

International Crisis Management and Human Security in the Framework of ‘Hybrid Wars’ and Unrecognized States

Lessons Learned from Ukraine

Jan Asmussen^{1*}

Institute of Social Sciences, Christian-Albrechts-University, Kiel, Germany

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1 * PD Dr. Jan Asmussen is Privatdozent at the Institute of Social Sciences at the Christian Albrechts-University, Kiel, Germany. He is a political scientist and historian with a research focus on state-building, reconciliation and conflict resolution. He previously served as Head of the conflict and security cluster at the European Centre for Minority Studies in Flensburg, Germany. He headed the Department of International Relations at Girne American University and worked as Asst. Professor at the Department of History at the Eastern Mediterranean University, Famagusta, Northern Cyprus.

Abstract

This article deals with the impact of the current Ukrainian crisis on international conflict management and human security in the framework of 'hybrid wars' and unrecognized states. It analyses the particularities of the international community's dealings with conflicts that have multi-party actors. Human security issues are difficult to redress when warfare takes hybrid forms and major actors are non-recognized entities that are not members of international organizations. The Ukrainian crisis has seen the resurrection of the OSCE as a major forum for conflict resolution endeavours. A new European order of peace that guarantees human security can only be achieved with minimum standards of mutual respect.

Keywords

Ukraine – crisis management – hybrid wars – OSCE

Hybrid Warfare in Eastern Ukraine

The Ukrainian crisis that started in late 2014 has brought back to Europe the sense that a new European house of peace that the last Soviet President Michal Gorbachev had called for is far from being a reality.

When, on 21 November 2013, the Ukrainian journalist Mustafa Nayem reacted to Ukrainian President Viktor Yanukovich's failure to sign the EU-Ukraine Association Agreement and asked the following question on Facebook: "I'm going to the Maidan – who is coming along?", nobody expected that this would trigger the "Euromaidan". Nor did anyone foresee the repercussions this would have on regional and pan-European security. What happened went far beyond the profound changes in Ukrainian politics and society that were desired by the protests' initiator.²

In late February 2014 President Viktor Yanukovich fled the country. The subsequent power vacuum in eastern Ukraine, combined with the disintegration of Yanukovich's Party of the Regions, resulted in highly corrupt administrative and security structures there. This vacuum was filled by demonstrators calling for closer relations with Moscow, or even absorption by their northern neighbour.

Russia's occupation of the Crimea led pro-Russian activists in Donetsk and Lugansk to believe that a similar scenario could be created in eastern Ukraine. The result was the present war.

In Donetsk and Lugansk a few thousand pro-Russian protesters seized government buildings, barracks and security force arsenals. By May both regions were mainly controlled by the separatists. Most of the other south-eastern oblasts resisted and ultimately suppressed pro-Russian demonstrations. Donetsk and Lugansk organised hastily and amateurishly performed referenda and declared themselves as independent people's republics.

After the election of the Ukrainian President Petro Poroshenko a major military operation started in May in order to regain control of Donetsk and Lugansk. By the summer, the separatists had lost much of their territory. August 2014 was one of the bloodiest months of the war. Donetsk city was shelled frequently, its population dropped from just under a million to around 600,000, and Ukrainian troops were on the offensive. On 23 August, a large Ukrainian force tried to seize the area of Ilovaisk. The next day the Ukrainian forces came under intense artillery and mortar fire, often guided by drones and delivered by modern weaponry that far surpassed their own equipment. More attackers cut off their retreat.

² M. Nayem, 'Uprising in Ukraine: How it all began', Open Society Foundations, New York, 4 April 2014. Retrieved 30 March 2015, <http://www.opensocietyfoundations.org/voices/uprising-ukraine-how-it-all-began>.

The Ukrainian defeat prompted negotiations that were held on 31 July, 26 August, 1 September, and 5 September 2014 in Minsk under the auspices of a Contact Group composed of Ukraine, Russia and the Organisation for Security and Cooperation in Europe (OSCE). Separatist leaders from both Donetsk and Lugansk were also present. The 5 September negotiations resulted in the declaration of a ceasefire and an agreement (the Minsk Protocol) to separate the fighting parties. Separatist areas were classified for a limited period as zones with special status.

