukraine is suffering from the aggression of a nuclear state, a UN Security Council permanent member, which claims to superpower status and the title of the world centre of power. This radically changes the context of international negotiations under the peace process, taking them to a qualitatively new level.

Conclusions

An analysis of the Cyprus confrontation and international efforts to resolve it clearly demonstrates the complexity of conflict settlement in a frozen stage. The cessation of hostilities is an undoubted success for



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the international community, which clearly saves lives of people. However, years of negotiations in various formats concerning the conditions of unification of the two parts of the island only lead to one thing – they alienate the real prospect of returning to the united Cyprus. Moreover, in these circumstances, the need for such unification – except for the question of image and credibility – is becoming less important

and popular for the parties to the conflict. Thus, we should learn a clear lesson – the demarcation line, buffer zones, and even the presence of peacekeepers can help save lives, but these will hardly assist in the restoration of the Ukrainian sovereignty over the occupied territories.

In addition, the example of Cyprus shows that the existing international tools of conflict settlement are not always effective. Endless negotiations and harmonization of conditions do not bring a solution. Considering this, we must clearly understand that we cannot count on such a course if we

really want to return the occupied part of Donbas and Crimea.

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THE NORTHERN IRELAND PEACE PROCESS: LESSONS FOR UKRAINE?

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This article explains the factors that have made Northern Ireland an arena of conflict, and evaluates the obstacles that for so long hindered a negotiated settlement, before exploring the factors that contributed to creating a sustainable peace process. It concludes with some general observations on what lessons might be taken from the Irish peace process and considers how these might be of relevance to other conflicts, such as that which is ongoing in Ukraine.

Introduction: Unhappy Families

'Many talk about a solution to Ulster's political problem but few are prepared to say what the problem is. The problem is there is no solution'.¹ Richard Rose's grim analysis during the 1970s reflected the general pessimism that for decades had dominated coverage of the Northern Ireland imbroglio. The perception that the Irish conflict was intractable was in part influenced by its longevity. The labyrinthine road to a negotiated agreement after numerous false dawns has confirmed the oft-noted observation that peace is a process, not an event.

The Good Friday and St Andrews Agreements institutionalised a peace process that has fundamentally altered day-to-day life in Northern Ireland. Violence has abated and erstwhile antagonists have shared power, supported by the British and Irish Governments. While remaining within the United Kingdom, provision has been

made for Northern Ireland to unite with the rest of Ireland at some point in the future. The agreements constitute a successful attempt at conflict management though it is perhaps too big a leap to say that what has been achieved is conflict resolution, let alone conflict transformation. Northern Ireland retains the scars of prolonged misrule. Society remains segregated in the most fundamental of ways, with nationalists and unionists living apart, going to separate schools and churches, reading rival communal newspapers, playing different sports and so on. The agreements have respected the integrity of the conflict by institutionalising it to an extent where it is difficult to conceive of a form of government that is not a coalition of opposites composed of unionists and nationalists who have little in common beyond a mandate to rule bestowed by the peace agreements. One can perhaps say that such a form of government is the worst for Northern Ireland except for the realistic alternatives.

¹ R. Rose. 1976. *Northern Ireland: a time of choice*. New York: Springer, p. 166. Ulster is one of Ireland's four historic provinces and Northern Ireland is composed of six of Ulster's nine counties.

Leo Tolstoy's *Anna Karenina* famously begins with the observation that 'Happy families are all alike; every unhappy family is unhappy in its own way'. One might say the same of communal discord. While societal conflicts involve animosity, and very often loss of life, all to some degree are *sui generis*, with a unique history and with each protagonist hating the 'other' in their own peculiar way. Since 2013, Ukraine has become an arena of conflict combining features of a foreign invasion with those of a civil conflict. Considering the current pessimistic prognoses for a speedy end of the discord in Ukraine, not unlike that of Richard Rose cited above, there might be some value in outlining how Ireland exited the cycle of continual violence that infected politics for decades.

Why Ireland Has Been a Conflict Zone

Despite its relatively isolated position on the western edge of Europe, Ireland has been an arena of conflict for many centuries. England's conversion to Protestantism coincided with its growth as an imperial power and when Irish chieftains finally acknowledged defeat in 1603, Britain embarked on an intensive policy of colonial plantation, particularly in the north of the country, which had been the centre of Gaelic resistance. These settlers, mainly English Anglicans and Scottish Presbyterians, are the ancestors of today's unionist population in Northern Ireland. Ireland remained predominantly Catholic, however, and almost every generation witnessed a major rebellion against British rule. The slow democratisation of the British polity allowed an Irish nationalist parliamentary movement to develop while the physical force tradition continued to attract a substantial minority of adherents. When the separatist Sinn Féin party gained a majority of Irish seats in 1918,

they declared the country independent and established a parliament in Dublin. To complement these political endeavors, the Irish Republican Army (IRA) conducted a war for independence against the British regime in Ireland.

Why then was Northern Ireland established? In deference to unionist preferences and London's strategic objectives, Ireland was partitioned in 1921 by a unilateral act of the British Parliament. Two new political regimes were created, the Irish Free State (now the Republic of Ireland), which was almost homogeneously nationalist, and Northern Ireland, which constituted less than 17% of the island of Ireland's territory but where unionists outnumbered nationalists by two to one. Northern Ireland possessed the formal features of a parliamentary democracy but, with an inbuilt unionist majority, was in reality a one-party state. The unionist regime enshrined anti-Catholic discrimination as official policy, establishing an apparatus of economic hegemony that excluded nationalists from political, social and economic power. Complementing this system of apartheid the state invoked a series of repressive laws enforced by a paramilitary police that was almost entirely Protestant in composition. When a combination of social and political forces during the 1960s brought forth a non-violent campaign to obtain basic civil rights, the Northern Ireland state could not accommodate it, as its very *raison d'être* was the maintenance of unionist supremacy in perpetuity. The violent response of state security forces and civilian irregulars to the civil rights campaign precipitated a social conflagration and an armed nationalist insurgency that propelled society downwards into a spiral of violence, euphemistically known as 'the Troubles', which would last for decades.²

² See D. Ó Beacháin. 2010. *Destiny of the Soldiers—Fianna Fáil, Irish Republicanism and the IRA, 1926–1973*. Dublin: Gill & Macmillan, pp. 249-370.

The biggest fallacy and source of confusion is, perhaps, the belief that religion is the root cause of conflict in Northern Ireland. Like all popular errors, the perception has a causal relationship with the truth. Unionists (those who wish for Northern Ireland to remain part of the United Kingdom) are in general from a Protestant family or ancestral background, while nationalists (those who would like to see a united Ireland) are much more likely to be the descendants of those Catholics displaced during the colonial project. The fundamental issue, however, is not theological. Were it so, it would be impossible to understand how Catholics and Protestants are able to leave peaceably in the Republic of Ireland, in Britain, or indeed, in any part of the world. The conflict centres on the issue of power. For centuries, and with the support of the British Government in London, unionists exercised untrammelled power, firstly over the majority Irish Catholic population and, after partition, within Northern Ireland over the minority nationalist/republican community. In Northern Ireland today, the population is almost evenly divided between nationalists and unionists.³

Why Conflict Endured

Psychological and emotional factors (e.g. anger and mutual distrust) inhibited conflict resolution as unionists and nationalists fixated on fears generated by past events that sometimes led to pre-emptive aggression. Loss aversion was another key barrier to overcoming conflict as parties frequently attached much greater significance to a potential loss than to a potential gain, particularly when future gains (e.g. peace, prosperity) were uncertain

and in the long-term, while 'losses' (e.g. accepting legitimacy/position of opponents) were immediate and certain. This meant that the conflicting parties were often unwilling to take risks in situations where they could make serious gains. Protagonists often



Psychological and emotional factors (e.g. fear, anger, mutual distrust) inhibited conflict resolution as unionists and nationalists fixated on fears generated by past events that sometimes led to pre-emptive aggression

viewed gains simply as entitlements, but were slow to accept a loss. This frequently led to disagreements between parties over the value of concessions, reinforcing feelings of suspicion and mistrust, and further hindering efforts designed to transform the conflict dynamic.

Given the duration and intensity of the conflict it not surprising that the quest for 'justice' inhibited mediation efforts, as negotiating parties felt entitled to receive some sort of justice for past events. This expectation stemmed from the belief on both sides that it was they who had acted the most honourably in the past, and who had suffered the most. In such a scenario both parties were likely to believe that what to outside observers might seem like a fair deal gave their side less than it deserved and was too generous to their traditional foes.⁴

There has also been the phenomenon of reactive devaluation, a cognitive bias that

³ In the 2017 elections to the Northern Ireland Assembly, unionist and nationalist parties each won exactly 39 seats.

⁴ For some international examples of these phenomena, see D. Bar-Tal. 2001. 'Why does fear override hope in societies engulfed by intractable conflict, as it does in the Israeli society?' *Political Psychology*, 22.3: 601-627; B. Bland, B. Powell and L. Ross. 2012. 'Barriers to dispute resolution: Reflections on peacemaking and relationships between adversaries'. *Understanding social action, promoting human rights*, pp. 265-291.

occurs when a proposal is refused (or devalued) if it appears to have come from an antagonist or enemy, ignoring whether or not such a proposal is beneficial.⁵ Protagonists in Northern Ireland prided themselves on their unwillingness to compromise on fundamental principles. The two most common unionist slogans have been 'No Surrender' and 'Not an Inch' (of territory). When the IRA was asked to decommission their explosives and weapons, graffiti appeared on Belfast walls declaring 'Not an ounce, not a bullet'. Such intransigence has made brokering agreements difficult, as protagonists have tended to view political developments in zero-sum terms, whereby any gain by the other side is seen as a loss to their own.

Finally, the relationship between political leaders and their followers/supporters, and the competing interests of different political actors within a single community, also acted as barriers to conflict resolution. Many political representatives, most notably the Democratic Unionist Party (DUP) leader, Ian Paisley, publically announced their unwillingness to compromise, sometimes as a negotiating device or because of an inability to reach mutually beneficial settlements. This in turn induced their electorates to adopt similar trenchant positions, which further limited manoeuvrability in negotiations.⁶ A popular aphorism coined by Ian Paisley, provided a salutary warning to those who might flirt with compromise: a bridge builder and a traitor were the same, he claimed, because they both go over to the other side.

Exiting the Violence

During the 'Troubles', academics and politicians sought to identify a middle way

between the unionist wish to remain within the United Kingdom and the nationalist desire for a united Ireland. However, any solution that was not negotiated between all the major players and/or which was imposed at a time of war had little chance of success. By the 1990s, the British Army and the IRA had reached a stalemate whereby neither had defeated the other and neither could attain outright military victory. After several false starts, the Belfast (or Good Friday) Agreement was negotiated on 10 April 1998 and a second pact, designed to re-energise the peace process, was agreed at St Andrews in October 2006.

The 'solution', in a nutshell, is a three-stranded process, which centres first and foremost on power-sharing between unionists and nationalists within Northern Ireland (strand 1), combined with institutional links between Northern Ireland and Ireland (strand 2) and between Ireland and the United Kingdom (strand 3). A guarantee of equal rights and an open-ended constitutional future have also been at the heart of the peace agreements.

Though the Good Friday Agreement (GFA) is remarkably similar to that negotiated at Sunningdale in 1973, its chances for success were greater as the latest peace process attracted the support of both the IRA and the loyalist paramilitaries, which had destroyed the power-sharing institutions established in 1974. The concept of ripeness, that conflicts reach a point where they are ready for resolution, is relevant here. William Zartman maintains that protagonists will only seek mediation once they have exhausted all their resources and recognise that they enjoy negligible chances of achieving victory. In such circumstances, the cost of maintaining

⁵ See L. Ross. 1995. 'Reactive Devaluation in Negotiation and Conflict Resolution', in Kenneth J. Arrow, et al., (eds.), *Barriers to Conflict Resolution*, New York: W.W. Norton & Company, pp. 27-42.

⁶ See G. Bachar and A. S. Weiner. 2014. 'Governments, publics, and enemies: Intragroup dynamics as barriers to conflict resolution', *Dynamics of Asymmetric Conflict* 7.2-3: 198-225.

the mutually hurting stalemate is so great for all parties that protagonists begin to entertain less maximalist approaches.⁷

Mediation

The fact that the 1990's peace process took place under the tutelage of two sovereign democratic governments, Ireland and the United Kingdom, was central to its ultimate success. A cooperative Anglo-Irish partnership had frequently been absent during previous decades. Indeed, for much of the time since the partition of Ireland in 1921, and throughout most of the Troubles, there had been no meeting of minds between the governments in London and Dublin as to what constituted the causes of conflict in Northern Ireland let alone unanimity on how to resolve the imbroglio. Moreover, for decades successive British Governments refused to countenance external mediation on the basis that this would infringe upon their sovereignty.

Anglo-Irish initiatives on Northern Ireland were also frequently inhibited by electoral cycles. Instability in Britain throughout 1974, for example, undoubtedly affected the implementation of the Sunningdale Agreement to which a recently elected Irish Government with a clear majority had been committed. Electoral cycles (and many would argue the personalities too) were in almost perfect harmony during the summer of 1997 with the election of Tony Blair and Bertie Ahern as British and Irish prime ministers respectively. The security their electoral mandates gave these two leaders allowed them to devote a decade of their time, energy and focus to seeing the peace process through a myriad of obstacles that followed the GFA. Within a month of Fianna

Fáil's return to power with Ahern at the helm, the IRA ceasefire was reinstated and nine months later, the Belfast Agreement had been negotiated.

The British and Irish governments did much of the running throughout the peace process and proved vital in maintaining momentum when relationships broke down within Northern Ireland. Both administrations played a full role in the negotiations, allowing each side of the conflict in Northern Ireland to believe that they had an external guarantor that represented their interests. Crucially, Dublin and London appointed a political figure from outside the region, former US Senator George Mitchell, to chair the negotiations. The goodwill and interventions of the Clinton administration in the US, along with the prospect of EU funding to underpin aspects of the peace process also provided favourable conditions for a settlement.

While external mediation proved an integral part of the negotiating process that led to the Good Friday Agreement it doesn't always assist conflict management. Though it is ostensibly designed to facilitate reconciliation, third party mediation can be a barrier to establishing a sustainable peace process. Wendy Betts, for example, has examined how the motives, roles and number of mediators exacerbated the quarrel over Nagorno-Karabakh and argues that a cohesive approach to conflict resolution is impossible when different third parties pursue their own agendas.⁸ Conflict among mediators must be solved before any other conflict resolution takes place.

⁷ For an application of Zartman's theory to Northern Ireland, see E. Connolly and J. Doyle. 2015. 'Ripe moments for Exiting Political Violence: an Analysis of the Northern Ireland Case', *Irish Studies in International Affairs* 26: 147-162.

⁸ W. Betts, 1999. 'Third party mediation: an obstacle to peace in Nagorno Karabakh'. *SAIS Review* 19.2: 161-183.

Favourable International Context

Nobody wants to be on the wrong side of history and the peace process chimed with the prevailing optimistic zeitgeist of the early and mid-1990s. Communism had collapsed throughout Europe during the dying months of the 1980s, culminating in the dismantling of the Berlin Wall, the reunification of Germany and the end of the Cold War.⁹ Nelson Mandela was freed from prison in South Africa and apartheid quickly replaced by majority rule. Initially, the Oslo peace accords in the Middle East also generated optimism before quickly becoming a parable of what can go wrong in a peace process. Moreover, the establishment of legislatures in Scotland and Wales, following referenda in those countries, made devolution within Northern Ireland easier for unionists to digest. No longer did it necessarily signify that Northern Ireland was a place apart requiring exceptional treatment but, rather, it could be presented as part of an ongoing process of decentralisation within the United Kingdom.

