

Lessons from the MH17 Disaster

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Abstract

The MH17 disaster makes clear that international peace and security cannot be taken for granted. The widespread support in Ukraine for democratization and rule of law presents Western democracies with a strategic opportunity. They should look beyond their short term interests and develop a long term view on their relations with Ukraine and Russia. They should invest more in international organizations and conflict prevention. Finally: the proliferation of long-range anti-aircraft missiles has to be prevented.

Keywords

strategy – rule of law – democracy – security – Ukraine – Russia – Netherlands – conflict prevention

Introduction¹

When, on 17 July 2014, a Malaysia Airways aircraft, flying from Amsterdam to Kuala Lumpur, crashed above eastern Ukraine, the first priority of the Dutch government was to deal with the direct consequences of this disaster. But now the Netherlands should consider, together with its European partners and with the international community at large, what lessons can be drawn from this tragedy, inter alia, by looking at the circumstances that made the disaster possible.

¹ An earlier version of this article was published as a *Policy Brief* by the *Institute of International Relations Clingendael*.

The crash was very probably the result of a coincidence of four circumstances:

- weak governance leading to internal conflict
- Russian interference
- a long-range surface-to-air missile present in the territory controlled by separatists
- a civilian aircraft flying over the conflict area.

The disaster would probably not have occurred if just one of these four circumstances had not been in place. An ostrich would look only at the last one, decide to avoid the airspace over eastern Ukraine and again bury its head in the sand, but this paper argues for also addressing the first three circumstances. This will require a reconsideration of policy towards Ukraine and Russia. The recommendations are directed at the Dutch government, but indirectly also at other governments, because successful implementation will require broad international cooperation.

Weak Governance Leading to Internal Conflict

At the heart of the Ukrainian crisis stands the failure of successive Ukrainian governments to build a sustainable democracy. Governments have time and again given priority to their personal interests above fighting corruption and establishing the rule of law. Institutions that in a well-functioning democracy protect the rights of minorities and opposition groups were either non-existent or very weak.

Ironically, the protestors in Maidan and the protestors in Donetsk and Luhansk were, to a large extent, driven by the same dissatisfaction with the lack of good governance. However, the victory of the ‘pro-European’ Maidan movement over the corrupt ‘pro-Russian’ government of Yanukovich led to fears that the new government would neglect the interests of eastern Ukraine. That part of the country is closely connected to Russia, not only economically, but also by a common language and history. Russia used those fears to incite an armed rebellion.

Why Should the Netherlands Support Ukraine?

Before answering the question of how the Netherlands can support the transformation of Ukraine into a multi-party democracy based on the rule of law, two questions should be answered. The first is whether supporting democracy and the rule of law in other countries is a matter of charity or of national

interest. The second is whether reforming Ukraine should be a priority for the Netherlands. To answer both questions, it is necessary to take a long-term view on the place of the Netherlands in the world in general and on its relations with Ukraine in particular. Both have been absent so far.²

At an abstract level, the Netherlands recognises that its future is inextricably linked with those of other countries. But although the Dutch Constitution states that the “Government shall promote the development of the international legal order”, successive governments have failed to convert this into a concrete strategy. If one takes two full seconds to consider the European history of the last century and to look at the current situation in the world, it will be clear that the Netherlands needs a foreign policy that looks beyond short-term economic interests and gives high priority to supporting international peace, the rule of law and sustainable economic development. This requires long-term investment in international cooperation, both through relevant international organisations and through bilateral relations. This has been lacking, partly due to a one-sided (and naive) fixation on short-term economic interests and short-term results.

Due to a lack of a clear strategy, the Matra Programme to support the transition of Ukraine into a multi-party democracy was dealt with as an act of charity rather than as a strategic investment. The support was useful but half-hearted and insufficient, and few protested when, a few years ago, the government drastically reduced the programme.

There are two strong arguments for giving priority to the transformation of Ukraine: proximity and opportunity. Ukraine is closer to the Netherlands than Finland, Greece or Portugal. This means that when things go wrong in Ukraine the effects will be more directly felt in the Netherlands than when things go wrong in more distant countries. The disaster at Chernobyl in 1986 was an acute reminder of that, but no less worrisome are the possible consequences of developments in Ukraine for the quality of water, air and health in the Netherlands, for its biodiversity and for the impact of illegal immigration and of organized crime.

