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Defence Cooperation between Ukraine, the EU and NATO

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Resume

Defence and security cooperation, both in terms of policy and practice, is a key link between the NATO, EU and Ukraine and holds great promise for success if the political will to act exists.

As demonstrated during the period before, during and after the Orange Revolution continued cooperation is possible even during times of political turbulence. Low level linkages, established through practical cooperation, are extremely useful in times of crisis when higher level contacts either breakdown or reach an impasse.

NATO has already moved in March 2014 to develop practical cooperation with Ukraine that will produce tangible results in the short term. The EU has, similarly, moved to provide technical and financial assistance and signalled it is willing to move forward with the Association Agreement.

Introduction

When the Ukrainian cabinet approved the draft of the EU-Ukraine Association Agreement on Wednesday, 18th of September 2013, it seemed EU-Ukraine relations were about to open a new chapter. However, as the Vilnius Summit approached the relationship began to unravel. On the EU side, Parliaments were threatening to veto the Agreement unless concerns over politicized justice were addressed while Ukrainian concerns about the economics of the deal were brushed aside. On the Ukrainian side, the Yanukovich government came under increasing pressure from Russia to opt for the Russian backed Customs Union. Ultimately the Russian pressure paid off and the agreement was not signed at Vilnius. However the matter did not end there, the failure to sign the agreement sparked protests in Ukraine. Though perhaps not as large as the Orange Revolution street movement of 2004-5, Euromaidan has had a destabilizing influence on the Yanukovich government. Prime Minister Azarov was forced to resign, and draconian anti-protest laws were both enacted and repealed in quick succession.

A deal brokered on the 21st of February 2014 briefly held out the promise of a peaceful end to the stand-off but it quickly unravelled. President Yanukovich fled Kyiv for Russia, and an interim

government was put in place. In Crimea, Russian forces moved to occupy key strategic points on the peninsula while Crimean the parliament voted to secede and join Russia, and holding a referendum on the issue on March 16th. Secessionist rumblings have also been heard in other parts of the South and East, in cities such as Kharkiv, Donetsk and Odessa. The immediate future looks uncertain and, as such, any speculation on future cooperation must be limited and carry many caveats.

However this is not the first time that the road towards greater partnership between Ukraine and the West has taken a sudden turn. The dynamics of the relationship have blown hot and cold depending on political circumstances in Ukraine itself, within the EU and the relationship between both parties and Russia for over two decades. One area where progress, albeit haphazard, has been made is in the area of security and defence cooperation, particularly since 2004 when Eastern Enlargement brought the borders of the EU, NATO and Ukraine into direct contact. Although formally non-aligned since 2010, Ukraine has been an engaged partner with the West in security matters both with NATO, via Partnership for Peace which it joined in 1994, and directly with EU in the Common Security and Defence Policy (CSDP)¹ formally since 2005. This paper argues that it is in the area of defence and security cooperation, both in terms of policy and practice, that the EU and Ukraine will find the most promise for cooperation and the greatest likelihood of success if the political situation allows. The question is whether the latest twist in Ukrainian politics marks a decisive turn in its post-Soviet history or as previously, a sudden swerve in one direction will be balanced out by a swing in the opposite direction.

In light of the political uncertainty, a situation not helped by the EU's political timetable which will see a new High Representative, Commission and Parliament take office by the end of 2014, this paper focuses on outlining the achievements to date in security cooperation and suggesting possible avenues for future developments should. The next section deals with EU-Ukraine cooperation and this is followed by a section dealing with NATO-Ukraine developments and V4 cooperation. A concluding section draws out the potential policy options for the EU, NATO and Ukraine depending on a number of scenarios: a decisive Western turn in Ukrainian Politics, a decisive Eastern turn in Ukrainian politics or, and arguably most likely, continued uncertainty in Ukrainian politics.

The EU, CSDP and Ukraine

Although the idea of common European defence has long historical roots, dating at least from 1948, the practical steps necessary to translate this aspiration into reality really only gathered pace in the late 1990's. Effectively the question of European Security was outsourced via NATO

¹ Known as the European Security and Defence Policy (ESDP) until the ratification of the Lisbon Treaty in 2009.

and the Warsaw Pact to the two superpowers which dominated the Cold War, the United States of America and the Soviet Union.

With the end of the Cold War, the security agenda broadened to encapsulate not just state based threats but complex security challenges ranging from the environment, to state failure, to terrorism, to energy security. In this context both the EU and NATO were forced to reorganise and adapt to the new security realities, the culmination of this process from the EU's perspective can be seen in the incorporation of the so-called 'Petersburg tasks' into EU treaty law via the Amsterdam Treaty which entered into force in 1999 and the Cologne declaration which emerged in June of that year. The declaration committed the EU to develop an independent capacity, including credible military force, to respond to international crises.

