

## THE OSCE STRATEGIES OF MEDIATION AND NEGOTIATION CARRIED OUT IN MOLDOVA AND UKRAINE

Paul DUTA<sup>1</sup>

---

**ABSTRACT:**

*THE STRATEGY FOR MOLDOVA IS VERY CONFUSED: FROM A UNITARY STATE, A CONFEDERATION, AND FEDERATION TO THE REUNION WITH ROMANIA. ANYWAY, "THE MESEBERG INITIATIVE" PROPOSES THE POSSIBLE ESTABLISHMENT OF A CONSULTING MECHANISM ON SECURITY ISSUES FOR THE EUROPEAN UNION-THE RUSSIAN FEDERATION. THIS ARRANGEMENT IS WITHOUT ROMANIA.*

*IN UKRAINE, CRIMEA AND THE DONBAS REGION STATUS IS VERY CONFUSED, ALSO. IN THE CASE OF THE CIVIL WAR IN UKRAINE, THE EFFORTS OF MEDIATION SANCTIONS AND NEGOTIATION HAVE MADE CERTAIN STEPS, ON THE INITIATIVE OF GERMANY AND FRANCE, COMPLEMENTED BY THE OSCE.*

*"THE NORMANDY FORMAT" – RUSSIA, GERMANY, FRANCE AND UKRAINE – CAN SUPERVISE THE COMPLIANCE AND THE IMPLEMENTATION THE ARRANGEMENT, AND CAN INVITE USA TO PARTICIPATE. HOWEVER, IS NOT USUAL TO IGNORE THE USA AND THE GREAT BRITANY IN THIS VERY HOT ISSUE NOT ONLY FOR EUROPE BUT FOR THE ENTIRE WORLD.*

---

**KEYWORDS:** MOLDOVA, UKRAINE, OSCE, "THE NORMADY FORMAT", USA, UK

To restore international peace and security several political-diplomatic steps must be completed.

Some methodological details are required from the very beginning. First, because the differences in regulation and theoretical explanations between "threat to international peace and security", "conflict situation", "crisis", "conflict", "low-intensity war" ("small war", "low intensity conflict", "guerrilla") are not the subject of this study, we will still use the phrase of "violation of international peace."

Second, the United Nations terminology draws the distinction between "armed conflict" and "international armed conflict", we will overcome this altered approach especially important coming under the phrase of "violation of international peace," giving up this simplifying vision only in the cases that are strictly defined, and where the meanings of the United Nations rules impose a specifically defined approach.

Third, the practice of the last few decades of multinational intervention in intrastate crises to impose certain solutions by force - Iraq, Somalia, Bosnia, Haiti, Kosovo, Afghanistan - configures the new dimensions of international policy, by promoting new types of

---

<sup>1</sup> Roamnian Diplomatic Institute, ppduta@yahoo.com.

multinational operations - "peace enforcement", "no fly zone", "humanitarian corridors and protected areas", "counter-insurgency operations", to which the phrase of "violation of international peace" can be withheld with the appropriate customizations on a case by case basis.<sup>2</sup>

In the fourth, but the emergence of corollary theories "of the human security"<sup>3</sup>, "global war on terror", "the responsibility to protect" (R2P)<sup>4</sup>, of the "right to secession as a remedy" - situations that are below the standards of "the armed conflict"/"international armed conflict" - but with connotations and meanings especially worrisome in the light of the new global perspectives, can be subsumed under the term of "violation of international peace."

A few interesting aspects can be found in the two strategies of mediation and negotiation carried out in Moldova and Ukraine.

In August 25, 1991, just two days before Chisinau proclaimed the independence of the Republic of Moldova, including Transnistria, it declared its independence. In 1997, "the Primakov memorandum" introduces the concept of the "common State" differently perceived in Chişinău - as an unitary state and in Tiraspol - a confederation of the two players with an equal status (including different subjects of international law); in 2002, the OSCE provides a federated organization plan; in 2003, Dmitri Kozak proposed a draft constitution for the future Moldovan Federation and has been proposed directly to Moldova without the OSCE agreement.<sup>5</sup> In 2004, Stanislav Belkovsky proposes that, in exchange for the recognition of independence of Transnistria, Russia has to accept the reunion with Romania.<sup>6</sup> In 2005, Petro Poroshenko, takes and adapts Yevgeny Primakov's plan in his own interest by proposing a status of equality between Moldova and Transnistria as part of an agreement with Russia, Ukraine and the OSCE, the last three players were to be the guaranteeing powers of the implementation of the agreement, which would have led to excluding Romania from the conflict resolution format.<sup>7</sup>