Inclusivity and Legitimacy

In addition to the on-going support of the Irish and British governments, the peace process includes all major parties in Northern Ireland, including the late converts of the DUP, and this inclusivity has been an essential reason for its success. Moreover, as part of the Good Friday Agreement, all prisoners whose militant organisations had signed up to the peace process were quickly released. Previous initiatives had been opposed by the IRA, the organisation responsible for the majority of fatalities during the conflict, and this rejection put a ceiling on expectations.

Until the mid-1990s, it had been assumed that any power-sharing system of government within Northern Ireland would be between 'moderate' nationalists and unionists, in other words the Social Democratic and Labour Party (SDLP) and the Ulster Unionist Party (UUP). However, while the power-sharing executive was initially based on these two factions, the more 'radical' DUP and Sinn Féin eclipsed the SDLP and UUP and for the last decade have formed the bedrock of Northern Ireland's power-sharing administration. Indeed, the first power-sharing government formed after the St Andrew's Agreement was led by erstwhile fundamentalist Ian Paisley and the former IRA military commander, Martin McGuinness.

This reversal of fortunes was largely due to the changed context created by the peace process. The SDLP had defined itself first and foremost as a party that pursued its objectives through exclusively peaceful means and eschewed support for the IRA. As the peace process advanced and militarism faded, nationalist voters switched to Sinn Féin believing that they could more vigorously agitate for an agenda it largely shared with the SDLP. But whereas Sinn Féin thrived electorally as a result of moving to the centre, unionist voters rewarded the DUP for excoriating UUP leader, David Trimble, as he engaged with his republican opponents. Once the UUP and DUP switched places in the hierarchy of parties, however, they also traded political stances. Now potentially in the driving seat during any forthcoming negotiations, the DUP were at pains to appear reasonable so as not to provide the two governments with an opportunity to undermine them.

⁹ See for example M. Cox. 1997. 'Bringing in the 'international': the IRA ceasefire and the end of the Cold War'. *International Affairs* 73.4: 671-693 and M. Cox. 1998. 'Northern Ireland: The War that came in from the Cold'. *Irish Studies in International Affairs* 9: 73-84.

The peace process received an early boost when aspects of the Good Friday Agreement were approved in a referendum by 71% in Northern Ireland and by 95% in the Republic of Ireland. Having the vote in both parts of Ireland on the same day was also significant, simultaneously undermining the positions of dissident republicans and recalcitrant unionists.

Decommissioning, Demilitarization and Policing

Decommissioning IRA weapons was central to the peace process and imbued with symbolism for both sides. But as Tony Blair and Bertie Ahern realised, getting the republican movement to sign up to the principle of majority consent within Northern Ireland being a prerequisite for a united Ireland was far more significant in the long term than dispensing with its armoury. Weapons were easy to procure and decommissioned weapons could be easily replaced. Far more difficult to acquire was the degree of trust and cooperation necessary to push the use of military means to the periphery.

Unionists could not understand why the IRA (whom they assumed, at least for public consumption, was the same as Sinn Féin) should wish to hold on to their weapons if they had renounced the use of force for political ends once and for all. Either the IRA commitment to non-violence was insincere, or they wished to use the threat of force as leverage during the negotiations, which would give them an unfair advantage.

Republicans preferred to focus on the British armed forces in Northern Ireland and sought a demilitarisation of society. This suggested a parity of responsibility between the British army and the IRA to put weapons aside, rather than a unilateral decommissioning of weapons held by republicans. As a minority within Northern Ireland, republicans were inclined to view IRA weapons as primarily

defensive and argue that with a successful peace process the need for armaments would wither away. In the past, the IRA had never destroyed their weapons, let alone handed them over. Rather they had, as in 1923 and 1962, dumped arms. Unilaterally destroying weapons smacked of surrender and would be very difficult to sell to many IRA members, particularly those of the younger generation. For the Sinn Féin leadership, decommissioning was not just about what was desirable but what they could sell to the IRA and their own party grassroots. The overriding objective was to keep the republican movement intact; otherwise, the governments might find themselves some years hence negotiating with a new splinter group that had eclipsed the current leadership.

Making decommissioning a precondition for Sinn Féin's participation in negotiations, as the British Government under Major initially tried to do, risked derailing the peace process. Opposing protagonists engaged in a circular argument whereby the IRA used the British Army presence to justify a leisurely approach to decommissioning, whereas this in turn was cited as a reason for maintaining a substantial military force in Northern Ireland. Armed conflict, Sinn Féin argued, was a product and not the cause of the deep divisions in society and only maintaining a sustainable and inclusive government could help banish the gun from Irish politics.

Ultimately, the process of decommissioning would have to be internationalised to be successful. An Independent International Commission on Decommissioning (IICD), composed of military and diplomatic figures from Finland and North America, and chaired by Canadian General John de Chastelain, was established to oversee the process. Former President of Finland, Martti Ahtisaari, and African National Congress leader Cyril Ramaphosa, were appointed to inspect IRA weapons dumps in order to facilitate the decommissioning of firearms,

ammunition and explosives. The IRA finally completed decommissioning their military arsenal on 26 September 2005. British army demilitarization – the removal of British troops from Northern Ireland, the destruction of much of the British army military infrastructure such as bases and watchtowers – also continued apace until September 2007. However, while the decommissioning of weapons was a process that took several years to negotiate, the dismantling of sectarian mindsets will take much longer.

Allied to decommissioning and demilitarization was the task of making policing acceptable to both communities in Northern Ireland.¹⁰ As Tony Blair's Chief of Staff, Jonathan Powell, noted 'the IRA couldn't police the community any more, yet they wouldn't let the police do so either'.¹¹ Chris Patten, a former senior Conservative Party figure and the last Governor of Hong Kong, was entrusted with the task of chairing the commission to review the future of the Royal Ulster Constabulary (RUC) and his report on 9 September 1999 advocated a radical overhaul of the composition, ethos, training and structure of the police.¹² The report recommended that the RUC be given a more neutral name - the Northern Ireland Police Service - and that half of all new recruits would be drawn from the nationalist community with the aim of eventually reaching parity. The police force could not be drawn exclusively from the unionist community so that, as in the past, one side of the conflict was, at government expense, policing the other. Patten and his

supporters were guided by the objective of depoliticising the police and sought to facilitate a move away from policing during a state of armed conflict to a form of community policing with a strong emphasis on impartiality and human rights.

People, Not Territories, Have Rights

A major barrier to conflict resolution has been the unwillingness of protagonists to recognise or acknowledge the basic rights of the other side.¹³ Frequently, conflicting parties, such as those in the Caucasus or the Balkans, are looking for separation and, whether negotiated or unilateral, a parting of ways has been the final outcome. When, as in Northern Ireland, a divorce is impossible because of the relatively equal size of the protagonists some form of power sharing to deliberate on how society is governed is an easier – as opposed to an easy – sell. A vital component of the peace process, and the agreements that underpin it, has been the notion of a shared political future, where the other side's presence is tolerable. As denial of civil rights had fuelled the Troubles during the late 1960s, a peaceful transition from protracted conflict required parity of esteem for both nationalists and unionists within Northern Ireland. The Good Friday Agreement guarantees equality of political, civil, social and cultural rights. Consent was designed to be a two-way street so that neither unionists nor nationalists would be able to achieve much in Northern Ireland without first securing the agreement of their former adversaries with whom they now shared government power.

¹⁰ See J. Doyle. 2010. *Policing the narrow ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy.

¹¹ J. Powell. 2008. *Great hatred, little room: Making peace in Northern Ireland*. London: Random House, p. 275.

¹² HMSO. 1999. *A New Beginning: Policing In Northern Ireland: The Report of the Independent Commission on Policing For Northern Ireland* [Patten Report].

¹³ See R. Nagar and I. Maoz. 2014. '(Non) acknowledgment of rights as a barrier to conflict resolution: Predicting Jewish Israeli attitudes towards the Palestinian demand for national self-determination'. *Dynamics of Asymmetric Conflict*, 72-3, pp.150-164.

While nationalists of all hues, bar the electorally insignificant dissident republicans, were united in favour of the general thrust of the peace process, unionism endured multiple schisms and this continually acted as a brake on momentum. Sinn Féin had prepared supporters for compromise and the party leadership united behind Gerry Adams and Martin McGuinness. David Trimble, by contrast had not done the groundwork within the UUP and was beset by internal sniping, sabotage and attempted coups, as his party struggled to accept governing with Sinn Féin.

Ultimately, Sinn Féin accepted a formula in which self-determination incorporated the hated 'loyalist veto', now repackaged as unionist consent. Reaching consensus on defining the political unit that might benefit from self-determination was a major breakthrough. The Good Friday Agreement included the unwieldy formula that it was for the Irish people alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination but reiterated that majority consent from Northern Ireland's electorate was a prerequisite. The birth-right of all of Northern Ireland's people to identify themselves as Irish, British or both was recognised and this right could not be affected by any change to the constitutional status of the North. Significantly, the Government in Dublin agreed to reformulate Articles 2 and 3 of the Irish constitution so that it moderated what was perceived to be a 'territorial claim' on Northern Ireland. The revised constitutional provision shifted the emphasis away from the rights to territory towards the rights of people.¹⁴

Finally, neither the Belfast nor St Andrews Agreements was presented as a final settlement. Rather, the peace process

allows for an open-ended constitutional development. The GFA acknowledged that a majority of people on the island of Ireland wished for a united Ireland, and that this included a substantial section within Northern Ireland, but emphasised that a majority in the six counties, freely exercised and legitimate, supported the status quo. In deference to nationalist aspirations, it was affirmed that should a majority within Northern Ireland opt for a united Ireland it would be a binding obligation for both governments to introduce legislation to give effect to that wish. Had the GFA been presented as an end in itself, without leaving open the possibility of a united Ireland at some point in the future, it is most unlikely that it would have been accepted by nationalists within Northern Ireland or, indeed, by the Irish Government.

The Trouble with Brexit

When Ireland and the UK joined the EEC in 1973 there was a hope that common membership of this supranational community would, over time, erode borders and reduce animosities within Ireland and between Ireland and Britain. With Brexit, many of the old certainties and assumptions, on which the peace process was predicated evaporated overnight. Brexit immediately raised several important questions regarding Northern Ireland's status within the UK and its relationship with the rest of the island. As the EU treaties of Rome, Maastricht and Lisbon underpinned the foundations of the GFA and its successor pacts, many feared that Brexit would undermine the work of reconciliation and destabilise the region.

Consent is at the heart of the Good Friday Agreement, particularly the principle that there could be no change in the constitutional status of Northern Ireland

¹⁴ D. Ó Beacháin. 2002. 'Ireland Amends Its Constitution' in Mark Rehn (ed.) *Great Events of the 20th Century. Pasadena*: Salem Press. Vol. 8: 3120-3122.

without a majority agreeing to such a change. Brexit now threatened to fundamentally alter Northern Ireland's status against the explicit wishes of the majority that had indicated a wish to stay within the EU. As the people of Northern Ireland are by birth-right entitled to be Irish citizens it is unclear how their rights as EU citizens can be protected post-Brexit. Many fear that the reintroduction of a physical border between the north and south of Ireland could have a negative impact on the peace process. Similarly, Britain's intention to leave the jurisdiction of the European Court of Justice will almost certainly undermine many areas of human rights law in Northern Ireland. Brexit will also deprive Northern Ireland and Ireland's border region generally of EU funding for programmes supporting the peace process.¹⁵

Following its failure to win the snap election of June 2017, the ruling Conservative Party entered into a pact with the DUP, the only party within Northern Ireland to have supported Brexit during the referendum campaign. So long as the British Government depends on the DUP for its survival, it weakens London's ability to be 'rigorously impartial' in its dealings with Northern Ireland, as required by the Good Friday Agreement. Brexit has introduced profound uncertainty into Anglo-Irish relations. It will take many years before the full effects are felt and can be properly assessed.

Conclusion

Though it has occasionally faltered, the Northern Ireland peace process has endured for two decades. Nevertheless, is it a model that can be exported? Confidence in Ireland's credentials in the sphere of

conflict resolution must be tempered by an understanding that the origins of conflict and the obstacles to resolution defy uniformity. And while Ireland's experience provides a unique perspective on conflict management, one must be wary of being prescriptive. During its chairmanship of the OSCE in 2012, the Irish Government repeatedly asserted that it would not offer a set of formulas or blueprints that could be exported to the post-Soviet protracted conflicts.¹⁶ Rather, it hoped that by sharing the experience of the peace process it could assist others engaged in similar conflict resolution efforts.



That there is a stalemate within Ukraine and between Moscow and Kyiv is undeniable but whether it is mutually hurting to the degree likely to push the protagonists to a transformational settlement (as opposed to the current ceasefire agreement) is debatable

It is difficult to be optimistic about a comprehensive settlement that will satisfy all parties to the conflict in Ukraine. That there is a stalemate within Ukraine and between Moscow and Kyiv is undeniable but whether it is mutually hurting to the degree likely to push the protagonists to a transformational settlement (as opposed to the current ceasefire agreement) is debatable. It is a challenge to get accurate information about the political preferences of people living in Crimea or in the parts of Luhansk and Donetsk currently outside the control of the Ukrainian government,¹⁷ and as the conflict appears to have 'frozen',

¹⁵ See J. Doyle and E. Connolly. 2017. 'Brexit and the Northern Irish Question' in Federico Fabbrini (ed.), *The Law & Politics of Brexit*. Oxford: Oxford University Press.

¹⁶ See D. Ó Beacháin. 2012. "Ireland's Chairmanship of the OSCE—A Mid-Term Review." *Irish Studies in International Affairs*: 89-109.

international interest has waned. More than anything else, the absence of two sovereign democratic partners that have a common interest in ameliorating the situation, as existed between Ireland and Britain, inhibits conflict resolution.

While external mediation or facilitation is not, by itself, enough to produce a peace process, the Irish experience suggests it is difficult to cultivate one without it. International involvement proved vital, for example, in providing a mechanism whereby the disposal of weapons belonging to non-state actors could be verified and conducted in a manner that minimised the stigma of surrender. The negotiations leading to the Good Friday Agreement were chaired by a senior US politician while Irish diplomacy and diasporans kept Ireland higher up the list of the US priorities than would otherwise have been the case. International actors can also prove vital in providing economic aid and political support to underpin what is agreed.

Finally, while political elites negotiate settlements, it is important that the supporters of these elites and the electorate generally, be prepared for the necessary compromises. Otherwise even the best-

crafted deal may flounder. When symbols or names are contentious, it is sometimes advisable to depoliticise them as much as possible. After all, a territory without a flag is more important than a flag without a territory.

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¹⁷ A notable exception is J. O'Loughlin, G. Toal, and V. Kolosov. 2017. "The rise and fall of "Novorossiya": examining support for a separatist geopolitical imaginary in southeast Ukraine." *Post-Soviet Affairs* 33.2: 124-144.

RELEVANCE OF THE ULSTER MODEL IN RESOLVING THE UKRAINIAN CONFLICT

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The Irish conflict was generally perceived as intractable, rooted in the question of identity. Given the stringent 'positions' framed by identities, no solution seemed possible. When attention was paid to addressing the interests underlying the conflict, the identity issue faded away. The popular perception of an identity crisis notwithstanding, the Ukrainian conflict is also rooted in socio-economic and geo-political interests. Drawing lessons from Ulster, a solution in Ukraine is possible. However, Ukraine should remain careful about not copying the consociationalist outcome of Ulster, for a power-sharing arrangement will establish a false sense of a divided society in East Ukraine.