The years following the downfall of the iron curtain in 1989 have been widely seen as an opportunity for a peaceful future, at least in Europe if not for the entire world. Some 25 years later it is clear that these hopes were a mere illusion. The conflict in eastern Ukraine has already claimed the lives of 5,000 people.

Russia has occupied the Crimea peninsula under circumstances that were not in line with international treaties, but by brute force. Referenda which took place there and in the Lugansk and Donetsk regions did not meet international standards of legitimacy and transparency.

This battle took the shape of hybrid warfare in which state and non-state actors used conventional and concealed military-strategic means, such as the use of social media and energy deprivation. Both sides fight with regular and irregular forces, leaving the command structure sometimes difficult to assess.³ This conflict has left the international community with a dilemma as to how to address human security issues when traditional instruments of international conflict management are not available or non-functional.

The Concept of Human Security

Human security policy is defined as measures “to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity”.⁴

The 1994 definition of the United Nations Development Programme (UNDP) identifies the main areas of human security as Economic, Food, Health, Environmental, Personal, Community and Political.

- Economic security requires an assured basic income – usually from productive and remunerative work or in the last resort from some publicly financed safety net. It is threatened by persistent poverty and unemployment.
- Food security means that all people at all times have both physical and economic access to basic food. Hunger and famine are the predominant problems in this field.
- Health security aims at minimum protection from diseases and unhealthy lifestyles. Deadly infectious diseases, unsafe food, malnutrition, a lack of access to basic health care are the major threats.
- Environmental security aims at protecting people from environmental degradation, resource depletion,

3 See M. S. Bond, *Hybrid War: A New Paradigm for Stability Operations in Failing States*, Carlisle Barracks, Pa: USAWC Strategy Research Project, U.S. Army War College, 2007.

4 UN Commission on Human Security (CHS), in *Human Security Now*, New York, 2003, p. 4.

natural disasters, and pollution.

- Personal security is aimed at protection from physical violence, crime, terrorism, domestic violence, child labour, and drugs.
- Community security aims to protect people from the loss of traditional relationships and values and from sectarian and ethnic violence. Inter-ethnic, religious and other identity-based tensions are the main features.
- Political security means that people should be able to live in a society that honours their basic human rights. These rights may be threatened by political repression and human rights abuses.

Human security is essential for sustainable national and international security. In cases of a breakdown of public security the United Nations mainly applies traditional instruments of conflict management such as humanitarian aid, peace keeping and observer missions.

The key principles and framework for advancing human security are defined through the UN Trust Fund for Human Security: Human security promotes people-centred, comprehensive, context-specific, and prevention-oriented measures that seek to reduce the likelihood of conflicts, help overcome the obstacles to development and promote human rights for all.⁵

Human Security and Crisis

The international community intervenes in cases of a breakdown of public order and tries to provide aid to maintain the basic needs of human security such as food and refugee shelters. This is normally done through agencies like the United Nations High Commissioner for Refugees (UNHCR). The UN has a long record of dealing with non-recognized entities by circumventing legal status issues and finding formulas that enable it to deal with unrecognized authorities without officially recognizing them. In Cyprus, for instance, the United Nations Force in Cyprus does work with the Turkish-Cypriot authorities as representatives of the “Turkish Cypriot community”, instead of dealing officially with the “Turkish Republic of Northern Cyprus”. In Kosovo the United Nations and the EU deal with the “government of Kosovo” rather than with the “Republic of Kosovo”, thereby keeping – officially at least a neutral position.⁶ In Abkhazia and South Ossetia the UN is working with the local authorities through their representation in Georgia. While they are carefully avoiding notions of direct recognition they do implement special reconciliation and human security improvement programmes. Even the EU has in 2014 started the implementation of an aid package that is distributed through the Red Cross and NGOs. Transnistria is only recognized by the other breakaway regions of Abkhazia, the Nagorno-Karabakh Republic and South Ossetia. Russia has only established a consulate there. The entity is not represented in the UN and cannot participate in its programmes. The EU has put in force sanctions against its leadership, and only the OSCE is active through its mission to Moldova. Russia and Ukraine have attempted to mediate a final settlement between Moldova and the Transnistrian Moldovan Republic (PMR). In 2005, the United States and the European Union were invited to join the negotiations as observers, creating the so-called 5+2 format.⁷

5 See S. Tadjbakhsh and A. Chenoy, *Human Security: Concepts and Implications*, London, 2007.

6 See N. Doğan, ‘Ramifications Of The ICJ Kosovo Advisory Opinion For The Turkish Republic of Northern Cyprus’, in *Ankara Bar Review*, 2013, no. 1, pp. 60–79.