---

<sup>2</sup> Upon the invasion of U.S.-led forces into Iraq in 2003, the world turned its attention to the Middle East, and especially to the north of Iraq, Kurdistan. This region has been controlled by Kurds since the withdrawal of Saddam Hussein's forces in 1991. Kurdish Parties have established the Kurdistan Regional Government (KRG), and the world has recognized it as a *de facto* state. To be a new nation-state in the international community and recognized as a *de jure* state under international law, it must meet various qualifications, some of which have already been satisfied by the KRG. See Radpey, Loqman, "The Legal Status of the Kurdistan Regional Government (KRG) in International Law" *The Journal of Social, Political, and Economic Studies* 39.4 (Winter 2014): 397-435.

<sup>3</sup> See Jeong Ho-Won, *Human Security and Conflict*. George Mason University.

<http://www.gmu.edu/academic/hsp/Jeong.htm>

<sup>4</sup> ICISS "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, Ottawa: International Development Research Council" (2001) și Neil Macfarlane, *The Responsibility to Protect: is Anyone Interested in Humanitarian Intervention?*, *Third World Quarterly*, 2004, Vol.25, No.5, 977-992.

<sup>5</sup> "The Basic Principles of the State of the Unified State Structure". See, Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *Operațiuni și misiuni OSCE. Studiu de caz: Moldova*, Tehno Media, Sibiu, 2008, pp.234 and the next.

<sup>6</sup> The initiative is known as the "the Belkovsky Proposal"; the proclamation of an independent Transnistrian state, without being solved the problem of the military arsenals would have brought NATO and the EU in the direct vicinity with a kind of Kaliningrad to the Black Sea. See, Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *op.cit.*, 236.

<sup>7</sup> A negative aspect of the plan was that it did not provide changing mechanisms of the Transnistrian status quo, offering instead legitimacy to the current regime by holding elections under its control and lacking a democratic framework. Basically, the reunified Moldova was to be placed under the tutelage of Russia and Ukraine, and the right of veto was stated for Transnistria related to Moldova's foreign policy issues and there was no reference to the withdrawal of Russian troops from Transnistria. See, Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *op.cit.*, 245.

In 2005, "Vladimir Voronin's initiative" claims the OSCE to arrive at a stability and security pact for Moldova, which to be granted together with the actors of the negotiating process and the EU, the US and Romania.<sup>8</sup>

In 2010, the German chancellor Angela Merkel proposes "the Meseberg Initiative" (also known as the "the Meseberg Memorandum" or "Meseberg Agreement") and the possible establishment of a consulting mechanism on security issues for the European Union-The Russian Federation (the so-called political and security Committee).

### **THE CRIMEA AND THE DONBAS REGION STATUS**

In 2014, Crimea and the Donbas region status issues have led to a series of reactions at the level of international organizations.

Russia continues to build up its military presence in Donbas and along the Ukrainian borders, clearly making preparations for the new offensive of "separatists." This military preparation simultaneously performs two functions: put a psychological pressure on Kyiv and European capitals in order to persuade them to make concessions, and actually prepare the offensive to capture more Ukrainian territories.

On April 30th and on May 11th 2015, Ukrainian President Petro had repeatedly made clear that he plans a third invasion of Donbass, and, ultimately, also to invade and retake Crimea.

The events at the beginning of 2014 bring into power an interim government which is trying to promote a policy of limiting the rights of ethnic minorities, including the Romanian intention to block the intervention of the international community. An extremist current that takes advantage of the turmoil in the East, has made its faith heard for some time in the Ukrainian press.<sup>9</sup>

The Security Council has many meetings, but fails to take a position over Ukraine's situation.<sup>10</sup>

The UN General Assembly has adopted a resolution entitled "Territorial integrity of Ukraine" that does not recognize the referendum for independence of Crimea and Sevastopol nor Crimea and the Russian Federation reunion.<sup>11</sup>

---

<sup>8</sup>The Moldovan experts have called for a new format of negotiations that would alter the current framework of "2 plus 3"; the architecture of the proposed format is "3 plus 3", which precludes the Transnistrian authorities and includes the EU, the USA and Romania. See, Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *op.cit.*, 246.