Historical Roots

Much like the ongoing conflicts in Ukraine, the Irish conflict was generally perceived as intractable. For centuries, the people of Ulster remained divided across the symbolic boundaries created by identity. Nonetheless, the identity markers transformed over time. When King Henry VIII of England broke with the Holy Roman Church, the conflict took on a religious flavour – a contest between the Catholic and Protestant dominance over the island. However, since 1921, after splitting Ireland into North and South, national identities came to dominate over the religious identities.¹ Given the stringent 'positions' framed by identities, no negotiation between the belligerents seemed possible. However, viewed through the lens of 'interests', preferential treatment of the 'planters' over

the locals in allocating economic resources was identified as a key factor perpetuating the conflict. The Ulster model of conflict resolution paid due attention to addressing the interests of the locals, and consequently, conflict



When attention was paid to addressing the interests underlying the conflict, the identity issue faded away

over identity diminished. We argue that the popular perception of an identity crisis notwithstanding, the Ukrainian conflict is also rooted in socio-economic and geo-political interests. Following the lessons of the Ulster model, policy makers should concentrate on

¹ P. Hain MP, *Peacemaking in Northern Ireland: A Model for Conflict Resolution?* Speech at Chatham House, 12 June 2007, p. 3.

resolving the conflicting interests in Ukraine instead of getting obsessed with the 'positions' of the conflicting parties.

Since the end of the Cold War, political actors within and outside Ukraine have invested considerable efforts to construct and maintain ethnic boundaries dividing the people of Ukraine with a questionable degree of success. Ironically, some of these attempts were inspired by an urgent desire to consolidate Ukraine as an indivisible state. A sense of nation building encouraged the policy makers to bring some sort of homogeneity among the Ukrainians through promoting a single language and a single historical narrative.² Sometimes, external actors, Russian leaders to be more specific, made visible attempts to highlight the boundaries to reassert their former superpower status by spreading their sphere of influence across the national border in areas inhabited by ethnic Russians.³ This paper begins with the assertion that despite all these moves, the people of Ukraine remained socially united until the developments following EuroMaidan started forcing them apart. A real boundary is now in the making. Whether this boundary will continue to exist or disappear depends to a large extent on what choice and policy approach the leaders within and outside Ukraine, including those in East Ukraine, make today.

In the 700-odd years following the decline of Kievan Rus in the 13th century, Ukraine got the taste of independence for only about 10 years.⁴ Though the country broke free

from over 300 years of Russian control and became independent in 1991, it had to wait for three more years to secure a flimsy commitment from Russia to respect its sovereignty, independence, territorial integrity, and inviolability of borders through the 1994 Budapest Memorandum⁵ – a security assurance less substantial than what Ukraine had expected.⁶ Ukraine must have taken lessons from its long history of subjugation by others. Besides, Ukraine's notable dependence on Russia for oil, gas, and trade, and its centuries-long demographic fusion with Russia, manifested through common religious orthodoxy, customs, a large percentage of bilinguals, and a high percentage of intermarriage, must have persuaded the policy makers to search for a unique identity to consolidate its independence lest it gets drawn back into the Russian geopolitical orbit again.⁷ That such fear was not unfounded has been proven beyond question through Russian actions in Crimea in 2014.

Therefore, following the Orange Revolution that temporarily relieved Ukraine from the shadow of Russian influence, President Yushchenko together with other like-minded leaders made hasty efforts to consolidate Ukrainian nationhood. In the absence of democracy, and with the legacy of communism still haunting many aspects of public life, the civic conception of nationhood did not seem to gain currency in Ukrainian society. So, the planners preferred an ethnic track. Ukrainian ethnicity and language were

² A. Polese, *Language and Identity in Ukraine: Was It Really Nation-Building?* "Studies of Transition States and Societies", Vol. 3, No. 3, p. 37.

³ E. Giuliano, *The Social Bases of Support for Self-determination in East Ukraine*, "Ethnopolitics", Vol. 14, No. 5, 2015, pp. 515-516.

⁴ R. Popadiuk, *Ukraine: The Security Fulcrum of Europe?* "Strategic Forum", Institute for National Strategic Studies, No. 69, April 1996, p. 1.

⁵ M. Budjeryn, *The Breach: Ukraine's Territorial Integrity and the Budapest Memorandum*, Wilson Center, Nuclear Proliferation International History Project, Issue Brief 3, p. 2.

⁶ *Ibid.*, p. 3.

⁷ Popadiuk, *op. cit.*, p. 2.

assigned the central role in defining the new identity.⁸ In an attempt to legitimize state independence and arouse a strong sense of patriotism among the new-generation Ukrainians, the leaders adopted the strategy of instilling a deep sense of victimization through historical narratives where the imperialist Soviet Union was portrayed as the perpetrator of violence against ethnic Ukrainians.⁹ However, unlike many nationalizing programs where ethnic others are portrayed in a negative light, Ukrainian official history textbooks carefully avoided highlighting the ethnic background of the perpetrators.¹⁰ Besides, in order to avoid bias, schools were allowed liberty to choose additional history books beyond the official ones.¹¹

There had also been attempts to establish language as a boundary marker. President Kravchuk introduced a law requiring Ukrainian presidents to know Ukrainian. The law had dissimilar impacts on different presidents during their political campaigns. While the Russian-speaking Kuchma made frantic efforts to use Ukrainian during his presidential campaign, the Ukrainian-speaking Yushchenko was found using Russian while addressing eastern regions on national TV during the Orange Revolution.¹² Clearly, their attitudes signified less regard for the law than for winning the hearts and minds of the audience from other ethnic groups. Attempts of the post-Maidan interim government to scrap the language law that assigned Russian the status of an

official regional language also proved futile in the face of strong domestic as well as international criticism.¹³ In fact, despite multiple attempts, language could not be effectively established as a boundary marker separating the people of Ukraine.



given the complex ethnic overlap in the demographic composition of erstwhile Soviet republics, an identity-based approach to the problem would be either chaotic

The rhetoric of Russian leaders highlighting the ethnic boundaries was remarkable. Putin's public assertion to "ensure the rights and interests of (ethnic) Russians" living in Ukrainian territory and "to encourage them to find a solution" and his 'Novorossiya' dream are some of his most visible attempts towards boundary making.¹⁴ Putin's rhetoric was duly matched by his foreign minister, S. Lavrov, who found it "very hard (for people of multiple ethnicity) to live in a unitary state".¹⁵ Nonetheless, all the efforts of 'political entrepreneurs of identity' notwithstanding, the so-called ethnic boundary in Ukraine remained fuzzy and permeable. If ethnic identity was a true concern for the people of East Ukraine, then Dnipropetrovsk and Kharkiv with a high percentage of ethnic Russians would surely follow the trails of Donetsk and Luhansk;

⁸ Giuliano, *op. cit.*, p. 519.

⁹ *Loc. cit.*

¹⁰ J. G. Janmaat, 'The Ethnic 'Other' in Ukrainian History Textbooks: The Case of Russia and the Russians', *Compare: A Journal of Comparative and International Education*, Vol. 37, No. 3, 2007, p. 319.

¹¹ *Ibid.* p. 313.

¹² Polese, *op. cit.*, p. 45.

¹³ Giuliano, *op. cit.*, p. 517-518.

¹⁴ Giuliano, *op. cit.*, p. 515-516.

¹⁵ Giuliano, *op. cit.*, p. 516.

but they did not. Therefore, searching for ethnic roots in the Ukrainian conflict could be misleading. Moreover, given the complex ethnic overlap in the demographic composition of erstwhile Soviet republics, an identity-based approach to the problem would be either chaotic or, in the worst case, encourage dozens of others to initiate their own separatist movements.

The discovery of coalfields in 1720 initiated a gradual process of industrialization of Donbas region. The flow of international capital between 1860 and 1890 intensified the industrialization process.¹⁶ This must have placed a heavy demand on the labour force. Consequently, Donbas witnessed a large in-migration from different parts of the Imperial Russia and later the USSR, turning it into an ethnically mixed region.¹⁷ Today, it is difficult to ascertain the relative share of other regions and countries in making today's Donbas populace. It is equally difficult to ascertain what percentage of them came to Donbas willingly and how many of them were forced to move in. Some non-Ukrainians are believed to have been deliberately transferred to Donbas region from other parts of the USSR between 1926 and 1959 as part of a deliberate 'Russianization' or demographic diversifications process¹⁸ – much like the 'plantation of Ulster'. Besides, the possibility of a forced in-migration to Donbas from other parts of present-day Ukraine to meet the rising demand for labourers in the then burgeoning industrial economy cannot be ruled out either.

As the in-migrants got settled in their new abode, they gradually developed, besides

their individual ethnic identities, a new form of identity with a strong underpinning of industrial culture: "a mix of freedom and force, a characteristic respect for labour (particularly miners) and physical power, and a rejection of ethnic exclusivity".¹⁹ It is not difficult to imagine how in an industrial society organizational values and work ethics gradually develop a new form of bonding among the co-workers regardless of their ethnic differences. This form of bonding or identity formation has hardly anything to do with politics. The factory management often promotes such bonding in order to maintain the organizational cohesion among workers from diverse ethnic origins. Therefore, whatever pro-Russian attitude Donbas residents demonstrate today is not attributable to their ethnic leaning but rather to their material interest in maintaining a familiar industrial environment with the Soviet (now Russian)-style industry. Products from these industries cannot compete with those from Western industries and hence find their demand in Russian markets only. That explains why a large percentage of people of Donetsk and Luhansk prefer joining the Customs Union over the EU. They believe that a macroeconomic orientation toward Europe would severely hamper their regional business interests.²⁰

Economy Driven Contradictions

The central role of the economy in creating and sustaining the conflict is also evident from the fact that those in control of the economy in East Ukraine are also those in control of politics. The post-Maidan turn of

¹⁶ B. De Cordier, *Ukraine's Vendée War? A Look at the "Resistance Identity" of the Donbass Insurgency*, "Russian Analytical Digest", No. 198, 14 February 2017, p. 3.

¹⁷ *Loc. cit.*

¹⁸ De Cordier, *loc. cit.*

¹⁹ A. Portnov, *How 'Eastern Ukraine' Was Lost*, "Open Democracy", (<http://www.opendemocracy.net/od-russia/andrii-portnov/how-eastern-ukraine-was-lost>, access: 15 August 2017), p. 6.

²⁰ Giuliano, *op. cit.*, p. 518.

events in East Ukraine was mostly shaped by the position of the regional oligarchs. In Dnipropetrovsk and Kharkiv, the decisive pro-Ukrainian actions of local business elites effectively neutralized the activities of pro-Russian forces.²¹ To the contrary, in Donetsk and Luhansk, a spontaneous demonstration of thousands of youthful pro-Maidan supporters in March and April 2014 went in vain, and the region capitulated to separatist forces due mostly to the indifferent attitude of the influential oligarchs such as R. Akhmetov and O. Efremov.²² However, it is worth noting that the political influence of oligarchs is not confined within the regional politics only. It has rather become a common feature of the Ukrainian politics as a whole. Moreover, their influence does not diminish with political transitions. In the event of losing their political or executive positions after a political transition, they use cronies to represent their interests in the parliament.²³ Therefore, any endeavour to resolve the Ukrainian conflict should utilize the positive power and guard against the negative influence of these oligarchs.

The trend of putting ethnic colours on an otherwise economic problem is not unprecedented. Initially, the conflict in Northern Ireland also gave the appearance of an identity issue. The perception of an ethnic divide was cultivated in the very early stages of the Plantation of Ulster, in 1609, when the British sought to counterbalance the Catholic Irish population by exporting Protestant Scots to the area. For the next three centuries, the history of Ulster was marked by brutal sectarian violence.²⁴ The birth of the Republic of Ireland in 1921 only changed the label of

the rival groups. Replacing religious labels by phrases like nationalists, unionists, or loyalists did little to overcome the identity barrier. It was only in the 1970s when a sort of rethinking occurred. It was realized that the key factor sustaining the conflict was not identity but economic disparity that such artificially constructed ethnic boundaries promote. The findings of the 1978 Glover



A sense of economic loss has fuelled both crises. Nonetheless, in the case of Northern Ireland the sense of loss was real, whereas in East Ukraine it is rather speculative

Report that “most IRA members came from the ranks of the poorer working-class poised precariously just above the unemployed” further reaffirmed this realization.²⁵ Looking back at East Ukraine, a similar trend can be observed, albeit, with a subtle but significant difference.

A sense of economic loss has fuelled both crises. Nonetheless, in the case of Northern Ireland the sense of loss was real, whereas in East Ukraine it is rather speculative. Various interest groups from within and outside Ukraine have induced the working class of Donbas region with the fear of economic loss in the event of Kyiv pursuing a pro-EU macro-economic policy. In Northern Ireland, it was realized that a peace process could survive the shocks of violence only if supported by economic momentum.²⁶ As various legislative

²¹ Portnov, *op. cit.*, p. 7-8.

²² Marples, *op. cit.*, p. 13.

²³ H. Pleines, *The Political Role of the Oligarchs*, [in:] J. Besters-Dilger, P. Lang (eds.), *Ukraine on its Way to Europe: Interim Results of the Orange Revolution*, Internationaler Verlag der Wissenschaften, p. 113.

²⁴ Hain MP, *op. cit.*, p. 8.

²⁵ The Portland Trust, *Economics in Peacemaking: Lessons from Northern Ireland*, London, 2007, p. 8.

²⁶ *Ibid.*, p. 4.

reforms pertaining to housing, employment, and education reduced the disparity between the Catholic and Protestant camps, the Catholics gradually stepped back from their demand for unification with the Republic of Ireland.²⁷ Compared to Ulster, any initiative to redress the fear of economic loss in East Ukraine is likely to produce quicker results, as there is no real economic disparity between the ethnic groups. The people of Donbas share a unique industrial culture free from ethnic exclusivity. Besides, having suffered enormous physical and economic losses from the ongoing conflict, the ordinary people of Donbas must have realized that the conflict will continue to bring them more misfortunes than what the interest groups wanted them to believe the EU-centric economic policy would. However, strategies focused absolutely on domestic populace may not be effective unless the planners take due account of the interests of external stakeholders – most importantly, that of Russia.

The Role of External Stakeholders

The role of external stakeholders in aggravating or diffusing internal conflicts is not unprecedented either. Again, Ulster offers a ready reference. While the unionists viewed their southern neighbour, the Republic of Ireland, as a constant source of threat, the nationalists, on the other hand, saw the British presence on the island as the key source of trouble.²⁸ Consequently, a peaceful solution to the conflict required that the Republic of Ireland and Britain maintain manifest neutrality in their role as arbitrators. They did so through signing the Anglo-Irish Agreement in 1985, which clearly stipulated that there would be no change in the political status of

Northern Ireland without the consent of the majority of its people.²⁹ In 1990, the British Secretary of State in Northern Ireland Peter Brooke confirmed Britain's constitutional neutrality by making an open declaration that "Britain had no selfish strategic or economic interest in Northern Ireland".³⁰ Again, in the Downing Street Declaration of 15 December 1993, both British and Irish governments recognized Northern Ireland's right to self-determination, independent of their own interests.³¹ Finally, in the 1998 Belfast (Good Friday) Agreement, both governments again confirmed the principle of consent.³² All these affirmations of neutrality from external stakeholders ensured that the onus of finding a peaceful solution to the conflict is ultimately left to the people of Ulster. Similarly, a peaceful solution to the Ukrainian crisis presupposes that both Ukraine and Russia maintain some degree of neutrality to let the people of East Ukraine make a rational choice about their political status based on a majority consensus. However, due caution must be exercised to guard against a distorted feedback from an artificial populace. Those who fled the region following the eruption of violence should be heard and those who entered the region afresh should be carefully discarded from the evaluation process. Nonetheless, such an arrangement would be possible only if Ukraine and Russia sincerely agree to work together in resolving the crisis. Any peace process must begin with an unconditional agreement between these two governments to cooperate.