This process of institutionalisation was to continue in the first decade of the new millennium with the publication of a 'European Security Strategy' in 2003 and the further institutional changes included in the Lisbon Treaty, 2009. These included the formal absorption of the WEU by the EU, the placing of the European Defence Agency on a firmer treaty based legal footing and the creation of a permanent High Representative for Foreign Affairs and Security Policy, complete with her own diplomatic service.

A second strand of reorganisation involved the integration of former Warsaw Pact² states into the European Union as means of stabilising and securing the European neighbourhood.

After the so-called 'Big Bang' enlargement in 2004, the EU and Ukraine found themselves to be neighbours. The question was what shape their cooperation would take – further enlargement or something else?

Ultimately, the EU appears to have opted for a different form of engagement with its new neighbourhood which might best be termed integration without enlargement. The Association Agreement mentioned above is the latest iteration of this process, with the EU holding out the lesser carrot of access to markets, visa liberalisation and other forms of deep cooperation, including security and defence, but falling short of a clear path to membership. The future of the Association Agreements and, arguably, the Eastern Partnership approach itself now rests on the ability of the EU to sign off agreements with Moldova and Georgia in 2014. Without some concrete achievement to its name, the EaP will lose any remaining credibility as a policy approach to the European Neighbourhood.

However, the focus of this paper is on the area of defence and security cooperation. Firstly, from a strategic perspective, as Polyakov (2010) has noted, the European Security Strategy 2003 and

² It should be noted that non-Warsaw Pact countries joined the EU as part of this process as well including Malta and Cyprus. The Baltic States and Slovenia, having been integral parts (however unwillingly) of the Soviet Union and Yugoslavia likewise had a slightly different status.

the 2007 National Security Strategy of the Ukraine can be seen as relatively complementary albeit allowing for a slightly different ranking of the various security threats outlined. Both however agree that the 21st Century security environment demands more than the traditional model of defence based on conventional militaries facing off on a clearly defined battlefield. Therefore it's perhaps not surprising that Ukraine has been one of the most active and integrated of the Eastern partners in CSDP missions over the past decade.

Ukraine's involvement in EU missions is a result of a Special Framework for Cooperation agreement between the EU and Ukraine signed in 2005. Similar agreements are in place with the US, Canada, and even Russia reflecting the EU's commitment to multilateralism under Article 21 of the Treaty on European Union. As of March 10th 2014, the EU has not included the Special Framework as one of the areas of bilateral cooperation with Russia that it will review in response to Russian actions in Crimea.

Ukraine has been one of the most active partners of this group, including participation in the EU Police Mission in Bosnia Herzegovina, EUPOL Proxima in FYROM, the EU NAVFOR mission 'Atalanta' aimed at tackling piracy off the Horn of Africa and in 2011 it participated in the Greek led battlegroup HELBROC, becoming only the third non-member state to participate in such an initiative. The EU has also been engaged in a border assistance mission, EUBAM, on the Ukrainian-Moldovan border. Significantly this cooperation continued, albeit with some changes, after the change in government from President Yushchenko to President Yanukovich in 2010. This puts Ukraine in the unusual position of being both a recipient of and contributor to EU missions under CSDP.

In addition to cooperation on CSDP missions, the EU and Ukraine made some progress towards increasing interoperability between their respective militaries. The June 2013 EU-Ukraine Cooperation Council, tasked with preparing and facilitating the implementation of the Association Agreement, meeting resolved to: "encourage and facilitate direct cooperation on concrete activities...between relevant Ukrainian institutions and CFSP/CSDP institutions such as the European Defence Agency."

This avenue of cooperation promises to provide the Ukrainian armaments industry to benefit to access to new potential buyers as well as to benefit the Ukrainian balance sheet by off-setting the cost of developing new weapons technology by engaging with EU partners in research and development.

The EU Council Conclusions on March 3rd restated the EU's offer of an Association Agreement however it remains to be seen how quickly this might be implemented. In light of this uncertainty the remainder of this section focuses on cooperation to date with a brief account of each of the areas mentioned above. As mentioned in the introduction, V4 cooperation is dealt with in the

subsequent section and as such, the future of any possible V4 battlegroup cooperation is dealt with there.