<sup>9</sup>Romania does not give up to its claims over a portion of the territory which is now in Ukraine, says a report of the Center for civil society issues in Kiev, quoted by Novyi Rezhion. "The normal development of interstate relations is hindered by the tendentious exploiting of some historical problems made by the officials in Bucharest, primarily talking about the national-territorial membership of Northern Bukovina, Herta and Hotin territories and the Ismail region in Basarabia. See Cornelia Roșoga, *Ucraina fears România while Rusia is working on disruption*, Evenimentul Zilei, 30-10-2008. The Ukrainians in Romania have automatic representation in the Parliament of Bucharest and Tymoshenko does not even recognize the existence of Romanians in Ukraine. See *Romania represents a greater danger for Ukraine than it does for Russia*, 22-10-2008.

<sup>10</sup>The Russian Federation's representative reiterated that his country had not implemented the use of force, but the Ukraine's takeover by radical extremists was breeding serious risks, and his country was concerned about the rights of minorities. See also *Meeting this afternoon to consider the situation in Ukraine*, Security Council members had before them a letter from that country's delegation addressed to the Secretary-General (document S/2014/136). See also the Security Council on the situation in Ukraine, 3 March 2014 SC/11305.

<sup>11</sup>By a vote of 100 in favor to 11 against, with 58 abstentions, the Assembly adopted the resolution entitled "Territorial integrity of Ukraine" (document A/68/L.39). Assembly Adopts Resolution Calling upon States Not to Recognize Changes in Status of Crimea Region, Sixty-eighth General Assembly, 80th Meeting (AM), GA/11493.

NATO's relations with Russia after a beneficial dialogue, cooperation and development (1991-2008),<sup>12</sup> are suspended due to events in Georgia (2008-2009) resumed and suspended due to events in Ukraine in 2014.<sup>13</sup>

The EU relations with Ukraine are subordinated to a political association and a gradual and economic integration.<sup>14</sup> EU-taking into consideration the deterioration of the situation in Ukraine has adopted a series of sanctions and restrictions, sending a civilian mission to strengthen the operative rule of law<sup>15</sup> on 1 December 2014, and supports the OSCE activities in this country.

The EU gets involved for the de-escalation of the crisis in Ukraine through a multilateral mechanism, but also by a series of penalties. A series of sanctions has been adopted including: the suspension of bilateral negotiations: a New EU-Russia Agreement, for the G8 Summit preparations in Sochi preparations, the accession to the OECD and the International Energy Agency, the granting of visas.<sup>16</sup> A couple of cooperating programs are revalued, and a number of restrictions are established.

The EU did not respond to Ukraine's request to announce a list of sanctions to be imposed on Russia if it crossed another "red line", in particular if it dares to capture the city of Mariopol.<sup>17</sup> "European capitals should finally understand that it is impossible to stop the creeping Russian aggression with the policy of appeasement, demanding from Kyiv the unilateral implementation of peace agreements in the Kremlin's interpretation. Only the preventive measure in the form of a clear list of severe sanctions able to collapse the Russian economy might force Moscow to refrain from crossing another *red line*."<sup>18</sup>

In general the EU position on Russian aggression becomes increasingly weak.<sup>19</sup>

Moscow demands from Kyiv to unilaterally implement the Minsk agreements in the Kremlin's interpretation, namely, to launch a 'political dialogue' with separatists, to federalize Ukraine through the constitutional reform, and to restore budget funding of separatist regions. Under the threat of attack, these requirements looks more like an ultimatum, and Berlin and Paris put pressure on Kyiv, hoping that new concessions to Moscow would prevent the

---

<sup>12</sup> A framework for development is created by: The North Atlantic Cooperation Council/The Euro-Atlantic Partnership Council (1991), the NATO-Russia Act on Mutual Relations (1997), Cooperation and Security, the Rome Declaration (2002) on "NATO-Russia relations: A New Quality", which established the NATO-Russia Council.

<sup>13</sup> The suspension of the practical cooperation between NATO-Russia within the NATO Council but also under the aegis of the Euro-Atlantic Partnership Council (EAPC) and the Partnership for Peace (PfP), and the continuation of the political dialogue only within the embassies and higher, as needed.

<sup>14</sup> See the European Neighborhood Policy (ENP), the Eastern Partnership (EaP), the political provisions of the Association Agreement.