In order to bring Russia to some sort of agreement, it is important to realize how Russian economic interests relate to the ongoing developments in Ukraine. The

²⁷ *Ibid.*, p. 8.

²⁸ Hain MP, *op. cit.*, p. 3.

²⁹ The Portland Trust, *op. cit.*, p. 34.

³⁰ Hain MP, *op. cit.*, p. 8.

³¹ The Portland Trust, *loc. cit.*

crisis originates from the Russian fear of Ukraine developing closer economic ties with the EU at the expense of the Russian interests. Ukraine had two competing economic integration projects to choose from: the Association Agreement with the EU, within the framework of its Eastern Partnership Policy, and the Customs Union (CU) launched by Russia.³³ In the post-Soviet region, Belarus and Kazakhstan already joined the CU in 2010, while Armenia and Kyrgyzstan agreed to join the Eurasian Economic Union, a more advanced version of the CU, in 2013. Russia expected Ukraine to join the team, which would not be possible if it signed the Association Agreement with the EU.³⁴

Russia was the main supplier of gas, oil, and nuclear fuel to Ukraine. Moreover, Ukraine and Belarus provide important transit routes for Russian gas and oil export to Europe; so much that prolonged disruption of supply through these two countries might bring the Russian export to a total collapse.³⁵ Therefore, Russia had been persistently trying to persuade the transit countries to hand over the control of the transit pipelines and distribution networks to Gazprom.

The victory of Yanukovich in the presidential election of Ukraine in February 2010 and his series of pro-Russian political moves rekindled the Russian hope about Ukraine. When the Maidan events compelled Yanukovich to flee the country, Russia became seriously alarmed. Among

other concerns, Russia was particularly apprehensive about the new Ukrainian government signing the Association Agreement with the EU. Consequently, in an unprecedented move, Russia immediately annexed Crimea by force and engineered the ethnic uprising in east and south Ukraine.³⁶

The next important requirement is, again drawing from the lessons of Ulster, a firm commitment from both governments to part with the extremist elements of their respective camps. Russia should stop providing moral and material support to the armed intruders in East Ukraine, and Ukraine should put a check on its ultranationalist activists. A peace process with 'guns under the table' will only lead to a forced negotiation, not a conscious agreement, for it keeps the option open



***a power-sharing arrangement
should be the last thing
for East Ukraine to accept,
because it will only establish a
false sense of a divided society***

to return to violence should the process fail to deliver the results preferred by the extremist elements. Such an arrangement benefits the extremists, not the moderates. Both governments should make sincere efforts to identify and make use of the moderate elements within the conflict zone

³² The Portland Trust, *op. cit.*, p. 35.

³³ S.-S. Niculescu, 'A Bridge Too Far' – Examining a Possible Outcome of the Ukraine Crisis, "Europolity", Vol. 8, No. 2, 2014, p. 96.

³⁴ P. Rutland, *An Unnecessary War: The Geopolitical Roots of the Ukraine Crisis*, "Ukraine and Russia: People, Politics, Propaganda and Perspectives", E-International Relations, Bristol, UK, March 2015, p. 136.

³⁵ A. Zagorski, *Eastern Partnership from the Russian Perspective*, "Eastern Partnership-Russia", Spring/Summer 2010, p. 12.

³⁶ Rutland, *op. cit.*, p. 137.

³⁷ Portnov, *op. cit.*, p. 4.

– again, a lesson from Ulster. Such elements may not be difficult to identify. It is worth recollecting that some Donbas oligarchs expressed their willingness to mediate the talks between the Kyiv government and the regions where their business activities were mostly concentrated in the initial stage of the conflict.³⁷ A constructive dialogue among the governments of Ukraine and Russia and the moderate elements of East Ukraine is likely to produce a peaceful and mutually beneficial solution to the problem.

Conclusions

So far, the paper has elaborated on how the Ukrainians might find a suitable model in Ulster in resolving their crisis. Nonetheless, it is worth realizing that a given conflict resolution model does not fit perfectly well in another socio-economic context, even if they have marked similarities. Indeed, blind application of the Ulster model in Ukraine could do more harm than good. While the approach and modalities of conflict resolution in Ulster have a good number of lessons to learn from, it is the outcome of Ulster that demands a careful analysis before suggesting it for Ukraine.

The Belfast Agreement that marked the end of the conflict in Ulster produced consociationalism as a conflict regulation mechanism.³⁹ Consociationalism implies a power-sharing arrangement among the parties of a “deeply divided society”.³⁹ Given the sustained nature

of hatred and violence between the Catholics and Protestants for more than three and a half centuries, Ulster might have represented, arguably, a deeply divided society. Consequently, a power-sharing arrangement was possibly the best solution the planners could imagine. Nonetheless, some scholars argue that consociationalism reproduces “systemic sectarianism” by institutionally incorporating the extreme elements of the conflicting parties in the government.⁴⁰ Such an arrangement reinforces and sustains the sense of an ethnic divide among the people. The social history of East Ukraine is significantly different from that of Ulster. Donbas people never resorted to armed violence against each other. The ethnic boundary that some odd political entrepreneurs of identity have so passionately tried to construct does not exist. Therefore, a power-sharing arrangement should be the last thing for East Ukraine to accept, because it will only establish a false sense of a divided society.

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³⁸ J. Hughes, *Is Northern Ireland a 'Model' for Conflict Resolution?* LSE Workshop on State Reconstruction after Civil War, 29 March 2011, p. 1.

³⁹ *Loc. cit.*

⁴⁰ *Loc. cit.*

CONFLICTS IN THE FORMER YUGOSLAVIA AND THEIR LESSONS FOR UKRAINE

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The analysis will compare the conflicts in the Balkans of the 1990s and the war in Eastern Ukraine: their causes, historical background, political and economic context. It will also demonstrate how the mechanisms for the Balkan conflicts' resolution may be applied in resolving the conflict in Ukraine. In addition, it will provide recommendations regarding policies and peace roadmap to be implemented in Ukraine.

Introduction

Ukraine is not the first country in the post-Soviet camp where a war followed the end of the Cold War. In the 1990s and 2000s, the breakup of Yugoslavia was marked by massacres and violence when the former Yugoslav republics were fighting for their independence. Only international involvement, mainly by NATO, helped to resolve the deep crisis in Bosnia and Kosovo. Ukraine managed to avoid the bloody history of the former Yugoslavia in the 1990s, but it joined these countries with an active war in its territory in 2014, when an unimaginable conflict exploded in Eastern Ukraine, after the Russian invasion of Crimea and Donbas.

In pursuit of a resolution of the Ukrainian crisis, international community is trying to use the experience of other conflict zones. The Balkan conflicts are the most current and in some way – similar ones. However, despite the willingness to compare the Balkan conflicts and the Ukrainian crisis, the situations in the Balkans and Eastern Ukraine are very different, mainly due to the Russian interference in sovereign and

independent Ukraine, where people share similar mentality and common history.

The Ukrainians are not that different from each other, unlike various peoples of the former Yugoslavia. Therefore, no one should expect that the international community would recognize the independence of the so-called “Novorossiya” just like it recognized the independence of Kosovo.

At the same time, some solutions may potentially be used in Ukraine, including sanctions by the international community, an international tribunal on crimes committed in Eastern Ukraine, and the Croatian approach to the return of its territories.

Comparison of the Balkan Conflicts and the War in Eastern Ukraine

As a matter of fact, ethnic conflicts have a long history and roots in the Balkans, i.e. in the Middle Ages and after the WWII, as the aggression and hatred among mixed Christian Serbs and Bosnian Muslims had been developing and stored for years. As a result of this ethnic antagonism, nurtured

for ages, during the conflict development in the Balkans in the 1990s, former neighbours, who used to live peacefully side-by-side, started to kill each other.¹

Contrary to the Balkans situation, the Ukrainians on both sides of the conflict, and even partisan Russian Special Forces who participate in the conflict in Eastern Ukraine,

 ***in Ukraine, despite the fact that the conflict parties might support different ideologies (pro-Ukrainian or pro-so-called “Donetsk/Lugansk Peoples Republics”), there are no ancient hatreds toward the opponents***

share similar history, culture, language, religion, values, and way of living. Moreover, in Ukraine, despite the fact that the conflict parties might support different ideologies (pro-Ukrainian or pro-so-called “Donetsk/Lugansk Peoples Republics”), there are no ancient hatreds toward the opponents. Even more, both parties proclaim common history, heritage, and “brotherhood” values as grounds for recruiting efforts on the other side of the conflict line.²

Furthermore, there was no external interference in the Balkan conflicts, at least at the beginning. The conflicts emerged because the republics of the former

Yugoslavia wanted to secede. That is opposite of Ukraine, where the conflict emerged in an independent state and it broke out just because of the Russian interference.³

During the 1990s, Yugoslavia was a single state formed by six republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Slovenia, and Serbia) and two autonomous provinces of Serbia (Vojvodina and Kosovo), which were economically unequal. It broke up because of an economic and political crisis in the late 1980s⁴, which was marked by the Croatian and Slovenian unwillingness to fund the rest of Yugoslavia, as well as by the multi-ethnic/multi-religious composition of the population in these republics and bloody history of different groups living together. On one hand, Serbia did not want to let Slovenia and Croatia go because of economic reasons, as they were the most economically developed: Slovenia had a GDP per capita on par with the smaller economies of Western Europe, while Kosovo province of Serbia was perhaps the most economically backward in all of Europe.⁵ On the other hand, protection of the Serbian population served as an important argument for Serbia to start the wars in Croatia, Bosnia and ethnic cleansing in Kosovo, arguing that it wanted to protect the Serbian population.⁶

On the large scale, all this explains why the intensity of violence was different in each country. For example, in Slovenia, predominantly populated by the Slovenians, the conflict was very short-lived (it lasted

¹ J. Perles, *Conflict in the Balkans: The Serbian Refugee; Serbs Become Latest Victims in Changing Fortunes of War*, “New York Times”, 07 August 1995, [<http://www.nytimes.com> accessed: 21 August 2017].

² *Ukraine Conflict and Bosnian War: Similarities*. “Radio Slobodna Europa”, 06 March 2015, [<https://www.slobodnaeuropa.org> access: 21 August 2017].

³ D. M. Herszenhorn, A. Roth, *In East Ukraine, Protesters Seek Russian Troops*, “New York Times”, 07 April 2014, [<https://www.nytimes.com> access: 21 August 2017].

⁴ E. Zizmond, *The Collapse of the Yugoslav Economy*, “Soviet Studies”, Vol. 44, No. 1 (1992), pp. 101-112.

⁵ M. Kelly, *GDP in Yugoslavia: 1980-1989*, “Making the History of 1989”, Item No. 671, [<https://chnm.gmu.edu> accessed: 21 August 2017].

⁶ *Croatia Profile – Timeline*, “BBC News”, 17 March 2017, [<http://www.bbc.com> access 21 August 2017].

only 10 days). Contrary to Slovenia, conflicts in Croatia, Bosnia, and Kosovo lasted longer and were quite bloody because of the numerous Serb communities protected by the Yugoslav authority. The Serbs were afraid of genocide and violence on the side of the Croats, as it was the case during the World War II, or Muslims (Bosniaks and Kosovo Albanians) during the Ottoman Empire times. The Serbs, remembering the killings and betrayals by Muslims during the Ottoman Empire, feared that the history would repeat and were asking Milosevic for help⁷. The Serbian authorities intervened and were accused of ethnic cleansings against the Bosniaks and Kosovo Albanians, and the humanitarian crisis. The situation was very complicated, and it should have been stopped by the international community.

Finally, the idea of creating the “Greater Serbia”, which appeared in the end of the 1980s and was supported by Slobodan Milosevic, had its ideological influence. It envisaged the creation of a Serbian state, which would incorporate all regions of traditional significance to the Serbs, including the claimed territories of modern Croatia, Bosnia and Herzegovina, Montenegro, Republic of Macedonia, and Kosovo that are populated by the Serbs.⁸ The “Greater Serbia” ideology is very similar to the Russian willingness to regain influence over the territories of the post-Soviet republics: without Ukraine, Georgia, and other republics,

Russia would never be an empire again. This mainly explains the Russian interference in these countries, despite the fact that the Russian population is not residing there.

The conflicts in the Balkans exploded because of Milosevic’s idea to unite all territories actually populated by the Serbs into one country. In Ukraine, contrary to the Balkan countries, there would be no conflict in Donbas without the Russian interference,⁹ and the potential protests would not have resulted in that kind of war that we observe today. Russia used the political crisis in Ukraine in 2013-2014 to destabilize the situation in Ukraine, to prevent Ukrainian integration into the EU, and to show the international community that it is still an international player.

“DPR/LPR” and Kosovo

Kosovo’s independence became a result of the sincere willingness of a majority of the population (Kosovo Albanians) to proclaim independence, due to violence and ethnic cleansing by the Serbian Military Forces. In 1998-1999, the ethnic Kosovo Albanians composed about 83% of the Kosovo Autonomous Province population, ethnic Serbs about 10%, and persons of other ethnic groups were at about 7%.¹⁰ The data are very approximate as the last census was held in 1991 and later in 2011.¹¹

⁷ Izvođenje dokaza Tužilaštva - Hrvatska i Bosna i Hercegovina (*Taking of Evidence of the Investigation – Croatia and Bosnia and Herzegovina*), “International Criminal Court for the Former Yugoslavia”, 21 January 2004, [http://www.icty.org accessed: 29 August 2017].

⁸ M. Glenny, *The Balkans 1804-1999: Nationalism, War and the Great Powers*, Penguin, 2001.

⁹ *US: Photos Show Russia Fired into Ukraine*, “CBS News”, 28 July 2014, [https://www.cbsnews.com accessed: 29 August 2017].

¹⁰ H. Brunborg, *Report on the Size and Ethnic Composition of the Population of Kosovo*, “Research Gate”, 2017, [https://www.researchgate.net accessed: 30 August 2017].

¹¹ According to the 2011 Kosovo national census, the population in Kosovo in 2011 is composed of Albanians (92.9%), Bosniaks (1.6%), Serbs (1.5%), Turk (1.1%), Ashkali (0.9%), Egyptian (0.7%), Gorani (0.6%), Romani (0.5%), other/unspecified (0.2%). These estimates may under-represent the Serb, Romani, and some other ethnic minorities because northern Kosovo data (a largely Serb-inhabited region) were not included as the census was partially boycotted by the Serb and Romani communities in southern Kosovo. [http://ask.rks-gov.net accessed: 29 August 2017].

At the same time, the so-called Donetsk People's Republic ("DPR") and Lugansk People's Republic ("LPR") were established artificially after the Russian forces intervened in Eastern Ukraine. Contrary to Kosovo, in 2001 the majority population of Donetsk and Luhansk oblasts was represented by the Ukrainians (Donetsk oblast – 56.9% Ukrainians and 38.2% Russians¹²; Luhansk oblast – 58% Ukrainians and 39% Russians¹³). There was no violence or intimidation against other nationalities, including the Russians.

After extreme level of violence and casualties in the territory of Kosovo during the conflict, it was hard to talk about the unification of this territory with Serbia. Despite the fact that there is a small number of the Serbs who remained in Kosovo, mainly in Northern Mitrovica and in a small number of enclaves throughout Kosovo, it is unimaginable to talk about reintegration with Serbia.

