

THE EUROPEAN UNION AND THE ‘NEW WAR’ FROM ITS EASTERN BORDERS

Miruna TRONCOTĂ*

Abstract: *There is enough evidence to claim that since 2014 a new type of war is waged in Ukraine, which is novel in terms of methods, strategies, tactics, and level of human sacrifice. It is an ongoing discussion between experts, scholars and policy makers whether the Ukrainian crisis showed the limits of the European Union’s (EU) approach to conflict resolution, or, on the contrary, it served as a chance to redesign its approach towards its neighbourhoods and refine its instruments in order to more efficiently contain conflicts under the leadership of Federica Mogherini. The aim of the article is to identify the characteristics of the ‘New War’ paradigm in the context of recent political developments after the annexation of Crimea and the ongoing open conflict in Eastern Ukraine. The purpose of this paper is to reveal both the conceptual clarity of this theoretical paradigm, against its critics, but also to emphasise its policy importance for strengthening EU conflict resolution strategies. The article also points to the fact that after the wide process of reviewing the European Security Strategy conducted between 2015 and 2016, the EEAS finally launched a new approach in dealing with EU troubled neighbourhoods, which contains numerous elements borrowed from the ‘new war’ paradigm and the concept of human security.*

Keywords: *conflict resolution; European Union; New War; Russia; Ukraine*

Introduction

Recent developments in Eastern Europe brought a new set of risks to the European security, with a combination of state and non-state actors that challenged the post Cold war order and the international law. The annexation of Crimea and the ongoing war in Ukraine reheated the existing debates in the literature on the general principles of international law, such as the right to self-determination, the legitimacy of external intervention and the international responsibility of the states, the illegal character of acquiring territories by force, ‘the new cold war’ paradigm and others. Numerous scholars and analysts (Umland, 2016; Hug, 2015), but also recent official documents (EEAS, 2015; 2016) confirm that EU’s strategic

* Postdoctoral Researcher, Department of International Relations and European Integration, SNSPA, Bucharest, Romania, e-mail: miruna.troncota@dri.snspa.ro



environment has radically changed starting with 2014. Part of this change depends on identifying the correct definitions of the events taking place in Eastern Ukraine – either as war understood as external aggression, or as civil war. Reviewing EU conflict resolution policy in Ukraine depends on this distinction because EU needs to be very nuanced, accurate and coherent in order to fulfil its goals of containing this conflict.

As such, the analysis aims to revisit the concept of the ‘New War’ developed after the war in Bosnia and Herzegovina (BiH), and subsequently applied on the interventions in Afghanistan and Iraq by Mary Kaldor. The article tries to identify the main features of a ‘New War’ in Ukraine, particularly after the annexation of Crimea and the first violent events of the rebels in Eastern Ukraine (2014-2016). Accordingly, the two main research questions this paper seeks to address are the following – (1) Are we witnessing the features of a ‘new war’ in Ukraine? and (2) What is the policy relevance of this ‘new war’ for the EU? The purpose is to reveal both the conceptual clarity of the ‘new war’ paradigm, against its critics, but also to point to its policy importance for strengthening EU conflict resolution strategies as reflected in the new EU Global Strategy presented by Federica Mogherini in June 2016. In the end, the article points to the fact that after the wide process of strategic review conducted between 2015 and 2016, the EEAS launched a new approach, which shows a series of characteristics which fit the ‘new war’ paradigm and its cosmopolitan solutions.

The article is organised as follows: in the first section, the scope is to bring a conceptual clarification of the ‘the new war paradigm’ in the view of the latest edition of Mary Kaldor’s book (1999/2012) and articles (2013) on the topic. In the second section the article discusses the particular events which occurred in Ukraine starting with 2014 until spring of 2016. The third section analyses the actuality of Mary Kaldor’s concept of ‘New Wars’ to assess the conflict in Ukraine. In the final section the article sums up the main findings and tries to determine the policy implications of a ‘New War’ taking place in Ukraine, in the context of EU’s Global Strategy review and more recent contributions of Kaldor (2015a, 2015b) on the situation in Ukraine. The final part reflects on the usefulness of the concept in determining EU policy changes towards the conflict.