The link is not only negative, but also positive. A stable democratic Ukraine would mean a significant enlargement of the European zone of peace and stability and provide important economic opportunities. For example, a combination of the Ukrainian agricultural sector with Dutch agricultural innovation might feed the whole of Europe.

The second argument is the unique window of opportunity presented by the current broad support in Ukraine for genuine reform. Although the transition process will be difficult and take many years, this broad support for reform provides a unique opportunity that should not be missed.

2 See B. ter Haar and E. Maas, *Threats and Challenges for the Netherlands*, Clingendael, 2014.

What can be done?

The transformation of Ukraine is first of all a task for Ukraine itself, but together with other countries the Netherlands could support this process in a decisive manner. This would however require a fundamental change of policy in several respects.

First, support for the transformation of Ukraine should not be considered as a charity programme that can be ended at will, but as part of a long-term strategy that should guide Dutch policy with regard to Ukraine not only in its bilateral relations and in the relations of the European Union with Ukraine, but also in the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, NATO, IMF and the United Nations.

Secondly, as a long-term strategy with regard to Ukraine cannot be considered in isolation, it should be embedded in a wider view of the place of the Netherlands and the EU in the world.

Finally, a strategy to promote the transformation of Ukraine would require active support from and the participation of the whole Dutch government, including the ministries that have so far neglected their international responsibilities. Transforming Ukraine will require, inter alia, reforming education, local government, public health, the police, the tax system and the legal system. The ministries with expertise in these fields therefore have an important role to play in a strategy to support that transformation. For example, the Ministry of Education should actively stimulate the possibility for Ukrainian students to study in the Netherlands (currently there are only about 250 such students).

Russian Interference

Without active Russian involvement the separatist movement would not have been able to occupy such an important part of eastern Ukraine for so long. The separatist forces are not only supported by Russian soldiers and Russian arms, they have even been led by Russians.

The Wider Problem

The wider problem is that the current Russian government is not reconciled to the break-up of the Soviet Union and is attempting to salvage as much of the former empire as it can, either by including a country in the Moscow-dominated Eurasian Economic Union or, failing that, by nibbling away parts of other countries, such as South Ossetia and Abkhazia from Georgia.

The very restrained reaction of the Netherlands and most other Western countries to Russian actions in Georgia and the Crimea might have strengthened the Russian conviction that these Western countries will always give priority to short-term economic interests. The recent sanctions might have given Moscow pause for thought, but to solve the current crisis more will be needed.

What can be done?

The priority given to economic diplomacy, in combination with the lack of a long-term view on its relations with Russia, might have weakened the Dutch position with regard to Russia. What is needed now is for the Netherlands, together with other Western countries, to develop a long-term view on relations with Russia and to communicate that view to Russia. First of all, the Netherlands should make clear that it will not accept that European borders can be changed by the use of force or that Russia has any special *droit de regard* over Ukraine. Second, it should continue to argue that a democratic and stable Ukraine is also in Russia's interest and that a zero-sum game between Russia and the West concerning Ukraine is, in fact, a loser's game.

That will not be easy, because zero-sum thinking about exclusive zones of influence is not only strong in Russia, but also not absent in the West. The point to make is that the concept of exclusive zones of influence is outdated. Just as Western Europe falls within Russia's zone of influence (e.g., in the field of energy), Russia falls within Europe's zone of influence. And Ukraine, if only because of its geography and history, falls within both zones of influence.

Proliferation of Long-Range Surface-to-Air Missiles

The conclusions of further investigations still have to be awaited, but on the basis of the publicly available evidence it seems very probable that flight MH17 was downed by separatist forces using a Buk surface-to-air (SAM) missile. The question will then be how those forces obtained that missile and how they learned to use it. As Russia has been actively supporting the separatists, not only by providing weapons but also by providing personnel, some sort of Russian involvement is likely. Firing a Buk missile is not too complicated: instructions can be found on the internet. However, it is much more difficult to identify whether an aircraft is a hostile plane or a neutral civilian airliner. This is where the separatists clearly failed.

The Wider Problem

Although the number of civilian aircraft crossing the airspace of countries in turmoil is high, the number that have been shot down is very small, at least

until now. The reason is that missiles that are capable of destroying aircraft flying at high altitude are sophisticated, big and expensive and that only a few countries possess them. But how long will this last?

