



**“CONTROLLING UKRAINE”
THE EU AND RUSSIA IN UKRAINE**

A Case Study

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Author Biographical Sketch

Tamara Fitzgerald joined the U.S. Army War College's Peacekeeping and Stability Operations Institute (PKSOI) in August 2016 as its State Department Advisor. She is a career member of the U.S. Senior Foreign Service, with the rank of Counselor. Starting in 1990, Ms. Fitzgerald served at the U.S. Embassies in Port of Spain, Moscow, Minsk, Berlin, Canberra, and Baghdad.



Ms. Fitzgerald also served as the U.S. Deputy Permanent Representative to the Organization for the Prohibition of Chemical Weapons (OPCW) in The Hague, and as Arms Control Counselor in the U.S. Mission to International Organizations in Vienna. In these roles she negotiated with diplomats from over 150 countries, first on the Chemical Weapons Convention (CWC), and in Vienna on the Comprehensive Nuclear-Test-Ban Treaty, as well as on other nuclear and conventional arms and export control regimes.

Prior to those two assignments Ms. Fitzgerald served as the Foreign Policy Advisor (POLAD) in ISAF HQ's CJ-9 Civil-Military Affairs Division in Kabul working on governance issues in Provincial Reconstruction Teams (PRTs), and then as the POLAD to U.S. Air Forces Central Command (USAFCENT) in Qatar where she provided diplomatic guidance to the three-star Commander. Ms. Fitzgerald also worked in the Department of State in the Bureau of Political-Military Affairs, dealing with arms control treaties.

Ms. Fitzgerald graduated from the University of Colorado with a B.A. in Central and East European Affairs and Russian Language Studies, and from the National War College with an M.S. in National Security Strategy. She served in West Berlin in the mid-1980s as a U.S. Army Russian linguist. She speaks Russian and German.

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Author Biographical Sketch

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“CONTROLLING UKRAINE” THE EU AND RUSSIA IN UKRAINE

“Ukraine is ... a sitting duck, a road apple, it’s weak, Newman, it’s feeble. I think it’s time to put the hurt on the Ukraine!”
Kramer in “Seinfeld” Season Six, Episode 12, “The Label Maker”
https://www.youtube.com/watch?v=fzLtF_PxbYw

On 17 July 2014 in Donetsk Oblast near the Russian border, Malaysian Airlines Flight MH17 flying from Amsterdam to Kuala Lumpur was hit by a surface-to-air missile at an altitude of 10,000 meters (33,000 ft) and crashed. A Dutch-led international investigation concluded in the fall of 2016 that the missile that shot down MH17 was a Russian “Buk” model; the truck carrying the Buk weapons system was seen entering Ukraine over the Russian border the night before and returning to Russia that night.¹ CNN reported a recording that day by pro-Russian separatists gleefully reporting that they had destroyed their target.² The recording soon disappeared, once it became clear what the “target” turned out to be: a civilian airliner, and not a Ukrainian fighter jet.

“There are no armed forces, no Russian ‘instructors’ in south-eastern Ukraine. And there were never any.”
Vladimir Putin, Russian President, 4 June 2014³

“The Russian Federation yesterday again claimed that they wanted disengagement. They even asked that the [Special] Monitoring Mission (SMM), spend more time monitoring on both sides of the Line of Contact. But on the ground we see a very different picture. We see continued resupply of weapons and fighters. We see continued provocations to keep the conflict going. We see continued restrictions of the SMM and its monitors. We see continued shoot-downs of SMM UAVs after they’ve seen Russian weaponry, heavy weapons in areas where it shouldn’t be.”
Daniel Baer, U.S. Ambassador to the OSCE, 29 July 2016⁴



The internationally unrecognized annexation of Crimea from Ukraine to Russia in March 2014 and the beginning of fighting in the Luhansk and Donetsk Oblasts (regions) in April 2014 caused the international community to pay close attention to Ukraine. The formation of the Trilateral Contact group consisting of representatives of Russia, Ukraine and the Organization for Security and Cooperation in Europe (OSCE), resulted in the conflict parties signing a deal, known as Minsk I, to end the crisis in Ukraine in September 2014. Minsk I soon broke down and hostilities were on the rise again. After 16 hours of negotiations between Russian President Vladimir Putin, Ukrainian President Petro Poroshenko, French President Francois

Hollande and German Chancellor Angela Merkel, a detailed plan for implementing Minsk I was signed on February 12, 2015. Known as Minsk II, the 13-point plan includes agreements for immediate ceasefire, withdrawal of heavy weapons from the front lines under OSCE SMM monitoring, prisoner exchanges, local elections and safe delivery of humanitarian aid. Despite these commitments, Ukraine today remains politically destabilized by civil war, its economy is in tatters, and its territorial integrity is severely compromised. As of spring 2017, “little green men”⁵ (Russian soldiers wearing uniforms without insignia) continue to fight with pro-Russian separatists against the Ukrainian government in Eastern

Ukraine. Ukrainian President Poroshenko addressed the UN General Assembly on 21 September 2016 during the General Debate of the 71st session with the following words:

“The terrorist component of the undeclared hybrid war that Russia wages against Ukraine is evident. Dramatically, it has become a daily routine in the occupied areas of the Donetsk and Luhansk regions of Ukraine. For over two years of this tragedy, Ukraine has received extensive and irrefutable evidence of direct involvement of Russia, its state agencies and officials in financing, sponsorship, and coordination of terrorist groups which have committed countless crimes against my compatriots. The shocking reality is that there is a roughly 38,000-strong illegal military force in Donbas and its large part is regulars and mercenaries from Russia.