7 EU External Action, *EU-Moldova Relations*, Brussels, 2007. Retrieved 30 March 2015, eeas.europa.eu/moldova/pdf/internal_political_economic_en.pdf.

Eastern Ukraine – A New Watershed

So, if the international community has found flexible approaches for the aforementioned cases, what has actually changed with the Ukraine situation?

One aspect might well be that the unofficial acceptance of regional spheres of influence, i.e. the Balkans for the West and the Caucasus for Russia, is seriously challenged in the Ukrainian case. Both Russia and the EU/us side have insisted that neither side can lay a claim to that territory. This has somehow led to a diplomatic deadlock that can hardly be overcome by classic methods of conflict resolution. This is more so as the democratically elected leadership of that country has clearly expressed its desire for a closer connection to the EU, notwithstanding serious opposition amongst its Russian-speaking communities.

This puts additional constraints on human security-related action on behalf of international agencies that have to take extra care not to become involved in diplomatic squabbles, such as an implicit recognition of non-recognized entities. While this problem is far from being a new feature, the Ukraine situation seems to differ from previous ones.

The United Nations Security Council, officially the organisation's strongest decision-making body, is paralysed by the fact that one of its permanent members, Russia, is vetoing any meaningful measures to diffuse the crisis.⁸

If the us and the EU are – unlike in the case of the Caucasus – not prepared for a tacit acceptance of Russian secessionist moves in Eastern Ukraine, this might as well mean that they will extend their embargoes to the said regions. In the case of Crimea those embargoes have already been implemented with, for example, a ban on cruise ships and other tourist activities. It is obvious that continued embargoes do hamper human relief measures. Moreover, extended programmes aimed at a more sophisticated improvement of human security will be impracticable.

The Humanitarian Crisis in Eastern Ukraine

Many ordinary people in separatist regions appear increasingly to have little love for either side and simply want their hardships to end. Much hope was placed on the implementation of the Minsk agreement. The renewed outbreak of violence in the winter of 2014/15 frustrated these hopes. Many stay because they have nowhere else to go, or because they have deep family roots in the area. Many residents move in and out of Donetsk as much as possible, depending on the military situation or for other needs, such as medical care or attempts to register for pensions in one of the Ukrainian-government held areas. Moscow describes the separatist entities as part of Ukraine, and a problem therefore to be solved by Ukraine itself. Russia therefore holds Ukraine responsible for rebuilding the war damage. Unlike the Crimea the separatist areas were not promised generous financial aid. The Donetsk and Lugansk presidential and legislative elections of 2 November 2014 were commented upon by Moscow by stating that Russia respected the outcome, without recognising them.

Living conditions in Donetsk and Lugansk have been seriously deteriorating this winter. The International Crisis Group reported that pensioners, single mothers and other vulnerable categories have received occasional payments from the separatist authorities. In early December, monthly pensions of about \$60 were paid out, along with child benefits of half that amount in parts of Donetsk city. There was no indication that such payments will be more than sporadic. International health-care workers on the ground reported that mortality was already increasing in the most vulnerable institutions on both sides of the line, such as mental hospitals. The situation was rapidly

⁸ See P. Ferdinand, 'China and Russia at the United Nations', in: Asia Summary. Chatham House. London, 2013.

worsening.⁹

On 14 November a Ukrainian presidential decree declared that any bodies established by the separatists on the basis of their 2 November elections were illegal and ordered the evacuation of all state institutions, staff, equipment and documentation in the separatist areas.¹⁰ This meant, among other problems, that pharmaceutical companies can no longer sell drugs if the destination hospital has been 'evacuated'. And aid organisations cannot donate medicine or equipment to illegal entities, and have increasing difficulty in paying their staff. The decree has therefore seriously complicated the humanitarian situation in the separatist areas. At the same time the separatist leadership appears to be unable to substitute the Ukrainian government in the areas of human security due to its lack of experience and financial resources. The UN distributed some aid to the temporarily displaced or those who are living in bombshelters in separatist areas. The local industrialist Rinat Akhmetov has assembled truck convoys of aid.