The situation in Donbas is completely different. The Ukrainians are still the majority of the population: There are people who support the so-called "DPR", "LPR", or "Novorossiia" projects and there are people who do not. It would be a mistake to believe that those people who do not support "Novorossiia" have all left the separatists territory: There are people who were not able to leave because of relatives, homes, and safety. As an example, sometimes it is safer to stay at home rather than to cross the border, because they can die while trying to leave their places of residence. Only a minority of the general population—18% in Donetsk and 24% in Luhansk—supported the building seizures in 2014 and about 55%

would like to remain a part of Ukraine. But the number of supporters of DPR/LPR could be explained by the fear of brutal violence towards enemies of the new regime.¹⁴

Serbia-Ukraine and Serbia-Russia Relationships

Historically, Serbia has always been friendly to Russia and they have always been supporting each other because of common religion, Orthodoxy. Russia supported Serbia during the war in Kosovo and at the times when Yugoslavia was falling apart. Russia has been a partner or better to say a "brother" to Serbia. In addition, Serbia does not entirely understand what Ukraine is. In other words, for the Serbs, Ukrainian territory is associated rather with Russia than with an independent state. Moreover, the foreign policy of independent Ukraine was not powerful enough to create a positive image of Ukraine as an independent state. Finally, Ukraine has never been a special partner to Serbia, while Russia supported Serbia when it was at war in Kosovo and when NATO was bombarding Serbia. Russia was a Serbian ally when the Serbs felt as victims of aggression. Ukraine was silent, even though it has not recognized the independence of Kosovo and this might have played in Russia's and Serbia's favour.

Kosovo's Independence as a Precedent for Crimea and Occupied Territories in the East of Ukraine

The Assembly of Kosovo, the official governing body, established by the United Interim Administration Mission

¹² Про кількість та склад населення Донецької області за підсумками Всеукраїнського перепису населення 2001 року (*About Number and Composition of Population of Donetsk Oblast according to 2001 All-Ukrainian Census*), 2001 [http://2001.ukrcensus.gov.ua accessed: 30 August 2017].

¹³ Про кількість та склад населення Луганської області за підсумками Всеукраїнського перепису населення 2001 року (*About Number and Composition of Population of Luhansk Oblast according to 2001 All-Ukrainian Census*), 2001 [http://2001.ukrcensus.gov.ua accessed: 30 August 2017].

¹⁴ E. Giuliano, *The Origins of Separatism. Popular Grievance in Donetsk and Luhansk*, "PONARS Eurasia Columbia University", Policy Memo, No. 396, October 2015, p. 1.

in 2001, adopted Kosovo's declaration of independence in 2008.¹⁵ Despite the fact that the declaration was disputed by Serbia, the International Court of Justice recognized that Kosovo's declaration of independence was not in conflict with international law because it provides the right of people to self-determination, and Kosovo's independence was recognized following a legitimate referendum.¹⁶

In the case of Crimea and Donbas, it is actually an occupation of a Ukrainian territory by Russia, and this does not fall under the provision of the international law. The referenda held in Crimea and Donbas were not legitimate and not recognized by states other than Russia, or by international organisations. One cannot guarantee that the referenda were voluntary, honest, and fair as well as that the freedom, secrecy of voting, equality, and universality of elections were ensured.

Furthermore, the referenda were not monitored by fair and independent international organisations (OSCE/ODIHR, Council of Europe, etc.), which could evaluate and legitimate the process. The results of the 2014 referenda should not be taken as a ground for evaluation of the majority of the population opinion, because it was boycotted by parts of the population. Finally, there are findings that the results in Crimea and Donbas were falsified.¹⁷ It is very likely that a procedurally correct referendum would have led to a result in favour of an accession to Russia.¹⁸ Based on the limited factual evaluation of the situation during

the referenda, it seems that the freedom of the referenda was not ensured, since pro-Russian soldiers had taken control over the territory (Crimea and Donbas) and controlled the public infrastructure. The freedom of a referendum requires the absence or at least restraint of military forces of the opposing parties and a neutrality of public authorities.¹⁹

Conflict Resolution Roadmap for Ukraine

Notwithstanding the conflicts in Ukraine and the former Yugoslavia cannot be compared in terms of their driving forces, the decisions of the global community on the Balkan crisis can be implemented in the Russia-Ukraine conflict. In this regard, scenarios like the imprisonment of Slobodan Milosevic or the 40-year sentence for

 ***the International Criminal Tribunal for the Russia-Ukraine crisis should be established, in order to investigate the annexation of Ukrainian territory, unlawful "hybrid" warfare techniques employed in this war, as well as human rights violations***

Radovan Karadžić (former leader of Bosnian Serbs) might eventually be applied to the Russian leadership involved as well. Many experts argue that the last decision of the International Criminal Tribunal regarding Radovan Karadžić sends a clear signal to

¹⁵ *A Constitutional Framework for Self-Government on Kosovo*, Regulation No. 2001/9, [<http://www.unmikonline.org> accessed: 22 August 2017].

¹⁶ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo: Advisory Opinion*, "International Court of Justice", 7 August 2010, p. 1.

¹⁷ Putin Falsified Crimean 'Referendum' Results, Illarionov Says, "The Interpreter", 24 March 2014, [<http://www.interpretermag.com> accessed: 30 August 2017], p. 23.

¹⁸ Ch. Marxsen, *The Crimea Crisis An International Law Perspective*, "Max Plank Institute", 2014, [<http://www.mpil.de> accessed: 29 August 2017], p. 23.

¹⁹ Ch. Marxsen, *The Crimea Crisis An International Law Perspective*, "Max Plank Institute", 2014, [<http://www.mpil.de> accessed: 29 August 2017], p. 17.

Russian leader Putin that crimes against humanity or war crimes do not have a period of limitations and the punishment for committed crimes is inevitable.

In the current international order, the international community tends to resolve conflicts in non-violent ways: sanctions, negotiation groups, and peacekeeping forces. However, very often those approaches do not bring any results for conflict resolution, but rather show the aggressor room for impunity. Therefore, a new situation requires new non-traditional approaches. The conflicts in Bosnia and Kosovo were resolved only with the NATO interference. However, NATO began to take part in these conflicts only after all peaceful and diplomatic means proved to be inefficient and violence went beyond the limits, so it was the only possible measure to stop the bloodshed.

Secondly, the International Criminal Tribunal for the Russia-Ukraine crisis should be established, in order to investigate the annexation of Ukrainian territory, unlawful "hybrid" warfare techniques employed in this war, as well as human rights violations. This means that not only regular combatants will be prosecuted, but also the commanders who gave the orders, and up to the army's leadership, such as President Putin. Similar to Karadžić and Milosevic, Putin might not have killed people personally, but created all the supportive conditions to kill, to torture, and to commit crimes against humanity. They have had influence and control to stop the violence and crimes, but failed to do that. The "Karadžić scenario" is very illustrative in this case, as it shows that punishment is inevitable with time and it is essentially important for the reconciliation process.

On the other hand, Russia is not Serbia, and Ukraine does not have such an unquestionable

support as Croatia, Bosnia, and Kosovo did. Russia is a nuclear power and the UN Security Council permanent member. It still plays a role of international player and the U.S. needs a strong ally in Syria and in fighting terrorism. Also, the Rome Statute, which established the International Criminal Court, is not ratified by either Russia, or Ukraine, so legally this tool cannot be applied to the Russia-Ukraine conflict. In case of its ratification by Ukraine, it might be eventually unilaterally prosecuted for crimes against humanity in the East of Ukraine, as no war is without atrocities, war crimes, and violence.

Therefore, currently, the only option is to continue to strengthen personal sanctions against the Russian leadership, as well as against Russian companies to decrease the economic growth of Russia and to reduce the possibility of Russian army funding. International pressure must be maintained on the Russian government to ensure their compliance with prior agreements. The sanctions can be lifted only if Russia cooperates with the international tribunal and does not interfere in the conflict resolution in Eastern Ukraine. Moreover, visa regimes with the U.S. and the EU countries have to be more complicated for Russian citizens to raise their dissatisfaction with the regime.

Taking into account that the Minsk process is not an efficient mechanism for conflict resolution in Eastern Ukraine and the Minsk Agreement is constantly violated, international peacekeeping forces have to be deployed in Ukraine. Despite the fact that under the current international law, particularly the UN Charter, which "gives the Security Council primary responsibility for the maintenance of international peace and security and in fulfilling this responsibility, the Council can establish a UN peacekeeping operation"²⁰, UN peacekeepers have to be

²⁰ *Mandates and the legal basis for peacekeeping, "United Nations Peacekeeping", [http://www.un.org accessed: 30 August 2017].*

deployed in Ukraine in this case, Russia as a member of the UN Security Council would veto such decision. Therefore, taking into account the precedents (Stabilisation Force in Bosnia and Herzegovina²¹, Kosovo Force [KFOR]²², etc.), the international community may adopt a decision regarding forming and deployment of special international peacekeeping forces including NATO forces. These forces have to replace the OSCE Special Monitoring Mission, whose mandate does not correspond with the challenges and risks.

Intervention of peacekeeping forces in Ukraine is vital for security of Europe. The precedents in the Balkan history show that it is sometimes the only way to resolve a protracted conflict, particularly when a country's weak armed forces cannot oppose the numerous and well-equipped army of another country. Such committed involvement of the international community will indicate to every potential aggressor that mutual respect, security, and democratic values will be defended by all means, and acts of aggression will sooner or later be punished.

After international peacekeeping forces separate the conflicting parties and a cease-fire comes into force, a transitional administration has to be established in the former uncontrolled territories and it would be required to demilitarize the area, ensure conditions for the return of internally displaced persons, and establish a temporary police force. It would also be

required to organize democratic elections for local governing bodies under international monitoring and with a free participation of all residents of "DPR/LPR" not accused of crimes against humanity and internally displaced people.

If the peace process does not bring results, the Ukrainian government with the support of the international partners and peacekeeping forces can prepare for and launch an operation to return control over the occupied territories as well as to start proper reconciliation process. The Operation Storm (Oluja in Croatian, launched on 4 August 1995) for the retake of the Krajina region, controlled by separatist ethnic Serbs since early 1991, may serve as an example for Ukraine. It lasted only 66 hours and resulted in the return of the region under the Croatian control²³. The displaced persons were given an option to remain in Croatia or leave for the Serbian-controlled territory, while Croatian authorities promised safe corridors to the Bosnian Serb-held territory. In addition, an agreement between the Croatian government and the UN representatives was signed on 6 August 1995, stating the Croatian commitment to respect human rights of all individuals in the former Sectors North and South²⁴.

If case of carrying out a military operation for returning control over the territories, the Ukrainian government has to ensure minimum casualties among non-combatants and limited destruction of the houses

²¹ Stabilization Force in Bosnia and Herzegovina (SFOR) was a NATO-led multinational peacekeeping force deployed to Bosnia and Herzegovina after the Bosnian war. Although SFOR was led by NATO, several non-NATO countries contributed troops. It was replaced by EUFOR Althea in December 2004.

²² Kosovo Force (KFOR) has been leading a peace-support operation in Kosovo since June 1999. The operation derives its mandate from United Nations Security Council Resolution 1244 (1999) and the Military-Technical Agreement between NATO, the Federal Republic of Yugoslavia and Serbia adopted after KFOR entered Kosovo on 11 June 1999.

²³ *Croatia Impunity for Abuses Committed During "Operation Storm" and the Denial of the Right of Refugees to Return of the Krajina*, Vol. 8, No. 13 (D), August 1996.

²⁴ *Agreement Between the Government of the Republic of Croatia and the United Nations Peace Force-United Nations Confidence Restoration Operation (UNCRO) on Temporary Measures in the Areas Formerly Known as 'Sector North' and 'Sector South'*, Zagreb, 06 August 1995.

and infrastructure. In addition, a proper reconciliation process has to be organized, ensuring safety of all missing people on both sides and a proper investigation of crimes committed during the Anti-Terrorist Operation (ATO), return of the property to IDPs, illegally taken by the “DPR/LPR authorities”, repatriation of the IDPs, and rebuilding of homes and infrastructure ravaged by the war.

Furthermore, amnesty law has to be adopted, which would ensure amnesty for DPR/LPR supporters in case they did not commit war crimes. International human rights and police monitors have to be allowed to maintain presence and operate freely in areas formerly held by DPR/LPR forces.

It partially reflects the reconciliation/amnesty process organized in the Balkan countries. The reconciliation in the former Yugoslavia is strongly connected with the process of transitional justice in the region, which includes criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms. In the aftermath of massive human rights abuses, victims want to see the perpetrators punished, to know the truth, and to receive reparations²⁵. In this term, the establishment of the International Criminal Tribunal for the Former Yugoslavia served as an important instrument for prosecution of war criminals on all sides of the crisis (Serbs, Croats, and Muslims). As an example, indictments were issued against generals involved in the “Operation Storm” and accused of crimes against humanity,

leaders of the Bosnian Serbs, Serbia leadership, Croatian intelligence officers, military, and politicians, etc.²⁶ Moreover, the former Yugoslav republics of Croatia, Serbia, and Bosnia and Herzegovina have signed protocols on evidence exchange in the course of prosecution for war crimes.

In addition, in all parts of the former Yugoslavia affected by ethnic conflicts during the 1990s, persons displaced by war from areas in which they now comprise an ethnic majority were able to return to their homes fairly soon after the end of hostilities. The governments adopted appropriate return policies, which were pursued by national authorities and the international community. However, the return of minorities was far less successful and most minority members are still displaced. In most areas, nationalist politicians remained in power during the post-war period and did not facilitate the return process of minorities, i.e. physical security for prospective returnees was not ensured, they were unable to repossess their occupied homes or to have destroyed homes reconstructed (Serbian Krajina, Republika Srpska).²⁷ The reconciliation process is still going on and it is focused on building understanding and trust among all ethnic groups.

Conclusions

The resolution of the Balkan crisis can serve as the precedent for the current and future conflict resolution, including settling the conflict in Ukraine. It may include bringing international peacekeeping forces

²⁵ F. Doninowska, *The Process of Reconciliation in Western Balkans: Towards European Integration of the Region*, “International Association for Political Science Students”, 21 December 2014, [<https://www.iapss.org> accessed: 30 August 2017].

²⁶ *Key Figures of the Cases*, “United Nations International Criminal Tribunal for the Former Yugoslavia”, [<http://www.icty.org> accessed: 30 August 2017].

²⁷ B. Ivanisevic, *Legacy of War: Minority Returns in the Balkans*, “Refworld”, [<http://www.refworld.org> accessed: 30 August 2017].

to Ukraine, establishing international criminal tribunal, and launching operations for returning of the territories similar to “Operation Storm”. After the reoccupation of the territories, a fair and impartial reconciliation process has to be organized and all atrocities and war crimes have to be investigated. Responsible persons should be prosecuted by either domestic or international courts.

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POST-CONFLICT RECONSTRUCTION IN THE BALKANS. LESSONS TO BE LEARNT FOR UKRAINE

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In the 2000s, Russia tried in the ex-Soviet space to replicate the same arguments (and tactics) of relativising international law that the West/NATO used in order to justify their own intervention in the ex-Yugoslav space back in the 1990s. This strategy of so-called 'mimicry' manifests by changing the meanings of international norms based on one's own preferences, but does not accept other powers to behave in the same way. This strategy of legitimisation, which lies behind recognising the independence of South Ossetia and Abkhazia (2008) or the annexation of Crimea (2014), mixes real elements with fake ones, and ends in distorting reality. To illustrate the political consequences of such practices, we can take a look at Russia's strategy of invoking the Western 'precedent' in Kosovo in order to legitimate the illegal annexation of Crimea in 2014. The paper aims to argue that when analysing Russia's actions in Crimea in 2014, there is a need for a thorough analysis of the main legitimacy claims used to justify external intervention to outline potential lessons that could be learnt by Ukraine from the experiences of the Balkans.