This force is armed to the teeth by Russia. And this is no exaggeration — they have at their disposal about 700 tanks, 1,200 armoured vehicles, more than 1,000 artillery systems and more than 300 multiple launch rocket systems. Russia keeps sending weapons, ammunition and manpower to Ukraine through the uncontrolled part of the Ukrainian-Russian state border.

Sending by roads and by rail, on a daily basis. At the same time, the Russian side continues insisting at all forums, including the UN, that it has nothing to do with all of this and that the Russians are not there in Ukraine. Even hypocrite Soviet leaders could hardly compete with the outright lies and manipulations deployed by the Kremlin today.”⁶

Claims that Russia has continuously provided heavy armaments to the separatists, including advanced air defense systems, regularly surface. In July 2014 Reuters published an article in which two journalists reported the tracing of a Russian rocket and logbook that was seized in eastern Ukraine. The rocket had been signed out at a Russian military base three weeks earlier.⁷

According to a March 2017 report by members of the U.S. Army’s Command and General Staff College, conventional Russian ground forces openly fought with the eastern Ukrainian separatists in five major battles between July 2014 and February 2015 that led to significant Ukrainian defeats. In fact, the Russian 49th Army directed these Donbass campaigns from Stavropol, providing the preponderance of Russia’s innovative Battalion Tactical Groups (BTGs). Some of the BTGs came from as far away as Vladivostok and the Kuril Islands. The BTGs consisted of one tank company, three mechanized infantry companies, an anti-armor company, two to three self-propelled artillery batteries, a multiple launch rocket battery, and two air defense batteries.⁸

According to the Special Monitoring Mission (SMM) of the OSCE, Ukraine, the separatists and Russian forces have yet to withdraw their forces and heavy arms behind the lines of contact drawn in Minsk II and to maintain the ceasefire called for under the Accords.⁹ Russia on the other hand claims that Ukraine is not fulfilling nor interested in implementing agreed upon parts of the Minsk agreements. Remarks by the late Permanent Representative of the Russian Federation to the UN, Ambassador Vitaly Churkin, following the UN Security Council consultations on the situation in Ukraine illustrate Russia’s position:

“...The problem is that the Ukrainian side does not show much of an interest in implementing the Minsk Agreements. In the Minsk Agreements the key actually is paragraph 11 – it is very easy for you to reread that paragraph: constitution reform, special status for Donbass, Donetsk and Lugansk, and amnesty law. They don’t want to do that. They keep twisting the issues coming up with preconditions and things like that. We call upon all those who have influence on Kiev to make sure that they do what they are supposed to do. For that actually I don’t see why there is a particular need in high-level meetings, because it is very clear what needs to be done.”¹⁰

Looking back, in March 2014, following a Russian-sponsored referendum on joining Russia, Russian President Putin signed a bill to incorporate Crimea into the Russian Federation. The referendum appeared to be almost unanimous: according to organizers of the election, 97% of voters in Crimea elected to secede from Ukraine and re-join Russia.¹¹ However, the vote was considered a sham by many Western countries.¹²

Immediately afterwards, in protest of the pro-European stance of the Ukrainian Government, inspired by the referendum in Crimea, and infiltrated by Russian intelligence officers,¹³ pro-Russian groups began to engage in armed conflict in Luhansk and Donetsk. In April, Ukraine launched military operations against these Russian-backed separatists in eastern Ukraine. After referenda unrecognized by the Ukrainian government were held in Luhansk and Donetsk, the pro-Russian separatists declared independence in both regions in May 2014.¹⁴ However, within two hours of counting the votes, the leader of the newly minted “Donetsk People’s Republic” asked to join Russia, muddying the true goals of the separatists.

Ukraine intensified its military offensives in the east of the country against an estimated 30,000 partisans, organized into BTGs and independent brigades.¹⁵ In July, Malaysian Airlines flight MH17 was shot down, leaving 298 dead, primarily Dutch and Australian citizens, and drawing international attention to the conflict in eastern Ukraine. Dutch and Australian experts led an international investigation into the shoot-down that led them to conclude that the air defense weapons system used was Russian.¹⁶

By late July, the EU and U.S. announced economic sanctions against Russia, but, undeterred, three weeks later Russia was reported to send substantial “humanitarian aid” to Luhansk without Ukrainian approval.

Reports of hostages, prisoner exchanges, Russian military equipment secretly entering Ukraine and Ukrainian use of cluster bombs in Donetsk surfaced in the following months.¹⁷

By March 2015, the UN estimated that 6,000 people had been killed in eastern Ukraine as a direct result of violations of the Minsk agreements. Ukrainian authorities registered 1.6 million internally displaced persons (IDPs) and the UN reported 900,000 refugees departing Ukraine in 2014-15. While the UN reported 750,000 of them went to Russia, the Russian Federal Migration Service claimed 2 million Ukrainians had fled to Russia in that time period.¹⁸ It is unclear what the actual number of refugees was during that time period, but Russia’s numbers made it look more sympathetic to eastern Ukrainians.

Despite international efforts to facilitate the two Minsk talks and to provide assistance in the implementation of the agreements, representatives of Western countries remained critical of the situation and voiced concern regarding the actual progress towards a peaceful resolution of the conflict. Crucial aspects of Minsk I and II had yet to be implemented. According to then German Foreign Minister Frank-Walter Steinmeier, both parties seemed unwilling to compromise, as his statement issued on 14 August 2016 showed:

“...it is incumbent upon both sides to continue working to implement the Minsk agreements. No one can be satisfied with the results to date. We are stuck at this point. For weeks now, we have been working on a framework agreement aimed at easing the tensions between the two parties to the conflict. It has not been possible to reach agreement so far, as neither side is willing to compromise. Despite intensive endeavours, there has been no tangible progress either as regards improving the security situation in eastern Ukraine or on reaching the necessary consensus on local elections.”¹⁹