Russia has sent at least nine humanitarian convoys that delivered over 10,000 tonnes of food, humanitarian aid and building materials. As some of these convoys passed without being controlled by international or Ukrainian officials, doubts were expressed about their humanitarian nature. In early 2015 the crisis in the separatist areas prompted the separatists to engage in a full-scale offensive (the second "Russian spring") and they tried to seize land and to commit Russia further into the war. Ukrainian forces were largely unable to contain the new attack. The German and French leaders, Merkel and Holland, were flying to Kiev and Moscow in order to prevent the outbreak of a full-scale war in Eastern Ukraine. As a result the Second Minsk Agreement was signed on 12 February 2015. Minsk II regulated, among other things, an immediate ceasefire monitored by the OSCE and the withdrawal of heavy weaponry.¹¹ The OSCE Mission was to be staffed with 1,000 personnel. The indications at the time of writing this article were that there was some compliance with the agreement, but the cease-fire remained shaky and OSCE personnel were lacking access to many key areas of the cease-fire line.¹²

It remains to be seen whether and to what extent Moscow will be prepared to commit even more resources to the conflict region at a time when it is suffering from its own economic problems.

Revival of the OSCE

The crisis has seen a revival of the OSCE. While the UN and the EU were unable to find a united approach to the problems, the OSCE re-emerged as a suitable forum. Almost expired at the end of the Cold War the OSCE was revitalised through the crisis and has become the most important multilateral actor in the escalating conflict in Eastern Ukraine. The reason for this is obvious. It is the only relevant security policy organization to which both conflicting parties, the EU countries, the US and Canada are members.

The trilateral contact group, launched in May 2014, brought together representatives of Ukraine, Russia and the OSCE, chaired by the Swiss diplomat Heidi Tagliavini. In March 2014, the OSCE Permanent Council, after a long struggle, mandated a civilian observer mission, initially with 250 observers. The mission aims to reduce tensions and to contribute to stabilization through objective compliance reports. At the invitation of Ukraine further

9 ICG, 'Eastern Ukraine: Dangerous Winter', in Europe Report N°235, 18 December 2014, pp. 16–18.

10 УКАЗ ПРЕЗИДЕНТА УКРАЇНИ № 875/2014 [Decree of the President of Ukraine Number 875/2014]. Retrieved 30 March 2015, <http://president.gov.ua> (in Ukrainian).

11 Text available under: Package of Measures for the Implementation of the Minsk Agreements. Retrieved 30 March 2015, <http://www.elysee.fr/declarations/article/package-of-measures-for-the-implementation-of-the-minsk-agreements>.

12 The Ukraine Crisis Timeline. Retrieved 30 March 2015, <http://csis.org/ukraine/index.htm#18>.

OSCE activities took place: a mission to assess human rights in the spring of 2014 and election observation missions for the presidential elections in May and the parliamentary elections in October 2014. In addition, several military verification missions were conducted under the Vienna Document 2011. The organisation of the Minsk cease-fire negotiations certainly constituted the OSCE's most valuable contribution. Both Minsk Protocols attributed the OSCE with the task of monitoring the situation on the Russian-Ukrainian border and on both sides of the "Line of Control" between the separatists and Ukrainian forces.¹³

However, it was not without great difficulties to bring the OSCE observer mission up to target strength. It took the organisation until December 2014 to increase the mission to 500 observers. The future effectiveness of the overall mission critically depends on whether it is possible to provide them politically and on the ground with the strength needed for the task. It can be regarded as a stroke of luck that in 2015 the traditionally Russia-friendly Serbia is chairing the OSCE, followed in 2016 by Germany.