'Why are states looking for legitimacy when they challenge the international law based on their own interpretations of the self-determination principle?' remains a focal question in the field of contemporary foreign policy analysis. In the last decades, external intervention, under different forms, has been a predominant way of addressing security issues by great powers. Politically constructed threats were claimed to justify external intervention for humanitarian purposes. NATO's campaign against the Federal Republic of Yugoslavia, which ended the war in Kosovo, became a classic case

study for discussing how the use of force in humanitarian interventions constitutes a hard case for the power of legal norms. This case, which was very much debated in the IR literature of the recent years, showed that international norms should not be taken for granted, as they are the result of the power games of big powers and they are exposed to politicisation¹.

The contradictory perspectives focused on the legal arguments of secession point towards the 'relativisation' of international law and its subsequent politicisation.

¹ See more in C. Reus-Smit (ed.), *The Politics of International Law*, Cambridge University Press: Cambridge 2004.

Bernhard and Kubik² analysed the history of legitimisation claims made by Russia, understood as forms or traditions of imperial legitimacy. They proposed an instrumental explanation to the choices elites make when deciding to present history in a particular way. They are based on the observation that former empires or federal projects, which have dismantled, tend to have a more revisionist foreign policy, and this implies an active effort to remember some events in the past in a particular way. Many authors highlighted the tendency of great powers to shape the malleable facts of history into self-justifying narrative discourses³.

These approaches showed that the principle of self-determination in particular creates a lot of symbolic and political space for international actors (especially for revisionist states) to discursively build a 'precedent' in order to justify their claims for the expansion of their territories. Russia, in the shadow of its Soviet Union's past, as well as Serbia, marked by its Yugoslav 'grandeur', are the countries that fit this category of 'revisionism', reflected in aggressive foreign policy actions. Based on that, those countries are more prone than others to sponsor secessionist groups and discourses in their former federal countries.

The problem is that this strategy of legitimisation mixes real elements with fake ones, and ends in distorting reality. To illustrate this idea and its political consequences, we can take a look at Russia's strategy of invoking the Western 'precedent' in Kosovo (both the military intervention in 1999 and the recognition of

its self-proclaimed independence in 2008) in order to legitimate the illegal annexation of Crimea in 2014. The paper aims to argue that when analysing Russia's actions in Crimea, especially when the precedent of Kosovo's independence was invoked, there is a need for a thorough analysis of the main legitimacy claims used to justify external intervention. This discussion might be very useful in outlining the potential lessons that could be learnt by Ukraine from the experiences of the Balkans. Moreover, a closer look at the rhetoric surrounding the current Ukrainian-Russian conflict reveals that it is as much about the past as about the present or future. The conclusions will stress the main elements that could be useful for settling the conflict in Ukraine.

Russia's Legitimation Strategies – the Smokescreens of 'the Precedent'

In any situation of ongoing conflict, competing 'facts' and versions of events are produced – often for the specific purpose of leading or misleading external opinion. Those versions of the 'facts', which are reproduced by international journalists and experts in the media, become a part of the political strategies of legitimisation. In the Balkans, there are numerous contradictory versions of the wars for the dissolution of Yugoslavia, with some countries accusing others of ethnic cleansing and others rejecting the accusations. This is what I recently called 'the war of meanings' that severely and negatively affects the post-conflict Europeanization process most visibly in Bosnia and Kosovo⁴. There is a great danger that Ukraine could also be

² M. H. Bernhard, J. Kubik, *Twenty Years after Communism: The Politics of Memory and Commemoration*, Oxford University Press: Oxford 2014.

³ J. Subotic, *Narrative, Ontological Security, and Foreign Policy Change*, "Foreign Policy Analysis", 2015, No. 12, pp. 610–627. And A. Faizullaev, J. Cornut, *Narrative Practice in International Politics and Diplomacy: The Case of the Crimean Crisis*, "Journal of International Relations and Development", 2016, [DOI 10.1057/jird.2016.6].

⁴ M. Troncotă, *Post-conflict Europeanization and the War of Meanings. Challenges to EU Conditionality in Bosnia and Kosovo*, Tritonic Publishing House: Bucharest 2016.

affected by similar trends, especially when looking at how Russia uses disinformation in order to propose different versions of events that occurred in the Ukrainian crisis.

There were a few attempts of the Russian leadership to provide legitimate grounds for the annexation of Crimea. The analysis tries therefore to show that there is a gap between legitimisation discourses (pointing to what states narrate regarding their own evaluation of the conditions) and the facts on the ground. From this point of view, an



Russia launched a series of 'competing truths' or 'alternative facts' regarding the annexation of Crimea. This put Ukraine's government in a very difficult position in front of the international community

issue that deserves more attention is the fact that Russia launched a series of 'competing truths' or 'alternative facts' regarding the annexation of Crimea. This put Ukraine's government in a very difficult position in front of the international community. As shown in a recent academic analysis, Putin's normative justification for the seizure of Crimea was 'to protect' ethnic Russians and Russian language speakers from imminent danger. The Russian government incorporated Crimea by engaging in a sophisticated effort of intervention, through non-military and military means. An essential part in this process was to promulgate narratives justifying Russia's breach of Ukrainian territory⁵. The same tactics were used by the regime of Milosevic in the 1990s in order to justify Serbia's

military actions against the breakaway states Croatia or Bosnia-Herzegovina.

In this context, there were plenty of scholarly discussions that have comparatively examined the similarities and the differences between the conflict settlement strategies in the Western Balkans (former Yugoslav space) and the Black Sea Region (former Soviet space) in recent years. It was shown that the Russian foreign policy has used the Yugoslav secession wars and external intervention for the legitimisation of its own actions in the former Soviet space. Therefore, there is a need to highlight the consequences of Russia's ability to exploit legal ambiguities, more precisely the tension between the principles of self-determination and territorial integrity and between a humanitarian intervention and an illegal military intervention (open or covered) for a particular interpretation of international law. Have European policy makers learnt something from those experiences? In the context of a revived East-West division, are we witnessing a new form of external intervention and its legitimation taking place in Ukraine?

Since the beginning of the 2000s, Russia's legitimisation strategy of its military interventions both at home and abroad has taken Western actions as a point of reference. Most evidently, the 2008 invasion of Georgia was presented as a peacekeeping operation meant to defend lives of the Russian citizens and peacekeepers in South Ossetia, who were supposedly 'attacked by Georgian troops'. Then, as the war in Georgia developed, Moscow even accused Tbilisi of genocide against the local population. After the ceasefire, the Russian government used the Kosovo precedent for recognition of the independence of Abkhazia and South

⁵ M. Troncotă, *Romania's Concentric Circles in the Line of Fire?*, Policy paper, 2017 [http://dri.snspp.ro/uploads/brosura_policy_paper-v8-LE-hi_res.pdf]

Ossetia⁶. The same rhetoric was used in the case of Russia's illegal intervention in Crimea in 2014. The parallel between Kosovo and Crimea was used by Russia to challenge international law from two main perspectives: as a way of justifying the use of force on a foreign territory, and also by invoking the principle of self-determination.

What the analysis tries to stress at this point is that in the 2000s, Russia tried to replicate in the ex-Soviet space the same arguments (and tactics) of relativising international law that the West/NATO used in order to justify their own intervention in the ex-Yugoslav space back in the 1990s. This strategy of so-called 'mimicry' aimed at provoking and showing the limits of what Russia called 'Western hypocrisy', meaning use of international norms based on its own preferences, but not accepting other powers to behave in the same way.

Lessons to Be Learnt by Ukraine

It was much debated in recent years that the Ukrainian crisis worked as a trigger for the revival of a 'New Cold War' rhetoric in international affairs that goes far beyond the borders of Ukraine. Moreover, those deep divides have appeared not only in the Russia-West relations, but also in the European space at large, most evidently affecting relations between the EU and the Western Balkans. Economic stagnation, defunct democracies, and the weakening pull of Europe have all presented opportunities to Russia to come and fill the gap.

The main argument of those supporting the idea of a 'New Cold War' is an unprecedented low level in the relations between Russia and the West, triggered by the economic sanctions imposed by the latter following the

annexation of Crimea and Moscow's support for the separatist war in Eastern Ukraine. On several occasions, President Putin used the language of a humanitarian interventionist to rebut criticism of Russia's involvement in Crimea. In order to explore a series of possible lessons to be learnt by Ukraine from the experiences of the Balkans in post-conflict transformation, I will focus on two main elements that are of crucial importance: a. the role of using the past in order to justify political decisions and contestation of international norms; b. unexpected consequences of external intervention.

a) Instrumentalising the past is probably one of the most controversial, yet most widely used political strategies to date in the Balkans.

Foreign policy narratives are often based on ways in which direct observers of an international event look to the past to make sense of the present. International conflicts usually create a symbolic space for the promotion of various interpretations of political events that interact in dynamic ways with their opinions and their stereotypes about domestic politics, foreign policy, and a country's subjective history. For the intervention in Crimea, Russia's legitimising mechanisms implied using controversial claims about the history of Ukraine. This should be a warning for Ukraine not to engage in the re-interpretation of history in order to respond to Russian attacks. In this regard, an important lesson to be learnt from the Balkans is that alternative narratives about the past have the potential to do more harm to the conflicting parties.

One important instrument for destabilisation in the area where one aims to exert influence

⁶ See more in G. Ó Tuathail, *Russia's Kosovo: A Critical Geopolitics of the August 2008 War over South Ossetia*, "Eurasian Geography and Economics", Vol. 49, No. 6, 2008, pp. 670-705.

is the re-interpretation of history with the purpose of contesting borders. This is still, 25 years since the dissolution of former Yugoslavia, a strategy most often used in the Balkans. The problem is that this destabilisation is profitable for Russia. It is based on the premises that if the Balkan countries get weaker and more unstable, they will be appealing neither to the EU, nor to NATO. This strategy was applied also in the case of Ukraine.

Much of the politics in the Balkans is still connected to the past. For example, people who were directly involved in the war for the dissolution of Yugoslavia in the Balkans managed to retain key positions in political life and business. Although they quickly adapted their behaviour to the changed environment, the legacy of the old regimes is still present in their political attitudes. The fact that the elites are trapped in a discourse obsessed with the past makes the situation of the post-conflict settlement even more difficult. This applies more evidently to the referendum in Crimea in March 2014, but mainly to the legitimising claims in V. Putin's speech in front of the State Duma on 18 March, in which he drew a parallel between Kosovo and Crimea. This comparison remained misleading and controversial, especially because most of the EU countries are supporting Kosovo, but not supporting Crimea's secession.

The strategies to instrumentalise the past for justifying the present foreign policy decisions are part of Russia's main strategy in the Ukrainian conflict. The biggest problem is that Ukraine has responded with the same tactics, and looking at the Balkans example, this is detrimental for a country's development and democratisation. How can we distinguish in this case between historical arguments and facts and emotional arguments based on an 'imagined' past? Using the Kosovo precedent in the case of the blatant breach of sovereignty that occurred in Crimea is based on the dangerous

essentialist idea that ethnic composition can justify the secession of the territory.

In the context of the Ukrainian crisis and the Balkans' instability, there is a need to draw attention to the association between power and territorial claims based on ethnic arguments. This is where the instrumentalisation of the past comes into play. All parties involved, countries, and international organisations interpret the events of March 2014 in contrasting ways: While Russia justified its actions under the pretext of defending the Russian minority against alleged Ukrainian 'neo-Nazi groups', Western countries perceived Moscow's actions as 'an act of aggression'. But the facts on the ground should not be mistaken for their representations in discourse. Russia aimed to blur the threshold between the legal and illegal by exploiting some areas of uncertainty in international law, while making unfounded assertions of 'facts' and by using Russians and Russian speakers from Ukraine as the main legitimating devices.

An important lesson to be learnt from the Balkans is that multi-ethnic states and cultural and religious differences are still hard to reconcile if the main actors do not share the main meanings of the processes they go through. Ukraine should avoid deepening its divisions.

b) External intervention, under different forms, has been a predominant way of addressing security issues after the collapse of Yugoslavia, but with limited results.

The geopolitical realpolitik of the post-Cold War period has showed that any type of intervention has a potential of becoming a tool for the interference by a strong one in the affairs of a weak one. International law was built on the doctrine of non-intervention, but great powers employed sophisticated legitimacy discourses in

order to convince other states to accept their decisions and to legitimise their interventions. The justifications employed by countries before or after an intervention against another state and the follow-up process, by which other countries and the international community as a whole (through the UN General Assembly) find those justifications acceptable or not, is a result of politicisation.

External intervention to stop the war in Bosnia was delayed and could not prevent the ethnic genocide. In Kosovo, the international community acted more promptly in order to avoid further massacres by the Serbs of the Albanian community in Kosovo. However, whether those interventions were efficient and managed to reach their humanitarian goals remains a big controversy in scholarly debates. M. Kaldor⁷ was one of the authors who stressed a series of lessons from the Balkan Wars in a post-conflict reconstruction and proposed that the international community (particularly the European Union) could increase the chances of sustainable peace, stability, and democracy by putting interests of the citizens first in the case of the Ukrainian conflict⁸. She promoted the concept of 'human security' as the main reason that legitimises the intervention of international actors in a civil war with the main goal of saving lives of innocent civilians.

There are many limits to the parallels that can be drawn between the conflict in and around Ukraine and the war in former Yugoslavia.

The ethnic dimension of the conflict is far less important in Ukraine than in the Balkans, even though Russian narratives put more emphasis on this. Is Russia entitled to intervene in Ukraine in order to protect the Russian-speaking citizens of Ukraine? This was a crucial question raised in the years that followed the annexation of Crimea.

The intertwining between the Ukrainian events and the developments in the Balkans⁹ can be stressed. Studies showed how the Russian hybrid activities involved financing anti-government groups, disseminating false information and propaganda, infiltrating agents of influence, who worked as destabilising factors both in the Balkans and in Ukraine. Russia sought to gain influence over (if not control of) critical state institutions, bodies, and economy, and uses that influence to shape national policies and decisions in the two regions. In this strategy, a lot of stress is put on corruption, which is used as the lubricant on which this system operates, concentrating on exploitation of state resources to further Russia's networks of influence. The essence of its policy is playing a 'weak hand' the best possible ways, taking advantage of others' weaknesses. This is seen particularly in the fact that the anti-EU rhetoric started to abound in local media. S. Bose also argued that one key driver of escalation in the Balkans in the early 1990s poses a continuing risk as the Ukraine crisis unfolds¹⁰: that is the contribution of ostensibly 'democratic' processes – elections, referenda, even constitution-making – to inflaming tensions.

⁷ M. Kaldor, *Ukraine and Crimea. A Report from the Front*, "The Nation", 2015 [https://www.thenation.com/article/ukraine-and-crimea-a-report-from-the-front/]

⁸ M. Kaldor, *Ukraine and Crimea. A Report from the Front*, "The Nation", 2015 [https://www.thenation.com/article/ukraine-and-crimea-a-report-from-the-front/]

⁹ M. Troncotă, *Romania's Concentric Circles in the Line of Fire?*, Policy paper, 2017 [http://dri.snsa.ro/uploads/brosura_policy_paper-v8-LE-hi_res.pdf]

¹⁰ S. Bose, *Ukraine's Lessons from Balkans' Nightmare*, "Open Democracy", 2014 [https://www.opendemocracy.net/can-europe-make-it/sumantra-bose/ukraine-lessons-from-balkans-nightmare]

Overall, there are two main parallels most often invoked when discussing potential lessons to be learnt by Ukraine from the experience of the Balkans. They both deal with unexpected consequences of external intervention and how third-party actors (such as the EU or OSCE) could help Ukraine settle the conflict with the two separatist territories in Donbas.