Other Western leaders took a clearer stance and made Russia’s continuous military involvement responsible for the ongoing conflict. The U.S. Mission to the OSCE issued a statement on May 26, 2016, saying:

“Russia continues to arm, train, and fight alongside separatist forces, and the security zone remains awash in heavy weapons, tanks, armored personnel carriers, and anti-aircraft guns. These weapons appear in part of the conflict zone one day, vanish the next, and then reappear somewhere else, undermining confidence between the sides and efforts toward a sustainable ceasefire and Minsk implementation.”²⁰

Russia on the other hand provided a vastly different rationale. The land known as Russia today began in Kyiv (Note: the Ukrainian spelling for its capital is Kyiv; the Russian spelling is Kiev) in the 9th Century, and the two states have been mostly intertwined ever since (although not always by Ukrainian choice). Ukraine was part of the Russian Empire and later of the Soviet Union, and many Russians view Ukraine as part of their identity until this day. In fact, the derivation of the word “Ukraine” in Russian means “on the edge” or “frontier” (of Russia), showing that Ukraine’s identity is shared with Russia’s. Repeated invasions from the West over centuries inculcated a strong appreciation in Russia proper for its Ukrainian “frontier” as a buffer zone. In addition, Ukraine and Russia share not only history but also strong economic, religious and linguistic ties. The region’s Orthodox Christianity is considered to have originated in Ukraine. Most Ukrainians speak both Russian and Ukrainian and family ties expand past political borders.

A 2013 study claimed the Russian-Ukrainian border to be the second-largest migration corridor of the world.²¹ Many Ukrainians work in Russia and in addition, large investments by Russian businesses in Ukraine intensify the intertwined relationship. Likewise, Crimea was a part of Russia proper from 1783 to 1954 when Ukrainian-born then-Soviet Premier Nikita Khrushchev ceded the territory to Ukraine. The Russian view on the significance of Crimea in particular is illustrated by President Putin’s address to State Duma deputies, Federation Council members, heads of Russian regions and civil society representatives in the Kremlin on 18 March 2014:

“...Everything in Crimea speaks of our shared history and pride. This is the location of ancient Khersones, where Prince Vladimir was baptised. His spiritual feat of adopting Orthodoxy predetermined the overall basis of the culture, civilisation and human values that unite the peoples of Russia, Ukraine and Belarus. The graves of Russian soldiers whose bravery brought Crimea into the Russian empire are also in Crimea. This is also Sevastopol – a legendary city with an outstanding history, a fortress that serves as the birthplace of Russia’s Black Sea Fleet. Crimea is Balaklava and Kerch, Malakhov Kurgan and Sapun Ridge. Each one of these places is dear to our hearts, symbolising Russian military glory and outstanding valour... In people’s hearts and minds, Crimea has always been an inseparable part of Russia. This firm conviction is based on truth and justice and was passed from generation to generation, over time, under any circumstances, despite all the dramatic changes our country went through during the entire 20th century.”²²

As well as accusing the Ukrainian Government for the ongoing fighting in the Luhansk and Donetsk Oblasts, Russian Ambassador to the OSCE Alexander Lukashevich reiterated the Russian stance on the issue of Crimea on 17 March 2016:

“The proclamation of independence by the Republic of Crimea and its entry into the Russian Federation are legal forms of implementing the right of the people of Crimea to self-determination in a situation where a coup d’état involving the use of force took place in Ukraine with outside support....

We are very concerned about the threat of escalated hostilities in Donbass. Consistent actions by the Ukrainian military to seize a “no-man’s land” along the demarcation line dangerously reduce the distance between the positions of the warring parties and provoke more intense clashes. Moreover, this runs counter to the Minsk Measures.”²³

Meanwhile, Ukraine has been struggling for years to define a clear course of action for the future. The western part of the Ukrainian population is largely in favor of its country strengthening ties with the EU, while the more eastern regions

see remaining close to Russia as beneficial. Russia, as the dominant power within the Soviet Union, calls the former Soviet states its “near abroad”²⁴ and considers these former Soviet countries to be in its “sphere of influence.”

Several conflicts between the two countries concerning the use, price and transportation of natural gas have simmered for years. The vast majority of Russian gas exports into the EU are transported through Ukraine and allegations of Ukraine using gas domestically instead of passing it on to other European countries resulted in Russia temporarily shutting off all gas supplies into Ukraine. Disagreements on Ukrainian debt and dependency on Russian gas have kept this conflict alive.²⁵

A proposed Association Agreement between Ukraine and the EU in November 2013 intended to deepen economic and political ties appeared to cross a Russian redline, as evidenced by Ukraine suddenly signing an “action plan” with Russia instead a few weeks later that gave Ukraine preferential natural gas prices and a \$15 billion loan, but what Ukraine offered in return is unclear. Despite Russia’s discontent with its deepening ties with the EU, Ukraine seemed to have been surprised by Russia’s stance on the issue, including its taking over Crimea and its significant covert and moral support for the separatist uprisings that began in April 2014.

Kyiv struggled to identify acceptable ways to change Moscow’s calculus and regain Ukrainian sovereignty and territorial integrity. Its primary demand as of mid-2016 was for the “full and immediate ceasefire” called for under the two Minsk Agreements to take hold; then it could arrange for local elections to be held in the Luhansk and Donetsk Oblasts.²⁶

As noted above, leaders of both separatist movements claimed in 2014 after conducting status referenda that the vast majority of voters were in favor of establishing separate republics.²⁷ While the Ukrainian Government opposed both separatist movements and Russia had shown support for both self-declared republics, Minsk II laid out a clear plan of action that representatives of all parties had initially agreed to. According to the agreement, the Luhansk and Donetsk Oblasts would be reintegrated into Ukraine in exchange for a special self-governing status by late 2015. As of May 2017, the Ukrainian parliament had not voted on the constitutional reform to allow for such special status, and reports of an ongoing ‘Russianization’ in Luhansk and Donetsk Oblasts, from the changing of license plates to widespread use of Russian currency,²⁸ raise questions as to whether the reintegration of the two regions into Ukraine is feasible in the long run.