The former Soviet leader Michal Gorbachev has recently called for the establishment of a European (OSCE) Security Council. He claimed that a mechanism for obligatory consultation might have prevented such a crisis.¹⁴ Against the background of the UN Security Council's inability to settle the issue this is rather doubtful. However, Gorbachev may have a point in that one of the causes of the present crisis is a lack of communication between the EU countries and Russia. In the field of human security an OSCE Security Council does not seem to promise any better mechanisms than its global brother.

Lessons to be Learned from the Current Ukrainian Situation

Sustainable human security programmes require a minimum of stability. In cases like Crimea this may be present, in Lugansk/Donetsk this is not the case. The international community faces the dilemma that while it may provide help for basic human needs, all extended aid might preserve and even sustain the current status quo. Humanitarian aid given through the Red Cross and the like are much needed and do not basically hamper the overall goals aimed at changing the current situation.

Organisations like the United Nations and the OSCE cannot act with optimum efficiency in cases of human security failures if they are not able to find mechanisms that would allow for majority decisions. In situations like the current Ukrainian crisis human security aid work is limited to providing for bare necessities. As the international community has no united vision on the future of the disputed regions any advanced programmes are doomed.

Sustainable human security programme planning necessitates a clear diplomatic plan as to how to deal with the situation. If the plan is for a speedy return of the eastern Ukrainian region to central government rule or at least to autonomy under a Kiev rather than a Moscow umbrella, any advanced programming will not work.

In terms of the elements of human security, first and foremost personal, food, health, and community security programmes could be addressed. Political, economic and environmental security measures would need a sustainable framework like a detailed, monitored and observed cease-fire agreement.

The Cyprus, Kosovo, Transnistria, and the Caucasus examples are clear indications of the fact that large-scale human

13 See Homepage of the OSCE Special Monitoring Mission to Ukraine. Retrieved 30 March 2015, <http://www.OSCE.org/ukraine-smm>.

14 "Es fällt schwer, nicht schwarz zu sehen". Michail Gorbatschow über eine Neuaufgabe des Kalten Krieges., in Internationale Politik und Gesellschaft. Retrieved 30 March 2015, <http://www.ipg-journal.de/kommentar/artikel/es-faellt-schwer-nicht-schwarz-zu-sehen-731/>.

security programmes sustain diplomatic impasses. This constitutes a real dilemma, as it forces the international community to trade between human rights and human security needs.


As we have seen, this problem is not unique in the case of Ukraine, nor is it new. However, the international community has to decide if it wants to continue to ignore its own principles of territorial integrity and the limitation of military intervention in humanitarian cases to certain mechanisms that have only worked in a limited number of cases. What we are seeing today is rather a saddening example of real politics in which the interests and self-proclaimed spheres of influence of major powers overwrite principles of fair play and the rule of law.

Human Security in Europe. How much is at Stake?

The East Ukraine conflict could develop from a fluid into a frozen one. Unlike other frozen conflicts there appears to be a lack of stability in the separatist administrations of Donetsk and Lugansk. Russia would have to sponsor the administrations of Donetsk and Lugansk for a long time to come in order to sustain them. The international community will have to find channels to provide emergency aid. Cooperation between all sides will be vital to deal with present and emerging humanitarian problems.

This was written at a time when it was unclear if the Second Minsk Agreement would be successful. The chances that the cease-fire would hold were generally regarded as slim. What remained obvious was that a long-term solution to the problem meant that the 1990 offer to all European countries to take an equal part in a peaceful order had to remain in place. The alternative was a violent descent into chaos from which nobody – despite suggestions to the contrary, especially not Russia – could dream of emerging as the benefactor.

The year 2014 was an *annus horribiles* for Ukraine and the European peace order. Old certainties such as the inviolability of borders and the duty to find a peaceful resolution of conflicts were questioned. A new European order of peace can only be sustainable if it includes both Russia and the Ukraine. Human Security can only be guaranteed if the minimum standards are mutually respected.



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Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

Netherlands Helsinki Committee
Het Nutshuis
Riviermarkt 4
2513 AM The Hague
The Netherlands

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