<sup>15</sup> The EU Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM).

<sup>16</sup> First suspended bilateral talks with the Russian Federation on visa matters and discussions on the New (EU-Russia) Agreement

<sup>17</sup> "Another escalation and large-scale offensive of separatists on Mariopol will not remain unanswered with the European Union", German Foreign Minister Frank-Walter Steinmeier.

[http://wyboreza.pl/1,75477,17819746,Berlin\\_demonstruje\\_jak\\_scisle\\_sawiezi\\_z\\_Warszawa.html](http://wyboreza.pl/1,75477,17819746,Berlin_demonstruje_jak_scisle_sawiezi_z_Warszawa.html).

<sup>18</sup> Foreign Policy Research Institute, *International weekly* # 7 (17.04.2015 — 01.05.2015).

<sup>19</sup> Commenting on the possibility of arms assistance to Ukraine, the EU ambassador to Russia Vygaudas Ušackas called it a risky idea, adding that: "We must admit that we do not go to war and die for Ukraine." <http://ru.delfi.lt/news/politics/posol-es-v-rossii-my-ne-pojdem-voevat-i-umirat-za-ukrainu.d?id=67633740>.

Being no longer burdened by diplomatic etiquette, former Polish president Aleksander Kwasniewski said that "any form of the EU military intervention is out of the question." Answering the question if the EU was ready to turn a blind eye to the annexation of Crimea, Mr. Kwasniewski said: "You are right, it is. This is a problem of compromise between values and real politics." <http://www.eurointegration.com.ua/interview/2015/04/9/7032776>. Speaking to the Sofia-based TV channel, Bulgarian prime minister Boyko Borisov has criticized Berlin and Paris for the "swallowing" the annexation of the Crimea and not even mentioning this issue in Minsk agreements. <https://euobserver.com/beyond-brussels/128238>.

resumption of large scale hostilities. Thus the EU exactly repeats its own mistakes made after the first Minsk arrangements, unilateral fulfilment of agreements from Kyiv and turned a blind eye on Russia's military building.<sup>20</sup>

In the case of the civil war in Ukraine, the efforts of mediation sanctions and negotiation have made certain steps, on the initiative of Germany and France, complemented by the OSCE.

The start of OSCE mission in Ukraine<sup>21</sup> was at Ukraine's request followed by the deployment of two checkpoints at the Ukrainian-Russian border,<sup>22</sup> in accordance with the previous agreements.<sup>23</sup>

Thus, the Protocol in Minsk<sup>24</sup> negotiated in a trilateral format, "The Trilateral Contact Group" - the President Poroshenko, President Putin, the Swiss Foreign Minister and the OSCE Representative Didier Burkhalter<sup>25</sup> based on "the plan for peace" of President Poroshenko and President Putin "initiatives" refers, *inter alia*, to some very important issues: ceasefire; the verification of ceasefire by the OSCE Monitoring Mission; decentralization of power; monitoring of the border between Ukraine and Russia and the creation of a security zone along the border; the release of the war prisoners and those detained; the amnesty for the persons involved in the separatist incidents of Donetsk and Luhansk; promoting national dialogue; improving the humanitarian situation; anticipated poll elections in Donetsk and Lugansk; the withdrawal of illegal armed groups, heavy weapons and mercenaries in Eastern Ukraine; economic recovery in Donbas; ensuring the safety of the individuals participating in the negotiations.

It is pointed out that it is an important step for de-escalation of the crisis and to promote national dialogue if requested by the Ukrainian authorities.<sup>26</sup>

In the joint statement the participants of the summit EU-Ukraine condemned the "acts of aggression by the Russian armed forces" and stressed the non-recognition of Russia's annexation of Crimea.<sup>27</sup> That means that the EU has grown ripe to talk about the fact of Russian aggression, but it is not ready yet to officially name Russia the aggressor state (while it is clear that Russian armed forces could not launch aggression without the order from Moscow). The parties also expressed their support for the Minsk agreements and for the efforts of the Normandy format, thus actually authorizing Berlin and Paris to be the EU representatives at peace talks.<sup>28</sup>

<sup>20</sup> Foreign Policy Research Institute, *International weekly* # 7 (17.04.2015 — 01.05.2015).