CHRONOLOGY—WHY WE ARE WHERE WE ARE:

Ukraine was part of the Soviet Union from 1922 as one of 15 constituent republics until its breakup in 1991. Ukraine claimed independence from the Soviet Union on 24 August 1991 as the Republic of Ukraine but only ratified its new Constitution in 1996.²⁹ On 5 December 1994, Russia, the United Kingdom (UK), the United States, Ukraine, Belarus, and Kazakhstan signed the Budapest Memorandum on Security Assurances.³⁰ In exchange for Ukraine, Belarus and Kazakhstan giving up their nuclear weapons (transferring them to Russia), the three obtained politically binding security guarantees from Russia, the UK and United States against the threat or use of force against their territorial integrity and political independence. While Russian military incursions into Ukraine have violated the Budapest Memorandum, its guarantees were only politically, not legally, binding.

In the immediate aftermath of the 2004 Ukrainian Presidential election, the so-called Orange Revolution took place. Protestors claimed voter intimidation, corruption, and electoral fraud to ensure pro-Russian candidate and former governor of Donetsk Oblast Viktor Yanukovich’s win.³¹ Civil disobedience and general strikes eventually led to annulment of the results and the Ukrainian Supreme Court ordered a revote for late December. Widely known as being pro-EU, former Ukrainian National Bank Governor and informal opposition leader Viktor Yushchenko won the re-election with 52% of the vote. Domestic and international observers declared the revote “fair and free” and Yushchenko was inaugurated on 23 January 2005.³²

The previously defeated Viktor Yanukovich was then elected President in 2010. In mid-November 2013 Ukrainian protesters took up residence on Maidan Square in Kyiv to protest government corruption again and demand closer integration with Europe. Many violent clashes with Ukrainian security forces took place in the following weeks. On November 29, at the last minute, Yanukovich refused to sign the above-mentioned landmark Association Agreement with the European Union that offered limited financial assistance, closer ties to the EU, and preferential access to European markets in exchange for political and judicial reforms. Instead, allegedly under great pressure from Russia,³³ on December 17, Yanukovich signed an “action plan” with Russia and received a 15 billion dollar loan from Moscow and an arrangement for lower natural gas prices. Meanwhile, he stated he would continue to work on more favorable conditions for Ukraine in the EU agreement.³⁴

Nevertheless, EU Trade Commissioner Cecilia Malmstrom stated after lengthy negotiations with Ukraine and Russia in December 2015: “We were quite close in finding some of the practical solutions that I think had there been a will, we would have been able to do that...however, today there was not enough flexibility from the Russian side to do that. There was no agreement, so this exercise is now over.”

Russian Prime Minister Dmitry Medvedev stated: “Neither Ukraine nor the European Union are ready to sign a legally binding agreement which would take into account Russia’s interests.”³⁵

Ukrainian students and other citizens continued protesting the switch from the EU to Russia on Maidan Square in Kyiv. Ukrainian security forces, reportedly with direct assistance from Russian officers, began live-firing on the protesters in mid-February 2014.³⁶ As tensions rose, Yanukovich fled to Russia on February 21 and never returned.³⁷

The Ukrainian Parliament voted 328 – 0 on 22 February to impeach Yanukovich, accusing him of mass killings of civilians. An interim government was formed which Russia refused to recognize, calling Yanukovich’s removal a Western-sponsored coup d’etat.³⁸

The new Parliament also decreed that Ukrainian would be the state’s sole official language from then on. Previously, regions could make use of additional official languages if that language was spoken by more than 10 percent of the region’s population. Thirteen out of 27 Ukrainian regions had declared Russian an official second language. The new law provided cause for Russia to claim that ethnic Russians in Ukraine were endangered.^{39, 40}

On March 1, Russian President Putin submitted an appeal to the Upper House in the Russian Parliament seeking authorization “...to use the Armed Forces of the Russian Federation on the territory of Ukraine until the social and political situation in that country is normalised.”⁴¹ The Parliament approved the deployment of Russian forces to Ukraine and subsequently Russia began moving military forces into Crimea.⁴²

Russian covert forces managed to destabilize Crimea’s local government “through infiltrating and coopting security and defense forces, which then allowed them to take control of the seats of power and security in the peninsula.”⁴³ On March 16, pro-Russian leaders in Crimea held a plebiscite on returning the peninsula to Russian control. The vote was overwhelmingly in favor, although some Western media reported at the time that pro-Ukrainian voters were personally intimidated to vote in favor of returning Crimea to Russian control, or not to vote.⁴⁴ International observers claimed reported voter intimidation, closure of critical television channels, and a well working Russian propaganda machine to confuse voters.⁴⁵

On 21 March 2014 interim Ukrainian President Petro Poroshenko signed the political part of the Association Agreement with the EU, including steps towards visa-free travel and equal rights for workers.⁴⁶ On June 27, after national elections in May, President Poroshenko signed the economic part of the EU agreement. It commits Ukraine to econom-

ic, judicial, and financial reforms to bring its policies and legislation in line with those of the European Union. The EU agreed to provide Ukraine with political and financial support and preferential access to EU markets.⁴⁷

Meanwhile, starting on April 7, 2014, pro-Russian leaders in the Donbass (Don River Basin) in eastern Ukraine (primarily in the Luhansk and Donetsk regions) began fighting for eastern Ukraine to separate from Ukraine.⁴⁸ A statement issued by the separatists reads: “Without support it will be hard for us to stand against the junta in Kiev,” and “We are addressing Russian President Putin because we can only entrust our security to Russia.”⁴⁹

Russia began amassing tens of thousands of troops on the border with Ukraine and sending large white-canvas cargo trucks labeled “Humanitarian Assistance” across the Ukrainian border, which it did not let Ukrainian authorities inspect.