EUBAM Moldova and Ukraine

The EU has been engaged in a Border Assistance mission with Ukraine and Moldova along these countries shared border. The mission was established in response to a joint request by the respective Presidents of the two countries in June 2005, asking for EU support for capacity building for border management and customs along their shared border including the section bordering the separatist Transnistrian region which does not have a Moldovan border authority presence due to the ongoing territorial dispute.

The mission officially opened in November 2005 on a two year mandate which has been renewed 4 times. The current mandate, approved in late 2013, runs to November 2015. The 2011-13 budget for the EU mission ran to €21m. The border assistance mission is aimed at offering technical assistance and training to Ukrainian and Moldovan border officials. Over 7000 officials, mostly from the respective border agencies of the two countries, have undertaken training with the mission. This includes over 300 officials who have taken part in study visits to EU border agencies to transfer knowledge and observe best practice. In 2007-8, the mission acquired €2.2m of equipment for the border service in the region under the BOMMULUK project. The mission also engages in outreach promoting the EU in the region, with representatives giving lectures in local universities and schools, and running open days and summers schools. Over 6000 students have participated in the summer schools and EUBAM has joint statements of cooperation with 11 universities. Other achievements include coordinating Joint border control operations, facilitating joint border patrolling from 2012 onwards, and the establishment of the first Joint Operated Border Crossing Point at Rossoshany-Briceni, opened in 2012.

The EUBAM mission in Moldova-Ukraine is an example of where cooperation between Ukraine and the EU can serve the interests of both, as well as providing a key point of access for the EU in terms of promoting awareness of the organisation and engaging in outreach and training programmes aimed at both officials and the general public. Whether this cooperation and outreach can continue largely depends on political will in Kiev and Brussels. However the usefulness of low level links with the security services of this kind should not be underestimated should higher level relations break down.

EUPM in Bosnia-Herzegovina

The EU Police Mission in Bosnia-Herzegovina (EUPM BiH) was launched on January 1st, 2003. It ran until June 2012. The mission took over from the UN's International Police Task Force. The focus of the mission is to establish sustainable policing arrangements under local ownership that acts in accordance with international best practice and the general objectives of the Paris/Dayton

peace accords. The mission engages in monitoring, inspecting and mentoring local police forces. Since 2010, it has given additional attention to organised crime and corruption. Over the course of the mission over 2200 police personnel served from EU countries as well as Canada, Norway, Iceland, Switzerland and Ukraine.

Ukraine's involvement in the mission was set out in the terms of a bilateral agreement with the EU signed in 2002. The agreement required Ukraine to align itself with the provisions of the Joint Action 2002/210/CFSP adopted by the European Council in March 2002, including the mission statement. Ukraine, for its part, agreed to the secondment of 5 personnel for a minimum of one year to the mission and to bear salary and associated costs of said personnel. It also agreed to contribute €25,000 per year to the running costs of the mission. The terms of the bilateral treaty were identical to those given to Slovakia and Bulgaria, EU- candidate states at the time. Ukraine remained committed to the mission throughout the 10 years of operations represented by no more than 5 or 6 personnel at any one time. Although this may seem small, given the overall size of the mission ranged from almost 900 to just 83, including local staff, the contribution of non-EU states was much smaller, totalling 94 at its peak to just 1 at the end of the mission. Ukraine's contribution ranged from approximately 5% of the non-EU contingent to up 33% in 2009. Significantly, this cooperation continued throughout the period of political unrest during and after the 'Orange Revolution'. This suggests that continued cooperation is possible even during times of political turbulence, albeit at a comparatively low level.

EUPOL Proxima Former Yugoslav Republic of Macedonia

The next EU mission involving Ukrainian elements was EUPOL Proxima in the Former Yugoslav Republic of Macedonia (FYROM). As with the mission in Bosnia-Herzegovina, this involved monitoring, mentoring and advising the local police force with a particular focus on organised crime and establishing European best practices in local police institutions. The mission ran from the 15th December 2003 to 14th December 2005.

Ukraine joined the mission in mid-2004, and was one of 4 non-member states to participate along with Switzerland, Norway and Turkey. The total mission strength was 300, which included 140 local staff, 30 civilian support staff and 130 police from contributing countries. Individual country contributions were in the single digits and a breakdown of figures is unavailable.

EUNAVFOR Atalanta

EUNAVFOR Atalanta was launched in December 2008 in response to ongoing concerns at the high level of piracy in the Red Sea and the consequent threat to global shipping and commerce. In addition the mission was given a specific mandate to protect World Food Programme ships

bringing aid to Somalia and has a minor role in monitoring fishing activities off the Somali coast³. The mission represents the first naval mission under the CSDP and one of the most ambitious projections of EU military power to date. The mandate has been renewed several times and currently runs to December 2014.