<sup>21</sup> The OSCE Special Monitoring Mission to Ukraine, Decision No. 1117 of 21 March 2014. The Mission is headed by the Chief Monitor, Ambassador Ertugrul Apakan of Turkey. The Chief Monitor is assisted by two Deputy Chief Monitors, Mark Etherington of the United Kingdom and Alexander Hug of Switzerland.

<sup>22</sup> Decision no. 1130 deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border.

<sup>23</sup> The Joint Declaration made in Berlin on 2 July 2014.

<sup>24</sup> *Protocol on the results of consultations of the Trilateral Contact Group*, signed in Minsk, 5 September 2014 implementation of President Poroshenko's Peace Plan and of President Putin's initiatives. See also *Memorandum of September 19 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014*.

<sup>25</sup> OSCE Chairperson-in-Office and Swiss Foreign Minister.

<sup>26</sup> See Chairperson-in-Office welcomes Minsk agreement, assures President Poroshenko of OSCE support, BERN, 5 September 2014, <http://www.osce.org/cio/123245>.

<sup>27</sup> At the conference President Poroshenko urged to invest more in Ukraine, and Prime-minister Yatsenyuk requested to increase financial aid, stressing that a nuclear power was waging war against Ukraine (not the most attractive information for investors). After all, it was not reported at the conference about any considerable investment projects, but was said about the financial assistance, mostly in the form of loans and grants. The EU promised additional €1.8 billion, Germany offered prospects of €1.4 billion, and the U.S. promised \$1 billion in the nearest future and the same amount at the end of the year being subject to successful reforms. The issue of previously promised funds for the restoration of Donbas was postponed till the stabilization of the situation in the region. See <http://www.president.gov.ua/en/news/32762.html>.

<sup>28</sup> Foreign Policy Research Institute, *International weekly* # 7 (17.04.2015 — 01.05.2015).

A possible development of the negotiations in addition to OSCE monitoring is about to develop in the future through "The so-called Normandy Format."<sup>29</sup> In December 2014, Normandy Format agreed to carry out two meetings of the "Trilateral Group of Contact" with representatives of the regions of Donetsk and Luhansk concerning – ceasefire, implementation of the disengagement plan, the release of prisoners and detained persons, granting humanitarian aid.<sup>30</sup>

The outbreak of the Ukrainian crisis might represent a new opportunity for OSCE to play a neutral role within the tensioned relations between the West and Russia.

The OSCE missions in Kosovo, Georgia and Moldova brought a specific contribution to assess the situations of these states. Other OSCE missions were preoccupied with the status of certain ethnic groups, the Russians in the Baltic states and the Tartar's electoral representation from Crimea.

Because of its status with serious political and military limitations, OSCE signed several agreements on territorial disputes (the regime of Nagorno-Karabakh region by means of an Armenia-Azerbaijan agreement), the status of the ethnic minorities (the regime of the Serbs in Kosovo) and the consolidation of democracy (Albania, Bosnia and Herzegovina, Croatia, Kosovo).

Eloquent but disputed examples<sup>31</sup> – the conflict between Moldova-Transnistria and the mission in Chechnya (1995-2003).

The status of Crimea and the civil war in Eastern Ukraine are hot issues on the international agenda which OSCE can activate itself to, and carry out specific activities to its role. The arrival of a new frozen conflict in Ukraine will bring costs<sup>32</sup> which will be reckoned only through the de-escalation of the crisis and a compromise by the acceptance of de facto control of Russia over Crimea in exchange for the reintegration of the East in Ukraine.

In the first place, by it will be establishing a formal framework for discussion between the struggling sides in the process from Minsk. "Russia does not possess enough resources for the full-scale occupation of the entire Ukrainian territory; therefore the Kremlin continues applying the "salami" strategy, cutting off one by one the areas of Donbas region. Such strategy gives Moscow an opportunity to avoid tougher Western sanctions, and Russia was not punished at all for the seizure of Donetsk airport territory and Debaltseve city."<sup>33</sup>

---

<sup>29</sup> The leaders of Ukraine, Russia, Germany and France.

<sup>30</sup> *Minsk talks must resume to rapidly advance peace efforts, Swiss Chair says*, Bern, December 26, 2014, <http://www.osce.org/search/pages/Minsk%20Protocol>

<sup>31</sup> At the 2007 Munich Security Conference, Russian president Vladimir Putin asserted, "[Western countries were] trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries. And this task is also being accomplished by the OSCE's bureaucratic apparatus, which is absolutely not connected with the state founders in any way." [http://www.nkrusa.org/nk\\_conflict/osce\\_minsk.shtml](http://www.nkrusa.org/nk_conflict/osce_minsk.shtml). (accessed December 21, 2014).