At various international fora in Vienna from 2014 through 2016, Ukrainian authorities repeatedly laid out photos of Russian soldiers’ passports and Russian heavy armaments not contained in the Ukrainian military inventory that it had seized, demonstrating direct Russian involvement in the fighting. While Russia has continued to deny direct involvement, it has made countercharges against Ukraine and Western countries for inflaming the situation and causing massive numbers of casualties, IDPs and refugees, labeling the pro-Russian population as the victims.

In a press conference on March 4, 2014 President Putin claimed that the separatists were “local self-defense forces.” He further stated: “Our actions are often described by the West as not legitimate, but look at U.S. operations in Afghanistan, Iraq and Libya,” he said, according to a BBC translation of his comments. “Our actions are legitimate from the point of view of international law, because Ukraine’s legitimate president [Yanukovich] asked us for help... Defending these people is in our interests... We do not want to ‘enslave’ anyone.”⁵⁰

At the height of the battle in the city of Debal’tseve in January – February 2015, Russian ground forces in the Donbass region were estimated at approximately 10,000, with another 26,000 located in Crimea. Russian shelling and siege operations in the city of 25,000, located on the border between Donetsk and Luhansk, killed some 6,000 civilians, and forced another 8,000 to flee the city. Ukrainian forces including the 128th Mechanized Brigade, Donbass Battalion, and other units were all but destroyed.⁵¹

On April 28, 2016 Ukraine underscored Russian involvement in a UN Security Council briefing: “Russian generals and military officers provide direct command and control, while Russian proxies ruin the socioeconomic infrastructure of Donbas, once Ukraine’s industrial powerhouse. Ukraine has lost more than 20 percent of its gross domestic product due to Russian aggression.”

Russia responded in the same briefing with the following statement: “The Ukrainian side is still using heavy weapons in Donbass, where civilians are suffering. It is extremely important to implement the package of measures contained in the Minsk agreements; that is the only way forward to ending the situation in Donbas and all related problems.”⁵²

On July 7, 2016 U.S. Ambassador to the OSCE Daniel Baer said: “The United States remains fully committed to supporting a peaceful resolution to the conflict in Ukraine – a peaceful resolution that recognizes and respects that nation’s sovereignty, independence, and territorial integrity within its internationally recognized borders. We once again call on Russia and the separatists to stop the violence, fully implement their commitments in the Minsk agreements, including granting the OSCE full access and guaranteeing the safety of monitors. Ukraine cannot be expected to make progress on the political elements of the Minsk agreements until there is a sustained ceasefire, pullback of heavy weapons from the line of contact, and unimpeded access for OSCE monitors, up to and including Ukraine’s internationally recognized border with Russia – three commitments that Russia made in February 2015, but which we still not have seen fully implemented.”⁵³

Russia's position remained the opposite: that a political agreement on decentralization (greater autonomy) and special status for Donetsk and Luhansk, as well as amnesty for the separatists must be implemented "in parallel" with an agreement as quickly as possible on disengagement (i.e., ceasefire and withdrawal of forces). However, Ukraine continued to demand a comprehensive ceasefire first, in accordance with the sequencing in the Minsk agreements.⁵⁴

In December 2016, with strong support from Germany and France, the EU decided to extend its sanctions on Russia for another six months.⁵⁵

RUSSIAN HYBRID WARFARE THEORY

According to a February 2017 article in the "Times of Israel," Russian Foreign Minister Sergey Lavrov articulated Russia's main foreign policy objective as seeking "an end to the Western-dominated world order." This means stopping NATO and the EU's encroachment into Russia's historical sphere of influence or "near abroad," and achieving regional hegemony. Part of Russia's strategy is to fracture the European Union "through influencing European elections in favor of pro-nationalistic candidates." In its "near abroad" Russia's strategy is to use a malleable definition of a victimized "Russian Identity" of ethnic Russians, Russian speakers, or simply Slavic peoples as being under constant political, cultural, or territorial attack from the West.⁵⁶

Two Russian military academics stated in the January 2017 monthly Russian journal "Military Thought" that, "[S]ince the end of the Cold War, the West's struggle against our country has never stopped....Therefore, Russia will remain the enemy of the West in the ongoing World War of this new type. The West will calm down only when our country and our people have been relegated to a state worthy of ridicule and contempt." The authors argued that the traditional meaning of war still stands, as elucidated by Clausewitz in the 19th Century as "an act of violence, using force upon the enemy to fulfill our will." However, they also noted that in the 21st Century new forms of warfare have been added to the armed struggle, namely information warfare, sabotage operations "on an enormous scale," and the West's use of "color revolutions" in the former Soviet space, as well as in the Balkans and the Middle East.⁵⁷

According to the authors of a brief assessment of Russia's warfare in Ukraine, Russia, possessing the capability and political will "to escalate [its] hybrid warfare to the use of physical force to take what [it] want[s]," underwrites its military campaigning with a strategy of "localized and temporal dominance" that seeks to keep its neighbors destabilized and weak relative to itself and thus gain regional hegemony. Its means are covert action, cyber operations and information warfare, and the use of separatists in order to create zones of frozen conflict or "strategic outposts" from which to further manipulate its adversaries. When all these means, including the use of partisans, are not enough to achieve the objective at hand, then Russia commits conventional forces which try to melt into the countryside or back across the Russian border.⁵⁸ A version of this phenomenon has worked in the breakaway Georgian region of South Ossetia, as well as in Ukraine.