Here we should take two long-term trends into account. The first one is that as technology advances it becomes easier to make a weapon more effective, lighter and cheaper. The second is that, over time, the capabilities to produce and use a new weapon system tend to proliferate. However, these trends are not laws of nature. Most nations have accepted, for example, limitations on the use of weapons that cause unnecessary suffering. But preventing a country or an armed group from obtaining or producing a weapon can be very difficult, particularly when the country or group believes that such a weapon will help it to win its war.

The use of a Buk missile by the Ukrainian insurgents would probably be the first such use by a non-state actor, but it is unlikely to be the last. Who knows what missiles ISIS forces have captured in Iraq and what they will do with them? So far, non-state actors will probably have given little thought to the use of long-range surface-to-air missiles because they lack the necessary capability. But if such weapons become available on the black market, they might reconsider. A terrorist group might believe that downing a civilian aircraft serves their cause. Of course, we should not overstate this risk. There are many other possible terrorist acts that are much easier to accomplish, such as kidnapping tourists or shooting down an aircraft with a shoulder-held missile just after takeoff or before landing. Nevertheless, it would be short-sighted to pay no attention at all to the possible proliferation of long-range anti-aircraft missiles.

What can be done?

Few of the existing arms control treaties deal with surface-to-air missiles. The most important one is probably the Arms Trade Treaty, adopted by the United Nations General Assembly in March 2013. The purpose of this treaty is to improve the regulation of the international trade in conventional arms. Its scope is wide and includes 'missiles and missile launchers'. However, the treaty has not yet entered into force and it is questionable whether all relevant states will become parties, as Iran, North Korea and Syria voted against the adoption of the treaty, and China, India and Russia abstained. Nevertheless, the entry into force of the treaty would help.

At the same time, additional measures should be considered, directed specifically at the trade and transfer of SAM systems. The Missile Technology Control Regime (MTCR) could be used as an example. The MTCR is an informal association of countries that try to prevent the proliferation of missiles that are capable of delivering weapons of mass destruction. It was established in 1987 by a number

of Western countries but now also includes Russia and Ukraine. A comparable regime could be set up to prevent the proliferation of SAM systems.

The Role of International Organisations

Most of the measures suggested above require wider international cooperation. The Netherlands is a member of several organisations set up for that purpose, in particular the United Nations, the European Union, NATO, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. The effectiveness of these organisations is largely dependent on the willingness of its member states to invest in them, by actively participating in them and by providing the necessary means.

In recent years the Dutch government has economised on almost all aspects of its foreign policy, except for the promotion of short-term economic interests. In international organisations it has often behaved as a consumer rather than as a co-owner, pushing its own agenda rather than promoting an international agenda. The MH17 disaster illustrates how vulnerable the Netherlands is to what happens outside its borders and why it needs to continue investing in freedom, peace and sustainable development in its neighbourhood and in the wider world. The Netherlands should therefore consider not only strengthening its national defence, but also, and at least as much, how it could strengthen international cooperation.

In short, the first priority of the Dutch delegations to international organisations and conferences should not be, as is now often the case, how to economise as much as possible, but how to promote international cooperation and how to make the organisation do a better job.

Conclusion

The disaster of 17 July 2014 has shattered the illusion of the Dutch government that the world is a marketplace where only short-term economic interests play a relevant role. It should evaluate why the disaster could take place, and consider, in close cooperation with its partners and allies and with other like-minded countries, whether:

- To develop a long-term strategy to support the transformation of Ukraine.
- To engage the whole government in that support, including the so-called domestic ministries;

- To develop a long-term view on relations with Russia that goes beyond economic interests;
- To make it clear to Russia that armed intervention in Ukraine is unacceptable, but at the same time continue to strive for including Russia in a 'Europe whole and free';
- To promote the non-proliferation of long-range surface-to-air missiles;
- To actively strive, inter alia during its EU presidency, for a common European policy along these lines;
- To actively promote the role of the United Nations, NATO, the OSCE and the Council of Europe and to provide them with the means to do their job properly.

About the Author

Barend ter Haar retired from the Dutch foreign service in 2013. In 1990 he took part in the drafting of the *Charter of Paris for a New Europe*. In 1997 he chaired the OSCE working group of the EU. As director of Policy Planning he visited Kiev in 2006 for talks with governmental officials, NGOs and think tanks. In 2014 he visited Kiev again, now as a fellow of the Clingendael Institute.