<sup>32</sup> pseudo-state 'Novorossiya' (New Russia). [http://www.nkrusa.org/nk\\_conflict/osce\\_minsk.shtml](http://www.nkrusa.org/nk_conflict/osce_minsk.shtml). (accessed December 21, 2014).

<sup>33</sup> Foreign Policy Research Institute, *International weekly* # 7 (17.04.2015 — 01.05.2015).

## THE MINSK-2 AGREEMENT (M2A)

“The Normandy format” – Russia, Germany, France<sup>34</sup> and Ukraine – can supervise the compliance and the implementation of the Memorandum on the 20<sup>th</sup> of September 2014 by the special monitoring mission in Ukraine.<sup>35</sup>

“Kyiv should also keep in mind that Berlin and Paris have neither capacity nor intention to study all the details of conflict development, and being the political guarantors of the Minsk agreement they do care for the formal aspect of its implementation.”<sup>36</sup>

The OSCE Mission in Ukraine deployed observers in the buffer zone between the government and the rebel forces. “The time is working against Ukraine, and therefore Kyiv should use it more efficiently by focusing efforts on the most important directions and abandoning the unpromising ones. In particular, it hardly worth expending efforts on promoting the idea of international peacekeeping mission for Donbas, given that Western partners lack the political will to send the EU mission without a UN mandate; and it is hopeless to count on positive decision of the UN Security Council due to the Russia’s position. Therefore it makes sense to pay more attention to intensification the OSCE mission, including the extending of its mandate and increasing of its technical capacities and number of personal. Despite all the disadvantages, the OSCE Special Monitoring Mission is currently the only possible option.”<sup>37</sup>

The Minsk Agreement contains necessary regulations for a cease-fire action but it does not contain the capability to stop its violations by imposing measures, and the infringement of a cease-fire action can be imputed without the implication of a mechanism to impose compliance with the regulations of the agreement.<sup>38</sup> Ongoing attacks of separatists at the areas to the north of Mariupol as well as statements of militants’ leader Alexander Zakharchenko about possible surround of the city indicate that Russian plan might envisage simultaneous attacks at Mariupol from the north and east.<sup>39</sup>

<sup>34</sup> As a signalling ‘coincidence’ might be considered the fact that only three days before the Berlin meeting the French side released a transcript of the parliamentary hearings of 25 March, when director of French Military Intelligence (DRM) General Christophe Gómara said that his service did not revealed the presence of Russian troops in Donbas as well as the evidences of Russia’s preparations for invasion. <http://www.assemblee-nationale.fr/14/cr-cdef/14-15/c1415049.asp>.

<sup>35</sup> Russia should be also pleased with the position of the OSCE representatives, who took part in Berlin meeting and stated that “both sides” violate ceasefire. Inexplicably they did not clarified which side was first to begin fire as well as what Ukrainian troops should do when being shelling by separatists. The OSCE representatives also ‘forgot’ to mention that separatists had opened fire towards the SMM patrol on the outskirts of Shyrokyne, near Mariupol, on 7 April 2015, as it was noted in Spot report by the OSCE Special Monitoring Mission. Therefore the Berlin Agreed Statement “called on all sides to stop fighting”, thus actually accusing both separatists and Ukrainian troops of the truce violations. The Special Monitoring Mission to Ukraine. The Belarusian president Alexander Lukashenko said, “[This is] one of the few occasions when the OSCE has played exactly the role for which it was created, and has made a concrete contribution to regional peace and security.” See also Edwin Bakker and Hinke Pietersma, “The OSCE in Search of a Meaningful Reform Agenda”, *Atlantisch Perspectuf* 29, no. 78 (2005), 2.

<sup>36</sup> Moscow skilfully takes advantage of such situation and assures its European partners as if separatists are fulfilling their obligations by officially declaring a cease-fire and reducing the intensity of shelling. At the same time the Kremlin insists as if Kyiv sabotages its commitments to the political and economic settlement of the conflict. Judging by the latest ‘Normandy’ Quartet’s statement, Moscow has so far managed to impose its vision on Berlin and Paris. Foreign Policy Research Institute, *International weekly* # 6 (02.04.2015 — 16.04.2015).