A key aspect of Russia's military involvement in Ukraine has been the lack of use of air power, while relying heavily on air defense systems to keep Ukrainian aircraft out of the battle.⁵⁹ The Russians' "reconnaissance-strike model" also relies heavily on drones, rocket and artillery fire, special reconnaissance, cyber capabilities, and geo-locating technologies that have delivered impressive tactical and operational results in Donbass.⁶⁰

As for humanitarian effects, Russia and the separatists have not been reluctant to inflict civilian casualties. Under continuous barrages of rocket and artillery fire throughout Donbass in what have in effect become "siege operations," the political message has been that the government in Kyiv cannot protect civilians; therefore the local population should support the separatists and side with Russia. This is limited warfare which does not seek to topple the existing regime, but to "perpetually conduct operations aimed at weakening the adversary from the inside out," or, put another way,

to surround the Ukrainian forces, cut off their access to the outside world, and slowly bleed them out over time. This allows Russia “to operate with near impunity while inflicting severe losses on the Ukrainian military and civilian population.”⁶¹

Either because of, in spite of, or unrelated to, the Western response to Russia’s actions in Ukraine – removing Russia from the G-8, non-lethal weapons support for Ukraine, some targeted economic sanctions and visa bans and strong rhetoric against Moscow – Russia began enacting new ways to project force beyond its borders. Specifically, it:

- o Flew numerous sorties over NATO and Swedish airspace and sent naval vessels into NATO countries’ territorial waters⁶²
- o Armed Iran with its S-300 air defense system⁶³
- o Established an air and naval base in Syria and bombed Western-supported rebels in Syria⁶⁴
- o Sold nuclear submarines to China and conducted naval exercises with China in the South China Sea⁶⁵
- o Deployed nuclear-capable Iskandr air defense missiles in Kaliningrad,⁶⁶ and
- o Made threats against the Baltic states in particular, and NATO in general, and placed more weight on using nuclear weapons in its defense strategy.⁶⁷

ASSIGNMENTS:

1. Complete a matrix outlining the interests, desired outcomes, actions and messages you would take as the following actors: Ukraine, Russia, the United States, and NATO/EU members. This will be a brainstorming exercise to flesh out the various – and competing – national interests and foreign policy goals of the countries involved.
2. Role-play two separate scenarios:
 - a. Role-play the members of the U.S. national security team in a Principals’ Committee meeting [at the Secretary level – it is essentially a Cabinet meeting of the relevant heads of Departments and agencies, but without the President] in Washington to devise a new policy on Russia, given its ongoing behavior in Ukraine (and Syria and elsewhere). Once assigned your roles, you will draft one-to-two pages of notes for yourselves for that role, defining what you believe the United States should do about Russia. A minimum of five role players (National Security Advisor, Secretaries of State, Commerce, and Defense, and CIA Director). Additional actors could include the Secretary of the Treasury, the Attorney General, CJCS, the Ambassador to the UN, and, serving as advisors in this instance, the Ambassadors to Russia, Ukraine, the EU, the OSCE, NATO, or even Germany.
 - b. Role-play the OSCE Special Advisor for Ukraine, the EU High Representative for External Affairs (the person who is essentially the EU’s Foreign Minister), or the Foreign Ministers of the following countries: Ukraine, Russia, the U.S., Germany, France, Lithuania, Poland, Sweden, etc., with the goal of outlining a new political settlement in Ukraine, either to implement or move beyond the Minsk agreements. Again, a minimum of five role players is needed.

QUESTIONS TO CONSIDER:

- What are Ukraine’s interests and objectives?
- What are Russia’s interests and objectives?
- What are the separatists’ interests and objectives?
- What are the interests of secondary actors? For example Germany’s? The United States?

- If “punch and counter-punch” leads to legitimate claims of victimization on both sides, is there a distinct right and wrong?
- Back to Russia, does keeping Ukraine destabilized satisfy its interests? If you believe in Russia’s alleged historical fear of encirclement from the West and given that NATO is already on its borders with the Baltic States, is it understandable for Russia to want to keep Ukraine at the least as a neutral buffer state, if not under some level of Russian control?
- As NATO and EU member states, particularly those on Russia’s borders, what do you do about Russia and Ukraine?
- What would a geo-strategic policy maker do, considering that the West needs Russia in a broad variety of other contexts? What are they?
- As the U.S. National Security Advisor, or Secretary of State or Defense, or other member of the national security team, what would you do about Russia?
- How do Western responses to Russia’s behavior in Ukraine affect geo-strategic relations? Who else might be affected? How? What might be their likely reaction and how do we take that into account?
- For example, what message does a perceived ineffective response to Russia’s assertive actions send to China or Iran? Look at their current actions in the South China Sea and the Persian Gulf, respectively. Are these actions interconnected?

Notes:

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Appendix 1

Homepage / Press Center / News from Ukraine's diplomatic missions

PROTOCOL on the results of consultations of the Trilateral Contact Group (Minsk, 05/09/2014)

08 September 2014, 12:01

Mission of Ukraine to the European Union

PROTOCOL

on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin

Upon consideration and discussion of the proposals put forward by the participants of the consultations in Minsk on September 1, 2014, the Trilateral Contact Group, consisting of the representatives of Ukraine, the Russian Federation and the Organization for Security and Co-operation in Europe [OSCE], reached an understanding with respect to the need to implement the following steps:

1. Ensure the immediate bilateral cessation of the use of weapons.
2. Ensure monitoring and verification by the OSCE of the regime of non-use of weapons.
3. Implement decentralization of power, including by means of enacting the Law of Ukraine “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status).
4. Ensure permanent monitoring on the Ukrainian-Russian state border and verification by the OSCE, together with the creation of a security area in the border regions of Ukraine and the Russian Federation.
5. Immediately release all hostages and unlawfully detained persons.
6. Enact a law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and the Lugansk regions of Ukraine.
7. Conduct an inclusive national dialogue.
8. Adopt measures aimed at improving the humanitarian situation in Donbass.
9. Ensure the holding of early local elections in accordance with the Law of Ukraine “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status).
10. Remove unlawful military formations, military hardware, as well as militants and mercenaries from the territory of Ukraine.
11. Adopt a program for the economic revival of Donbass and the recovery of economic activity in the region.
12. Provide personal security guarantees for the participants of the

consultations.