The (Dis-)Functionality of the Balkan ‘Precedents’

First, there is a ‘precedent’ created by Kosovo’s secession from Serbia. It has reappeared in the rhetoric of the Russian secessionist referendum in Crimea and subsequently ensured the territory’s smooth takeover from Ukraine. The Declaration of Independence of the Autonomous Republic of Crimea also refers to the Kosovo Declaration of Independence as well as to the Decision of the United Nations Court of Justice in 2010.¹¹ Public debates have already questioned the instrumentality of the Kosovo case for the Russian foreign policy discourse, showing that it is based on multiple errors and ‘forced similarities’. In reality, the two situations could hardly be more different. Attempts to use Kosovo to justify Russia’s actions in Crimea are an unusually blatant exercise in false moral equivalency. There is no evidence indicating that Crimea’s majority-Russian population was threatened with any remotely comparable atrocities at the hands of the Ukrainian government, which was indeed the case for the Albanian community living in Kosovo.

Second, there is a Dayton model that was proposed as a solution to a potential federalisation in Ukraine following the Bosnian example. Some analysts suggested that because the Minsk II Agreement is not respected, Ukraine needs a sort of Dayton Agreement¹². At the end of March 2014, Russian foreign minister S. Lavrov pressed a demand to State Secretary J. Kerry that Ukraine be forced to ‘federalise’, meaning that it be compelled to accept partition of its territory and that it establish the Russian language as the second official language alongside the Ukrainian¹³. The problem is that the Dayton Peace Agreement (1995) may have ended the war in Bosnia, but it also legitimised ethnic cleansing and saddled Bosnia with a dysfunctional and extensive state structure. The country is ethnically fragmented and the ethnically oriented nationalist parties are predominantly the ones that still call the shots. So there would be no reason to consider the Dayton decentralisation model as something that could in any way solve the problems of Ukraine. Nevertheless, as the Pax analysis shows, one thing that could be borrowed from Bosnia is the Peace Implementation Council (PIC), which meets on a monthly basis to monitor the Dayton Agreement. It involves over 50 states and international organisations that contribute to achieving the Dayton objectives. It was suggested that a type of PIC for Minsk II could prove to be rather effective¹⁴. But this too would be yet another ‘external experiment’.

Moreover, the agitation over a status of the Russian language resembles the situation

¹¹ *Парламент Крыма принял Декларацию о независимости АРК и г. Севастополя (The Crimean Parliament Adopted Declaration of Independence of ARK and Sevastopol)*, Пресс-центр Верховного Совета АРК, Rada Crimea, 11 March 2014, [http://www.rada.crimea.ua/news/11_03_2014_1]

¹² M. Pizzi, *Is Ukraine the Next Bosnia?*, “Al-Jazeera”, 14 March 2014, [<http://america.aljazeera.com/articles/2014/3/14/is-ukraine-the-nextbosnia.html>]

¹³ S. Tisdall, *Russia Sets Tough Conditions for Diplomatic Solution in Crimea*, “The Guardian”, 30 March 2014, [<https://www.theguardian.com/world/2014/mar/30/russia-ukraine-john-kerry-sergei-lavrov-paris>]

¹⁴ *Lessons Learned from the Balkans Can Help Ukraine*, “PAX”, 2015, [<https://www.paxforpeace.nl/publications/all-publications/lessons-learned-from-the-balkans-can-help-ukraine>]

in Croatia in the 1990s, where Serbs alleged that they were victims of Croatian discrimination against the Serbian dialect of the language once called 'Serbo-Croatian' and now called 'Bosnian-Croatian-Serbian'. In our opinion, these comparisons lay on a series of misrepresentations and are rather overstretched.

I. Krastev argued that "Putin's current strategy is not one of the land grabbing but one of a state-re-building"¹⁵. He further added, "The Kremlin's vision for Ukraine's future is that it becomes a 'Greater Bosnia' – a state that is radically federalized with its constituent parts allowed to follow their natural cultural, economic and geopolitical preferences." In other words, Russia might have in mind a strategy of 'divide and neutralise', a prospect that would have farther-reaching implications for Kyiv than merely losing Crimea. Other commentators more convincingly argued that Bosnia is no model for Ukrainian peace¹⁶.

There are plenty of reasons why the Bosnian peace-building process was exceptional and could not offer a proper model for Ukraine. More than two decades after the conflict ended, interethnic hostilities that had generated the war persist in Bosnia because of perpetuated ethnic divisions and complicated decision-making structures enshrined in the Dayton constitutional setting. Bosnian politics is still divided along ethnic lines, with each group afraid of losing power and influence relative to the other two. The Dayton Peace Accords froze the ethnic tensions, rather than solved the conflict, leaving each ethnic group



there are clear reasons not to recommend the Dayton model for Ukraine, especially that most of the citizens (be it Ukrainian or Russian speakers) do not support the scenario with a federal model that would split the country

unsatisfied with the results. Moreover, it created a political system that, in addition to being extremely complex, put too many decisions in the hands of foreign actors unaccountable to Bosnians (such as the Office of High Representative). Most Bosnian politicians and foreign officials now agree that the Dayton Agreement has run its course, but they cannot agree on how to modify or replace it and this leads to a huge crisis for constitutional reform.

Should Ukraine follow the same pattern for securing peace in the breakaway regions? As explained previously, there are clear reasons not to recommend the Dayton model for Ukraine, especially that most of the citizens (be it Ukrainian or Russian speakers) do not support the scenario with a federal model that would split the country. Political fragmentation undermines Bosnia's economy. The European Union membership perspective did not succeed to unite the country's competing communities. Bosnian stakeholders' inability to agree on a replacement for the Dayton Agreement allowed the country's divisions to persist. As shown in previous research on the topic, the Balkans were faced with multiple policy

¹⁵ I. Krastev, *What Does Russia Want and Why*, "Prospect Magazine", 2014, [<http://www.prospectmagazine.co.uk/politics/what-does-russia-want-and-why>]

¹⁶ *Bosnia is No Model for Ukrainian Peace*, "Balkans in Europe Policy Blog", 2014, [<http://www.suedosteuropa.uni-graz.at/biepag/node/106>]

¹⁷ I. Bărbulescu, M. Troncotă, *EU's "Laboratory" in the Western Balkans. Experimenting Europeanization without Democratization. The Case of Bosnia and Herzegovina*, "Revista Española de Ciencia Política", No. 31, March 2013, pp. 63-99.

experiments in external intervention that had detrimental political consequences, which we called 'Europeanization without democratization'¹⁷. I would argue that this is a pattern that should be avoided by Ukrainian elites.

The other lesson that could be learnt by Ukraine is from the dangers of separatism and its promoters in the Balkans. Since becoming Republika Srpska's president in 2010, M. Dodik has repeatedly threatened secession. Over the past five years, Dodik has frequently promised to call for a referendum on Republika Srpska's future, vowing to protect ethnic Serbians from alleged attempts by the Bosniaks to take control of the substate.

Media reports that picture Ukraine as a deeply divided, almost artificial state are off the mark, focusing on divisions that play a much smaller role in the country's political life than it appears. In reality, before Crimea, the issue of separatism was simply absent from the public debate. Nevertheless, separatist rhetoric has ever since been sponsored by Moscow. Moreover, by occupying a part of Ukraine, Russia sends a signal that Ukrainian borders are open to question in order to artificially bring the topic of the partition of Ukraine in the limelight. Despite the country's complex history and regional divergences, the wish to pursue European integration has been a unifying, not a dividing, factor in Ukraine. Ethnic divergence, with different parts of Ukraine not sharing historical memory and language, has not resulted in a public vote for separatism as in the case of Republika Srpska in Bosnia. It was part of the Russian strategy to make foreigners look at Ukraine through the prism of ethnic division. The Ukrainian authorities could take an important lesson learnt by dissociating from the far-right arguments and essentialist perspectives and transform different languages and varied political aspirations and cultures from a weakness into a strength.

Here one could argue that language is not, in fact, the most important predictor of separatist sentiments. Preferring stronger ties with Russia does not equate to wishing to become a part of the Russian state. Nevertheless, there are serious concerns about the fact that the EU has seen its power eroding in the Balkans. Consequently, Moscow has been seeking to step up its influence all across the countries of the former Yugoslavia. This could also be the case of Ukraine.

Conclusions. A New Strategic Approach for Ukraine

For the many regional and international organisations engaged in the Balkans in the 1990s, the experience has been akin to one large 'experimental laboratory' where both successes and failures occurred. It is important not to repeat the same in Ukraine, because this situation would be in favour of Russia only and its strategy of maintaining frozen conflicts. In reality, Ukraine requires a new strategic approach and an alliance of

 ***For the many regional and international organisations engaged in the Balkans in the 1990s, the experience has been akin to one large 'experimental laboratory' where both successes and failures occurred. It is important not to repeat the same in Ukraine***

friends, partners, and supporters composed of countries with similar interests. The reform and transition experience of the Balkans matters for Ukraine from a different perspective. In the 1990s, the Balkan countries were in a similar – or possibly worse – situation as Ukraine is today, and those in Europe and the West developed institutions to turn war-torn countries into successful EU members, as in the case of

Croatia, or successful candidates, such as Montenegro.

The main challenges of the post-conflict reconstruction periods in the Balkans were interactions among clashing ethnic identities with poor governance and corruption. In the Balkans, at the moment, their political and economic development is being delayed by territorial/secessionist conflicts (Serbia/Kosovo, Bosnia/Republika Srpska). Not only bad relations with neighbours, but also internal politics are an important factor of destabilisation. Uncompromising political elites and ethno-nationalist parties are part of the establishment and have consolidated their economic and political power in these areas. This is a pattern that should be avoided by Ukrainian elites.

Looking at the post-war Balkan reconstruction, there is a wide range of existing institutions that helped the Balkan countries reform and grow their economies that could also help Ukraine. Ukraine now confronts three main challenges that must be avoided with the lessons learnt from the Balkans:

- its own far-right extremism;
- Russia trying to solidify and recapture its long-time traditional areas of influence and control; this poses also the collateral danger of promoting the Russophile anti-Westernism discourses among Russian-speaking communities;

- the West positioning itself in a semi-Cold-War rhetoric and in antagonising relations with Russia.

The recent years has been the living proof that communities that are suffering from economic hardship are increasingly inclined to take anyone's help, including Russia's, if there is a promise of a better future. Corrupt practices, low levels of accountability, distortions of historical facts by using controversial 'precedents', and even hybrid war were the main methods used in this process of reviving 'the old spheres of influences' in Eastern Europe.

A good settlement of the conflict in Ukraine should apply the lessons learnt from the Balkans by avoiding the dangers of cooperating with the same political elite. In such circumstances the Balkan experience showed that party leadership will keep their dominant position, limiting party democracy and halting advancement in the European integration process.

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ACCESS TO INFORMATION: THE “ACHILLES’ HEEL” OF REINTEGRATION PROGRAMMES

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This article addresses the overlooked issue of lack of information and communication strategies in disarmament, demobilisation, and reintegration (DDR) programmes. Particularly the author is concerned with the low awareness level (25%) of Ukrainian ex-combatants about access to the reintegration programmes and benefits. The experience of a number of post-conflict African countries is analysed in an attempt to find solutions for Ukraine. The final part of the article summarises approaches adopted by the Ukrainian government and their effect on accessibility of veteran rights.

The Ukrainian Setting

Historically speaking, protracted conflicts are a normal form of warfare. While political and diplomatic solutions are sought, each party is concerned with maintaining a strong and motivated military. In this respect, care for the reserve, which is often composed of recently discharged combatants, is fundamental. Care for the wounded, the dependants and families of the deceased is another important component, defining attitudes in the army, willingness to serve, and the civilian support

for the military. Commonly known as veteran care, the system of social support for ex-combatants during ongoing conflicts is often overlooked in analytical works, where authors tend to focus on disarmament, demobilisation (discharge), and reintegration (DDR), all of which are usually discussed as attributes of the final solution of an armed conflict.

Ukraine, however, has had to deal with DDR six times in the last three years, with every new wave of demobilisation¹. Over 160,000 combatants have been discharged² and

¹ Decree of the President of Ukraine as of 14 January 2015 No.15/2015 “On Partial Mobilization”; Decree of the President of Ukraine as of 6 May 2015 No. 254/2015 “On the Dismissal of Servicemen Who Were Assigned to Military Service During the Mobilization, for a Special Period in Accordance with the Decree of the President of Ukraine as of 6 May 2014 No. 454 “On Partial Mobilization”; Decree of the President of Ukraine as of 12 June 2015 No. 328/2015 “On the Dismissal of Servicemen Who Were Assigned to Military Service During the Mobilization, for a Special Period in Accordance with the Decree of the President of Ukraine as of 21 July 2014 No. 607 “On Partial Mobilization”.

² Decree of the President of Ukraine as of 25 March 2016 No. 115/2016 “On the Dismissal of Servicemen Who Were Assigned to Military Service During the Mobilization, for a Special Period in Accordance with the Decree of the President of Ukraine as of 21 July 2014 No. 607 and During the First Wave of Mobilization in Accordance with the Decree of the President of Ukraine as of 14 December 2015 No. 15”; Decree of the President of Ukraine as of 24 June 2016 No. 271/2016 “On the Dismissal of Servicemen Who Were Assigned to Military Service During the Second Wave of Mobilization, for a Special Period in Accordance with the Decree of the President of Ukraine as of 14 December 2015 No. 15”; Decree of the President of Ukraine as of 26 September 2016 No. 411/2016 “On the Dismissal of Servicemen Who Were Assigned to Military Service During the Third Wave of Mobilization, for a Special Period in Accordance with the Decree of the President of Ukraine from 14 December 2015 No. 15”

immediately included in the First Line of the Operative Reserve³. This means that upon an order from their direct commanders and in case of an imminent military threat, the demobilised are to present themselves immediately to the military units from which they were discharged, to be re-armed, and to be able to undertake military duty in emergencies.

To make this system of operative defence work in practice Ukraine has to find solutions to many challenges, including proper registry of the discharged, balancing constitutional principles such as freedom of movement and duty to protect, ensuring attendance at reserve service trainings. These tasks are made all the more difficult as the government needs both to keep the discharged combat-ready and to ensure they are fully integrated and functioning members of civilian society. This is where the problems start.

The acquisition of civilian status and sustainable employment and income is considered “the Achilles’ heel of DDR”⁴. Finding the cure in circumstances of ongoing and occasionally escalating military activity is proving to be difficult, especially considering that in September 2014, less than six months into the war, Ukraine adopted legislation providing the combat veteran status for the participants of the anti-terrorist operation. As of 1 September 2017, there are 311,456 combat veterans in Ukraine. All of them are

eligible for social benefits and government-funded reintegration programmes. Some 70% of these veterans continue to be active military, which cannot help but bring confusion to both the system of social welfare for armed personnel and the system of veteran care. As the war goes on, the number of veterans continues to grow, as do the problems with administering veteran care and maintaining an integrated strong social fabric.

According to the surveys carried out by the World Bank⁵ and the OSCE⁶ in the beginning of 2017, there is a rather low satisfaction rate among veterans with their benefits. To cite some examples: only 29% of the veterans are happy with the governmental programmes on housing; 50% of the respondents managed to receive free land plots; and an even smaller number of veterans managed to get access to free medical care (24%), psychological rehabilitation (21%), tax benefits (13%), vocational rehabilitation (5%), and financial aid to start a business (2%).