<sup>37</sup> Foreign Policy Research Institute, *International weekly* # 6 (02.04.2015 — 16.04.2015).

<sup>38</sup> “Following an extensive six hour discussion between US Secretary of State John Kerry, Russian Foreign Minister Sergey Lavrov, and President Putin, Kerry stressed that any Ukrainian efforts to seize the Donetsk Airport through force would violate the Minsk Protocol and would face strict opposition from Washington.” *Sputnik International*, <http://sputniknews.com/politics/20150512/1022049994.html>

<sup>39</sup> <http://www.pravda.com.ua/news/2015/04/16/7064949>. Other potential areas of aggression, where Russian-separatist forces most actively test the strength of Ukrainian defence by constant shelling, are the following: Schastya village to the north of Luhansk city; Pisky village to the north of Donetsk city; and the area to the north

The cease-fire action provides a period of time for diplomatic negotiations, but also possible certain tactical advantages which doesn't mean the extinction of the crisis. On the other hand, the OSCE members deployed in Eastern Ukraine can have a valuable contribution regarding data collection and information on the parties involved in the current crisis.

„The Obama Administration now had slammed Poroshenko down on the key issue of whether to resume the war against Ukraine's former Donbass region, and also slammed him on whether Ukraine should invade Crimea, which is Russian territory and would therefore mean a war against the Russian armed forces.”

The issue of international peacekeepers for Donbas were not even mentioned in the text of the Agreed Statement (13 April 2015), and according to the DW report, this issue "was not substantively discussed."

“The "political process", economic and humanitarian issues are exactly the requirements on which Russian side insisted the previous weeks, implying the amendments to Ukrainian Constitution with the legitimization of self-proclaimed separatist 'republics' in Donbas and the restoration of their funding by Kiev. Including of the main Kremlin's requirements to the Agreed Statement even without causing them with the full implementation of ceasefire, gives grounds to believe that Berlin and Paris put a pressure on Kyiv persuading it to agree on those point.<sup>40</sup>

“Obama is on-board with the “Plan B” for Ukraine, which Francois Hollande and Angela Merkel had put into place, the Minsk II Agreement, which brought about the present ceasefire, which now has become clearly the utter (even accepted by Kerry) capitulation of Obama's Plan A on Ukraine, which plan Nuland had been carrying out.”<sup>41</sup>

---

of Horlivka city, especially towards the road to the Artemivsk city. Foreign Policy Research Institute, *International weekly* # 7 (17.04.2015 — 01.05.2015).

<sup>40</sup> So it is not surprising that Sergei Lavrov was pleased with the results of the meeting, calling it "useful", Ukrainian minister Pavlo Klimkin described the meeting as "difficult." Foreign Policy Research Institute, *International weekly* # 6 (02.04.2015 — 16.04.2015).

<sup>41</sup> Obama's message in this, through Kerry, to Ukraine's President Poroshenko, and indirectly also to Ukraine's Prime Minister Yatsenyuk (the leader whom Nuland herself had selected), is: we'll back you only as long as you accept that you have failed our military expectations and that we will be stricter with you in the future regarding how you spend our military money. We're getting in line now behind the Hollande-Merkel peace plan for Ukraine. See Obama Gave Up on Ukraine, Press Simply Ignored It, May 12th 2015, <http://rinf.com/alt-news/featured/obama-gave-up-on-ukraine-press-simply-ignored-it/>