Participants of the Trilateral Contact Group:

Ambassador Heidi Talyavini (*signed*)

Second President of Ukraine, L.D. Kuchma (*signed*)

Ambassador of the Russian Federation in Ukraine, M.Y.

Zurabov (*signed*)

A.V. Zakharchenko (*signed*)

I.V. Plotnitskiy (*signed*)

Appendix 2

Memorandum of September 19, 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of September 5, 2014

- (1) [Minsk Memorandum, September 19, 2014 \(Original\)](#) – (2) [Link to OSCE Document Repository](#)

MEMORANDUM

with respect to the performance of the provisions of the Protocol of the results of consultations
of the Trilateral Contact Group with respect to the steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko and the initiatives of the President of Russia, V. Putin

In accordance with Paragraph 1 of the Protocol of the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko and the initiatives of the President of Russia, V. Putin ([executed in] the city of Minsk, Republic of Belarus, [on] September 5, 2014) the participants of the Trilateral Contact Group, consisting of the representatives of Ukraine, the Russian Federation and the Organization for Security and Cooperation in Europea [“OSCE”], and the representatives of the certain areas of the Donetsk and the Lugansk regions have reached an understanding with respect to the following measures, aimed at securing the agreement regarding the bilateral cessation of the use of weapons.

1. The cessation of the use of weapons shall be considered to be common [for both parties].
2. The stopping of the units and military formations of the sides at the line of their contact as of September 19, 2014.
3. The prohibition on the use of all types of weapons and the conduct of offensive operations.

4. Within twenty four hours from the moment of the adoption of this Memorandum—the withdrawal of the means of destruction of caliber above 100 mm to a distance of not less than 15 km away from the line of contact, on each side (with the exception of those noted below), including from settlements, which would make it possible to create an area of the cessation of use of weapons of not less than 30 km in width (security area). At the same time, withdraw artillery systems of calibre above 100 mm to the maximum distance of their firing range away from the line of contact, and, in particular:

— 100 mm cannon MT-12—9 km; 120 mm mortars—8 km; 122 mm howitzer D-30 (2S1 Gvozdika)—16 km; 152 mm 2S5 Giatsint-S (2S3 Akatsiya, 2S19 Msta-S, 2A65 Msta-B)—33 km; MLRS 9K51 Grad—21 km; 9K57 Uran—36 km; 9K58 Smerch—70 km; MLRS Tornado-G—40 km; MLRS Tornado-U—70 km; MLRS Tornado-S—120 km;

— tactical missile systems—120 km.

5. Under the monitoring of the OSCE, the prohibition on the placement of heavy weaponry and military hardware in the area limited by the settlements of Komsomolskoye, Kumachevo, Novoazovsk, Sakhanka.
6. The prohibition on the placement of new landmine-explosive engineering barriers within the boundaries of the security area. The obligation to remove the previously placed landmine-explosive barriers within the security area.
7. The prohibition, from the moment of the adoption of this Memorandum, of the flights of combat aircraft and foreign unmanned aerial vehicles (“UAV”), with the exception of the UAVs used by the monitoring (observer) mission of the OSCE, along the entire line of contact between the sides in the area of the cessation of the use of weapons, to the width of not less than 30 km.
8. Within twenty-four hours from the moment of the adoption of this Memorandum, the deployment in the area of the cessation of the use of weapons of a monitoring (observer) mission of the OSCE, consisting

of groups of observers of the Organization. The above-noted area should be divided into sectors, the number and the boundaries of which shall be agreed upon in the course of preparation for the work of the monitoring (observer) mission of the OSCE.

9. The removal of all foreign armed groups, military hardware, as well as militants and mercenaries from the territory of Ukraine, to be monitored by the OSCE.

Participants of the Trilateral Contact Group:

Ambassador Heidi Talyavini (*signed*)

Second President of Ukraine, L.D. Kuchma (*signed*)

Ambassador of the Russian Federation in Ukraine, M.Y. Zurabov (*signed*)

A.V. Zakharchenko (*signed*)

I.V. Plotnitskiy (*signed*)

Minsk, September 19, 2014

Appendix 3

12 February 2015

Package of Measures for the Implementation of the Minsk Agreements

1. Immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine and its strict implementation as of 15 February 2015, 12am local time.
2. Withdrawal of all heavy weapons by both sides by equal distances in order to create a security zone of at least 50 km wide from each other for the artillery systems of caliber of 100 and more, a security zone of 70 km wide for MLRS and 140 km wide for MLRS „Tornado-S“, Uragan, Smerch and Tactical Missile Systems (Tochka, Tochka U):
 - for the Ukrainian troops: from the de facto line of contact;
 - for the armed formations from certain areas of the Donetsk and Luhansk regions of Ukraine: from the line of contact according to the Minsk Memorandum of Sept. 19th, 2014;

The withdrawal of the heavy weapons as specified above is to start on day 2 of the ceasefire at the latest and be completed within 14 days.

The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.

3. Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.
4. Launch a dialogue, on day 1 of the withdrawal, on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine “On interim local self-government order in certain areas of the Donetsk and Luhansk regions” as well as on the future regime of these areas based on this law.

Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine “On interim self-government order in certain areas of the Donetsk and Luhansk regions”, based on the line of the Minsk Memorandum of September 19, 2014.
5. Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine.
6. Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle “all for all”. This process is to be finished on the day 5 after the withdrawal at the latest.
7. Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.

8. Definition of modalities of full resumption of socio-economic ties, including social transfers such as pension payments and other payments (incomes and revenues, timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine).

To this end, Ukraine shall reinstate control of the segment of its banking system in the conflict-affected areas and possibly an international mechanism to facilitate such transfers shall be established.

9. Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement (local elections in certain areas of the Donetsk and Luhansk regions on the basis of the Law of Ukraine and constitutional reform) to be finalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Luhansk regions in the framework of the Trilateral Contact Group.

10. Withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine under monitoring of the OSCE. Disarmament of all illegal groups.

11. Carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Luhansk regions, agreed with the representatives of these areas), as well as adopting permanent legislation on the special status of certain areas of the Donetsk and Luhansk regions in line with measures as set out in the footnote until the end of 2015.¹

12. Based on the Law of Ukraine “On interim local self-government order in certain areas of the Donetsk and Luhansk regions”, questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Luhansk regions in the framework of the Trilateral Contact Group. Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.

¹ Such measures are, according to the Law on the special order for local self-government in certain areas of the Donetsk and Luhansk regions:

- Exemption from punishment, prosecution and discrimination for persons involved in the events that have taken place in certain areas of the Donetsk and Luhansk regions;
- Right to linguistic self-determination;
- Participation of organs of local self-government in the appointment of heads of public prosecution offices and courts in certain areas of the Donetsk and Luhansk regions;
- Possibility for central governmental authorities to initiate agreements with organs of local self-government regarding the economic, social and cultural development of certain areas of the Donetsk and Luhansk regions;
- State supports the social and economic development of certain areas of the Donetsk and Luhansk regions;
- Support by central government authorities of cross-border cooperation in certain areas of the Donetsk and Luhansk regions with districts of the Russian Federation;
- Creation of the people’s police units by decision of local councils for the maintenance of public order in certain areas of the Donetsk and Luhansk regions;

The powers of deputies of local councils and officials, elected at early elections, appointed by the Verkhovna Rada of Ukraine by this law, cannot be early terminated.

13. Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group.

Participants of the Trilateral Contact Group:

Ambassador Heidi Tagliavini _____

Second President of Ukraine, L. D. Kuchma _____

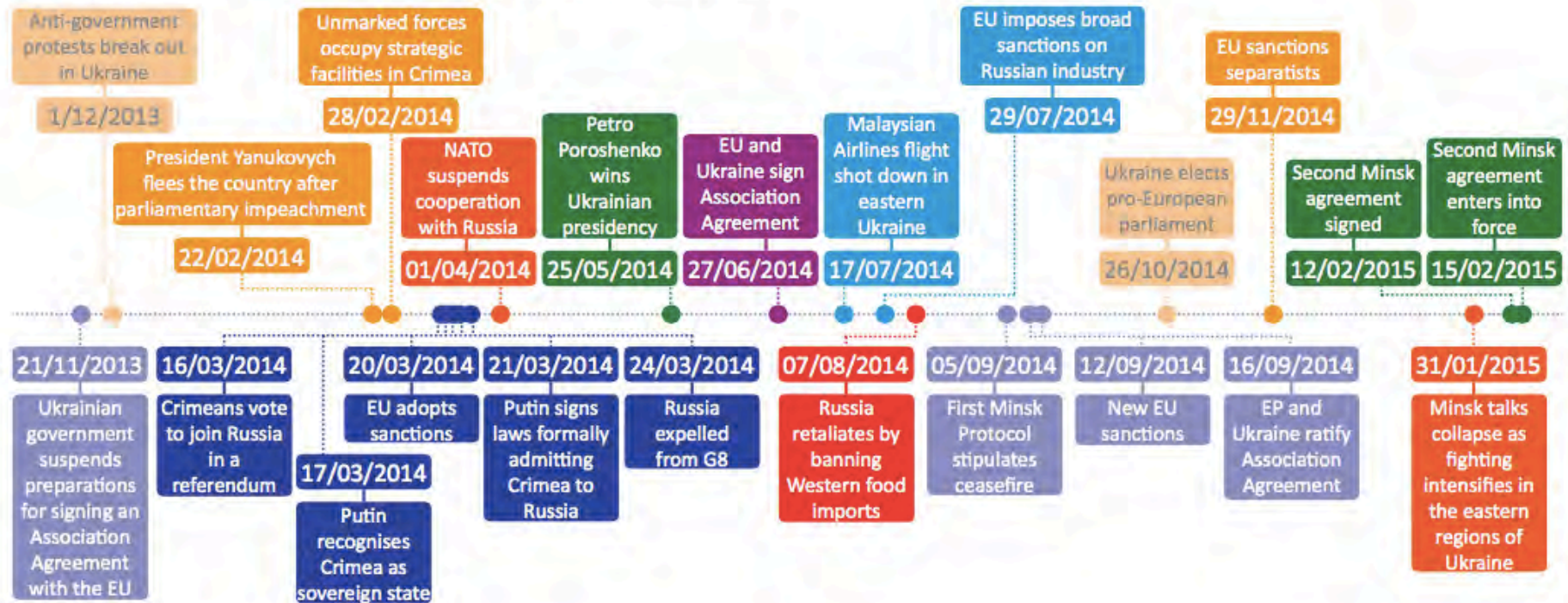
Ambassador of the Russian Federation
to Ukraine, M. Yu. Zurabov _____

A.W. Zakharchenko _____

I.W. Plotnitski _____

Appendix 4

Figure 1: Timeline, November 2013 – February 2015



Source: <http://ukraine.csis.org>.