Ukraine has contributed staff officers to both the Operational Headquarters in Northwood, UK, and the Force headquarters, located onboard the force flagship, since 2010. In addition to the contribution to headquarters staff, for January and February 2014 the Ukrainian Frigate UPS Hetman Sagaidachniy joined active operations with the EU Naval Force having also participated in the NATO-led counter-piracy mission, Operation Ocean Shield, in late 2013. The UPS Hetman Sagaidachniy is a Krivak III class frigate, with a complement of approximately 200, and is the flagship of the Ukrainian navy. It also contributed a helicopter capacity to the EU Naval Force. The UPS Hetman Sagaidachniy left the operational area on February 26th, 2014.

Unlike the previous CSDP missions, EUNAVFOR explicitly involves a military commitment and close collaboration between Ukrainian and EU navies. In turn this creates the need for improved interoperability between Ukrainian and EU forces and compliments existing cooperation at the NATO level. The future of this cooperation depends heavily on the political will in Kyiv and Brussels.

EU Balkan BattleGroup (HELBROC)

In July 2011, Ukraine joined the Greek-led Balkan Battlegroup (also known by the name 'HELBROC' based on the initials of the original member states – Greece, Bulgaria, Romania and Cyprus). In doing so, Ukraine became the first non-EU member state to join a battlegroup. The Ukrainian committed contribution consisted of a Marine Corps company, an IL-76 plane with crew and a number of staff officers to the Battlegroup headquarters, initially in Larissa, in Greece. The initial stand-by phase for the battlegroup ran in the second half of 2011 and, as with the other EU Battlegroups, no deployment took place in that period.

Some questions were raised regarding Ukrainian participation in the Battlegroup structure given its non-aligned status. However, the Balkan Battlegroup is oriented towards humanitarian crises and peacekeeping. As such, it is unproblematic for a non-aligned state to participate. Ukraine can also point to the active involvement of neutral and non-aligned EU states in other battlegroups including Ireland, Austria and Sweden. The possibility of Ukraine revisiting its non-aligned status in light of recent events should also not be discounted.

In addition to the initial stand-by phase, the Balkan battlegroup is due to engage in the preparation of capabilities in the first half of 2014 and again in 2016. Operational training within

³ Illegal fishing, particularly by European vessels, was considered one of the reasons that Somali fishermen turned to piracy in the first place.

the battlegroup resumed in January 2014, again involving a Marine Corps company based in Feodosiya in Crimea. The ongoing and medium-term nature of the battlegroup structure represents the most significant commitment by Ukraine to integrating into European security structures. As with the other aspects of its engagement with the CSDP, the continuation of such cooperation is dependent on developments on the political side. The integration to the Balkan battlegroup ran parallel to the Association Agreement process; the EU has, as mentioned above, reiterated its offer of the Agreement, if the new government in Ukraine takes up this offer then cooperation under CSDP is likely to continue and possibly even increase.

Conclusions on EU-Ukraine defence cooperation to date

As shown above, Ukraine has been one of the most active external partners to the CSDP. Even so, the achievements are relatively meagre – a couple of small police missions, participation in a battlegroup, a short period of service with EUNAVFOR. This is as much a reflection on the CSDP as it is on Ukraine. It is difficult to see how in the absence of more robust structures and coherent strategic thinking at the EU level, any external partner could integrate further or do much more than contribute on an ad-hoc basis to missions or initiatives that fit its own interests and capabilities. This, after all, is what many of the member states do. Despite this caveat though, as can be seen from the experience of Ukraine-EU cooperation to date, when the opportunities and will align, the partnership has been both possible and positive. Further, it is clear that Ukraine has capabilities, particularly airlift capacity but also in the areas of mine clearance and Improvised Explosive Devices (IEDs), that the EU needs.

While both Ukraine and the EU share an interest in a stable neighbourhood, secure borders and countering smuggling and organised crime. In the medium term, the EU and Ukraine could also exploit synergies between the requirements of the NATO/Partnership for Peace 'Partnership and Review Process' (PARP) which is oriented to improving interoperability between Ukrainian and NATO forces and the Battlegroup process. Finally, for a non-aligned state both the battlegroup structures and individual CSDP missions allow opportunities for the Ukrainian military to gain experience in the field and in multinational operations. However, the caveat remains that future cooperation is at the mercy of politics, both within Ukraine in terms of its geopolitical orientation and within the EU in terms of its ability to create stable and coherent structures to plan and implement the CSDP.

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