## REFERENCES

1. Assembly Adopts Resolution Calling upon States Not to Recognize Changes in Status of Crimea Region, Sixty-eighth General Assembly, 80th Meeting (AM), GA/11493.
2. **Bentley David and Oakley Robert**, „Peace Operations: A Comparison of Somalia and Haiti”, in *Strategic Forum*, nr.30, June, 1995, National Defense University, Institute National for Strategic Studies, Washington, D.C.
3. **Buzan Barry**, *People, states and fear: The national security problem in international relations*, Chapel Hill: University of North Carolina Press, 1983.
4. **Cochrane Richard**, “Libya's political rivals compete for oil revenues”, *Jane's Intelligence Review* 27.1, Jan 1, 2015).
5. Cotonou Peace Agreement, UN documents S / 26272.
6. **Crocker Chester A., Hampson Fen Osler, and Aall Pamela**, *Taming Intractable Conflicts: Mediation in the Hardest Cases* (Washington, D.C.: United States Institute of Peace Press, 2004).
7. **Duță Paul, Chiriță Mihai, Panait Ion**, *Globalization and the African continent: security issues*, Techno Media, Sibiu, 2008.
8. **Duță Paul, Frunzeti Teodor, Panait Ion**, *Operațiuni și misiuni OSCE. Studiu de caz: Moldova*, Tehno Media, Sibiu, 2008.
9. **Duță Paul**, *Security Institutions. The general part*. Sibiu, 2006, ed. Techno Media.
10. **Ho-Won Jeong**, *Human Security and Conflict*. George Mason University. <http://www.gmu.edu/academic/hsp/Jeong.html>.
11. ICISS, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa: International Development Research Council" (2001).
12. Foreign Policy Research Institute, International weekly # 6 (02.04.2015 — 16.04.2015).
13. Foreign Policy Research Institute, International weekly # 7 (17.04.2015 — 01.05.2015).
14. Jane's Islamic Affairs Analyst 14.10, *Militant menace - Algeria responds to turbulence in the Sahel*, December 1, 2014.
15. **Keohane Robert O.** (ed.), *Power and governance in a partially globalized world*. New York: Routledge, 2009.
16. **Krasner Stephen D.** (ed.), *International regimes*, Ithaca: Cornell University Press, 1983.
17. **Loqman Radpey**, “The Legal Status of the Kurdistan Regional Government (KRG) in International Law” *The Journal of Social, Political, and Economic Studies* 39.4 (Winter 2014).
18. **Macfarlane Neil**, The Responsibility to Protect: is Anyone Interested in Humanitarian Intervention?, *Third World Quarterly*, 2004, Vol.25, No.5.
19. Memorandum of September 19 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014.
20. **Mikio Oishi**, ”In Search of an East Asian Way of Conflict Management: Three Regional Cases,” *the International Conference on "China, ASEAN and the Changing Context of East Asian Regionalism*, 5-6 December 2012 at the Institute of Graduate Studies, University of Malaya, Kuala Lumpur, Malaysia.
21. *Minsk talks must resume to rapidly advance peace efforts, Swiss Chair says*, Bern, December 26, 2014, <http://www.osce.org/search/pages/Minsk%20Protocol>.
22. **Moon Chung-in**, "The six-party talks and building a nuclear-free Northeast Asia", East Asia Forum, 20th May 2012, <http://www.eastasiaforum.org/2012/05/20/thesixpartytalksandimplicationsforanortheastasianuclearweaponsfreezone>.
23. *Obama Gave Up on Ukraine, Press Simply Ignored It*, May 12th 2015, <http://rinf.com/alt-news/featured/obama-gave-up-on-ukraine-press-simply-ignored-it/>
24. **Psaki Jen**, U.S. Welcomes Robust UN Electoral Observation Mission to Burundi, African Press Organization (APO) -- Press Statement, Washington, DC, January 7, 2015.
25. **Remarks Kerry John**, Secretary of State, press conference Sochi, Russia, May 12, 2015. <http://www.state.gov/secretary/remarks/2015/05/242214.htm>
26. **Smith Amy L. and Smock David R.** *Managing a mediation proces*, United States Institute of Peace, Washington, DC, 2008.
27. The Chairperson-in-Office welcomes Minsk agreement, assures President Poroshenko of OSCE support, BERN, 5 September 2014, <http://www.osce.org/cio/123245>.
28. The Rome Declaration on "NATO-Russia relations: A New Quality" (2002).
29. The NATO Summit in Washington (April 24, 1999).
30. The NATO-Russia Act on Mutual Relations (1997).

31. The North Atlantic Cooperation Council/The Euro-Atlantic Partnership Council (1991).
32. *The Protocol on the results of consultations of the Trilateral Contact Group*, signed in Minsk, 5 September 2014 implementation of President Poroshenko's Peace Plan and of President Putin's initiatives.
33. The Security Council, Meeting this afternoon to consider the situation in Ukraine, S/2014/136.
34. The Security Council, The Security Council on the situation in Ukraine, 3 March 2014 SC/11305.
35. U.S. House of Representatives, Foreign Affairs Committee Passes Ukraine Resolution - Calls for Russian Sanctions. (Mar 6, 2014).  
<http://foreignaffairs.house.gov/markup/markup-h-res-499-condemning-violation-ukrainian-sovereignty-independence-and-territorial>.