There are many reasons for such statistics, but the fundamentals lie in the low levels of awareness about the benefits and the ways they can be accessed. According to the OSCE survey, 85% of the respondents indicated that they would like to receive more information about the available benefits. This is no surprise, considering the government is good at declaring rights and listing benefits, but has failed to make the information available on how to access them.

³ Law of Ukraine “On Military Duty and Military Service” provides:

“During a special period [it includes mobilization and war] the persons who are dismissed from the military service are obliged to be enlisted in the military operational reserve of the first line, if they correspond to professional and psychological requirements and their state of health is adequate for service in the military reserve.”

⁴ S. Meek, M. Malan, *Identifying Lessons from DDR Experiences in Africa*, Workshop Report, Institute of Security Studies, 2004, [<https://www.files.ethz.ch/isn/118323/106%20FULL.pdf>]

⁵ *Conflict in Ukraine. Socio-Economic Impact of Internal Displacement and Veteran Return*, Summary Report, The International Bank for Reconstruction and Development/The World Bank, May 2017, [<http://documents.worldbank.org/curated/en/571011497962214803/pdf/116489-REVISED-Updated-Report-Socioeconomic-Impacts-Internal-Displacement-Veteran-Ret.pdf>]

⁶ I. Volosevych, et al, *Report on the Results of the Study of the System of Social Protection of the Participants of Combat Operations and Members of the Families of Those Who Died in the ATO*, the OSCE Project Co-ordinator in Ukraine, 15 December 2016.

Lack of information significantly hinders the reintegration process. It seems only logical that communication strategies should precede the DDR process and wide communication outreach programmes should be part of the reintegration process. Being aware of opportunities and knowing how to make use of them is the first step in any aspect of life. Lack of information means that the opportunities are not used to their full extent, if used at all.



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This article shall look at the experience across the world with designing and implementing communication strategies alongside reintegration activities in post-conflict environments. The conclusion shall be an attempt to formulate guidelines for Ukraine, considering the DDR process has been started and is well underway.

Issue Analysis

Information deficiencies exist at three levels: at the ex-combatant level, at the level of the government as the implementer, and at the level of the government as the coordinator.⁷ When reintegration programmes are devised, by government bodies, the UN, or others, budgets for communication are often overlooked or are too small to make

sure the information has a wide outreach. For instance, in Namibia, lack of information caused many ex-combatants to be unable to participate in training and other activities directed at reintegration.⁸ In this particular case, the government failed as the implementer. As the system of information gathering had not been set up, the reintegration programmes were offered only to the veterans who had received severance payments. Since not everyone was entitled to such payments, a considerable number of people were automatically left out of the enrolment lists for reintegration activities. Consequently, the complex and expensive system of trainings and workshops set up for ex-combatants across Namibia was not used to its full potential and the aim of easing tensions during the reintegration process was not reached.

Similarly, the first and second phase of demobilisation in Uganda did not provide for the expenses for distribution of information. Significant difficulty occurred with getting ex-combatants and their families interested in extensive reintegration programmes. During the third and fourth phase of demobilisation, 3% and 0.7% of the total DDR budget respectively was allocated for counselling and information services.⁹ Thus, it was only during phase 3 that soldiers were provided with a post-discharge orientation package and the opportunity to receive counselling after returning home. As expected, the number of people involved in reintegration programmes during phase 3 and 4 of the demobilisation process in Uganda rose.

Research carried out in post-conflict Liberia and Sierra Leone showed that the

⁷ N. J. Colletta, M. Kostner, I. Wiederhofer, *Case Studies in War-to-Peace Transition: The Demobilization and Reintegration of Ex-combatants in Ethiopia, Namibia, and Uganda*, World Bank Discussion Paper, [<http://documents.worldbank.org/curated/en/385411468757824135/pdf/multi-page.pdf>]

⁸ *Ibid.*

⁹ *Ibid.*

main reasons for low registration in the DDR programmes was linked to the lack of information about such programmes.¹⁰ Once again, budgets were allocated and spent on setting up a nation-wide reintegration system, but the stakeholders had not been notified.

In all of the above examples, the lack of information at the ex-combatant level was caused by the failure of the state as the implementer of reintegration programmes to provide information and disseminate it in ways that guarantee communication and engagement with the veteran community.

Looking back at the example of Namibia, it is also worth pointing out another tendency. Usually government-run DDR programmes are implemented alongside resettlement programmes and reintegration/rehabilitation activities provided by civil society organisations. In Namibia, the state failed to ensure equal implementation principles of reintegration and resettlement programmes. This resulted in a single unified group of ex-combatants being treated differently, depending on the programme they chose to access. Tensions and confusion arose, which could otherwise have been avoided, should there have been sufficient data coordination systems in place. In this particular situation, the state failed as the coordinator of information and programmes.

In cases where governments are relatively successful in disseminating information, a vacuum remains in the realm of information gathering. Registers are either mismanaged or not set up at all. There is no

feedback collection system, as there is no monitoring carried out of the reintegration benefits most and least in demand. This leads to government-run reintegration programmes being deemed inefficient and the stakeholders preferring to turn to the non-governmental sector for assistance. Although NGOs provide immediate solutions and help ease the burden of reintegration, usually the donor-dependent projects are short-term and unable to tackle serious reintegration challenges.

A key lesson from the DDR process in Namibia and Uganda bears the title of “good data” and constitutes the need to implement data collection and analysis systems, which could allow coordinated information sharing and gathering. The World Bank discussion paper points out that the efficiency of the reintegration programmes made available in these countries could have been improved, had surveys been carried out and registers maintained. A proper register can provide a clear record of the needs of the ex-combatants, the benefits already received by them, and the opportunities still available to each individual. In addition, coordination of efforts between the government and NGO programmes is required.¹¹ Such an approach allows for a better budget allocation and is also a cost-effective way to analyse veteran needs to ensure the full reintegration of ex-combatants into society.

Information Sharing Solutions

Dissemination of information only through government bodies often proves ineffective. Thus, different information outlets are known

¹⁰ E. Tarnaala, *Women in Armed Groups and Fighting Forces: Lessons Learned from Gender-sensitive DDR Programmes*, Center for Security Studies, 24 July 2016, [<http://www.css.ethz.ch/en/services/digital-library/articles/article.html/62b42fcf-a5ff-46d5-9e6a-6bdb6d577289>]

¹¹ N. J. Colletta, M. Kostner, I. Wiederhofer, *Case Studies in War-to-Peace Transition: The Demobilization and Reintegration of Ex-combatants in Ethiopia, Namibia, and Uganda*, World Bank Discussion Paper, [<http://documents.worldbank.org/curated/en/385411468757824135/pdf/multi-page.pdf>]

to have been used. Considering media play a leading role during the post-conflict period in any country, they are encouraged to be actively involved in reconciling society and reintegrating ex-combatants into civilian life. The media can be used to channel information and foster public opinion in favour of supporting peace processes and building reconciliation. This is especially important, considering information from government bodies is scarce and considered biased.



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Radio is generally the most common source of information at regional, district, and municipal levels, as it does not require literacy and can be adapted to the specifics of local communities. In addition, it is cheap, has a wide reach, and can be a portable source of information. The use of the UN radio has often been included as a provision in peacebuilding agreements and a mechanism for the implementation of DDR programmes. Radio UNAMSIL in Sierra Leone, Radio Okapi in the DRC, UNMIL Radio in Liberia, the use of local FM radio stations in Nepal are all examples of the wide use of radio as a channel for disseminating information.

The experience of the United Nations Mission in Liberia (UNMIL), as described by Sarah

Meek and Mark Malan, demonstrates that through an increase in radio announcements and communication outreach activities the local communities were able to receive information on the DDR process and particularly the reintegration programmes available.¹² The target audience consisted not only of the local communities and ex-combatants, but also of donors and international actors, local and international media. Despite the initial opposition and ignorance of the commanders, the UNMIL radio broadcast 24 hours a day seven days a week and had the farthest reach of any radio station in Liberia.

Radio broadcasting is most effective, however, when paired with wider outreach programmes. In Liberia and in Nepal, for instance, traditional information dissemination channels were supplemented by training for local reporters, debate on security issues, and the build-up of civil-society knowledge, awareness, and capacity to generate and participate in discussions on reintegration.¹³

The main task of any information campaign in post-conflict environments is to make sure facts are interpreted correctly, so as to promote the establishment of peace and to consolidate society. The challenge is to counter myths and rumours, which are common components of peace talks and integration processes.¹⁴ If accurate information is not widely disseminated about reintegration aims, opportunities, and packages on offer, then take-up by ex-combatants can be affected, expectations raised, and local communities antagonised.

¹² S. Meek, M. Malan, *Identifying Lessons from DDR Experiences in Africa*, Workshop Report, Institute of Security Studies, 2004, [<https://www.files.ethz.ch/isn/118323/106%20FULL.pdf>]

¹³ C. Watson, *Socio-Economic Reintegration of Ex-Combatants: What Role for the European Union*, 2010, [http://www.sddrc.org/uploads/Economic_Reintegration_march_2010-1.pdf]

¹⁴ *Les Mots Qui Tuent: Rumeurs, préjugés, stéréotypes et mythes parmi les peuples des pays des Grands Lacs d'Afrique*, "International Alert", [http://www.international-alert.org/pdf/Les_Mots_Qui_Tuent.pdf]

Rumours lead to false hopes, whereby ex-combatants refuse to accept assistance offered to them, believing there is more in store. This causes veteran communities to feel left out and governments to be accused of corruption schemes. Misinformation about cash payments poses a particular threat. Members of veteran groups discuss and compare salaries in the military and the compensational payments after demobilisation. During the DDR process, it became known in Liberia that the cash payment for ex-combatants in the neighbouring Ivory Coast was four times bigger. Investigations showed, however, that the USD 900 apparently offered in the Ivory Coast was actually the estimated monetary value of training and toolkits given to ex-combatants, as well as the transitional safety allowance paid in cash.¹⁵

Such examples are common in all veteran communities, especially when the tasks of communication and information are entrusted to different state bodies. The local media are likely to address rumours from the veterans' perspective, rather than to investigate full stories and highlight communicational mistakes. This contributes to distracting ex-combatants and members of their families from reintegration activities, and heats up segregational tendencies and tensions in society.

In Nepal, this problem was tackled through the establishment of training centres for journalists and coordination of smaller local radios with national broadcasts. Local FM stations played a key part in bringing the understanding of the reintegration process across the country and piecing together civilians and ex-combatants. The radio content was varied and included not

only information about available social and professional adaptation programmes for veterans, but also talked about the need to establish social cohesion between community members and ex-combatants.

This example shows that the added value of information campaigns lies in the build-up of a new relationship narrative between ex-combatants and the rest of the population. The government and the local bodies



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are mainly focused on informing about reintegration programmes. Their task is to explain the reintegration process and form an understanding among the stakeholders of the purpose of social benefits provided to ex-combatants. The retranslation of the government's message on radio, TV, and online media resources reinforces the message, but also initiates dialogues among different social groups. Once discussions are set up, common solutions can be found and implemented in the long term.

Conclusions from Africa and Lessons for Ukraine

The experience of different UN peacekeeping missions and particularly the post-conflict environment on the African continent demonstrate that the informational element

¹⁵ C. Watson, *Socio-Economic Reintegration of Ex-Combatants: What Role for the European Union*, 2010, [http://www.sddrc.org/uploads/Economic_Reintegration_march_2010-1.pdf]

of the reintegration processes is generally overlooked. As a result, significant financial resources are wasted on the development of reintegration mechanisms, which consequently are not in use as the target audience is not aware of them.

The best practices of ex-combatant reintegration are preconditioned by a clearly defined and budgeted communication strategy. This strategy is developed together with DDR and resettlement programmes. Information dissemination, counselling, and



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feedback gathering then become an integral part of the reintegration activities. Awareness raising tools need to be designed to meet the needs of different members of the veteran community, including those that are illiterate. In this regard, national and local media should become partners in the DDR process. The media should be used creatively, particularly to cover non-standard entry points of ex-combatants into the reintegration process.

In order for the reintegration programmes to be in demand and able to meet the actual needs of the veteran community, regular re-assessment of those needs and services offered is called for. The best way to do so is to plan for electronic registers, which would provide information on each member

of the post-conflict veteran community. These registers should make it easy to see the benefits and activities most in demand, as well as those not accessed by the ex-combatants. Such an approach will allow for proper budget allocation and tailoring of the re-integration programmes to match the actual needs. The registers also facilitate the analysis of the accessibility of different programmes.

So far, Ukraine has been successful in repeating all of the mistakes listed in the examples cited in this article. Veteran reintegration programmes (including social and professional adaptation, psychological and medical rehabilitation) are administered by the Ministry of Social Policy, the State Service for Veteran Affairs, the Ministry of Health, and the Ministry of Defence (or the relevant state defence and security agencies where a person underwent service). Although there is relative coordination among these four bodies at the central government level, their local offices rarely work together. Moreover, a large number of benefits available are administered and funded by local government bodies (municipalities, district councils, etc.).

The information provided on the websites of local authorities and central government bodies often differs. Almost 90% of the local government websites have no information about the reintegration programmes or benefits available to veterans.¹⁶ Essentially this means that ex-combatants and their families have no access to public information on the programmes and budgets allocated for ensuring social support and welfare of this particular group.

The national register of veterans is a closed document accessible only by the National

¹⁶ Study carried out by the Legal Hundred NGO, [<http://uacrisis.org/ua/59868-yurydychna-sotnia>]

Security Service of Ukraine and the State Service of Veteran Affairs. It is not integrated with any other registers in the country and it certainly does not contain any information as to the benefits used by the ex-combatants. Although a budget has been allocated for the creation of the register, essentially it remains a list of names and contact numbers, which in the three years since its creation have not undergone revision.

The media in Ukraine are largely involved in disseminating information, yet principally on a voluntary basis. This means that predominantly journalists cover 'failure' stories, showing where the system does not work. No training programmes are or have been available to journalists covering reintegration processes, and on a number of occasions the media have been responsible for spreading false rumours, which heated up tensions and aggression of ex-combatants towards the government. Media cooperation is slightly better in the military sphere. "Army FM" is a specialised military radio channel owned by the Ministry of Defence, which is a source of government-verified information. However, the radio channel was granted national broadband only in August 2017, being broadcast before only on selected radio channels in the Luhansk and Donetsk regions (where the theatre of war is concentrated).

Information campaigns for reintegration programmes have not been accounted for in the annual state budgets since 2015. NGOs and foreign donors (OSCE, UNDP, USAID, and different embassies) usually provide significant budgets for awareness raising activities in their reintegration projects. However, these are usually directed at the promotion of particular short-term projects, rather than at providing unified and correct

information about solutions funded by the government, and explaining how these can be accessed.

Thus, Ukraine, as well as a whole list of other countries with similar economies and similar circumstances, often overlooks the importance of awareness raising activities. As budgets are scarce, it seems more important to invest in setting up reintegration programmes and having sufficient funding to provide social benefits, than to allocate resources for designing information campaigns. As a result, communication with stakeholder groups is almost entirely ignored, although reintegration systems are set up. In Ukraine's case, this means that allocated budgets are rarely spent by the end of the fiscal year and government bodies report on lack of demand. Ex-combatants, on the other hand, lack knowledge about access to various programmes that have been known to them and live under the impression that the state is paying lip service to them. Unless addressed and budgeted for, the communication issue will continue to be the source of many tensions, which can easily develop into conflicts across the country.

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