1. The New War Paradigm – a Synthesis of Mary Kaldor’s View

“War, as we have known it for the last two centuries, may, like slavery, have become an anachronism. National armies, navies and air forces may be no more than ritual vestiges of the passing nation-state”.

(Kaldor, 2012, p. 201)

In the quarter of a century that has passed since the fall of the Soviet Union, the world has experienced a rising number of civil conflicts. In this context, the IR literature of the last two decades has been dominated by the idea that the mass



armed violence in the Post Cold War period represents an entirely new type of war. Various competing explanations were proposed to explain this changing nature of warfare. By the late 1990s several scholars were arguing for a distinction between 'old wars' and 'new wars'. The literature focusing on 'New Wars' has generated a broad-ranging debate about the character of contemporary conflict and it is worth looking at its main points in the context of recent events threatening EU Eastern borders. Thus, the theoretical framework of the article will rest upon Kaldor's most recent perspective in advancing the fact that 'New Wars' should be understood not as an empirical category, but rather as a way of elucidating "the logic of contemporary war that can offer both a research strategy and a guide to policy" (Kaldor, 2013, p. 1).

The period of time with the highest number of civil conflicts was between 1989 and 1992, which reflects the number of new conflicts associated with the break-up of the Soviet Union and Yugoslavia at the end of the Cold War. Focusing particularly on these events and further on the interventions in Iraq and Afghanistan, political scientists as Mary Kaldor (1999; 2012; 2013) and social theorists such as Zygmunt Bauman (2001, 2002) have been at the forefront of 'the New War paradigm'. A number of other terms were used in the literature - wars among the people, wars of the third kind, hybrid wars, privatized wars, post-modern wars (Holsti, 1996; Rice, 1988; Snow, 1996; Van Creveld, 1991) – nevertheless, the term 'new' proposed by Kaldor which was the most used and subsequently gained pre-eminence. Those scholars who argue for a distinction between 'Old' and 'New Wars' provide detailed and compelling descriptions of the changing nature of warfare (Duffield, 2001; Kaldor, 1999/2002; Kaldor and Vashee, 1998; Snow, 1996). In short, proponents of the 'New War' thesis argue that today's conflicts are fuelled by violence in the absence of strong states, and they motivated by financial greed, exclusive identities, resulting in increased battle cruelty, with high civilian death and displacement. Sociologists see this transformation of warfare as a symptom of larger societal changes under the transformative power of economic globalization. The so-called 'liquid modernity' generates new forms of insecurity, fears and constant threats that are extraterritorial and which cannot be contained or resolved within the framework of nation-states (Bauman, 2000; 2006). Rather, the space within which conflict is staged is open and fluid, with adversaries in a state of permanent mobility and with provisional military coalitions.

Because of space constrictions, out of these complex theoretical debates about the essence of war in the Post Cold War period, this paper focuses mainly on the works of Kaldor, one of the leading scholars in this field¹. The main analytic strategy of this paradigm aims to dwell on the scope, methods, tactics, strategies,

¹ The other reason for following the evolution of her theory is that in the past two decades she conducted field research and policy analysis, while adapting its concepts for scrutinizing recent global conflicts (see Kaldor, 2015b).

forms of war, and / or the level of atrocity which is calculated in terms of casualties. Kaldor's contribution mainly points to the problems of representing and addressing mass armed violence in this 'new' post Cold War order. She coined this term in the 1990s, based on her observations of the war in Bosnia. This 'new' model of wars' is described by Kaldor, on the one hand, as a result of the state's increasing loss of monopoly over armed violence and, on the other hand, of decolonization. In this context the focus on the end of federal entities such as former Soviet Union and former Yugoslavia is particularly suitable in the context of the impact of the Ukrainian crisis. The article shall briefly discuss in the following part the changes that Kaldor claims to have occurred in the nature of warfare since the 1990s. Arguably, those changes are relevant for the situation in Ukraine after the annexation of Crimea.

In a nutshell, the 'New War'/postmodern thesis aimed at destabilizing some of the basic oppositions to 'Old Wars'/modern thinking (between for example inter- and intra-national, civilian and combatant, battle and massacre). A series of determining factors were identified as the triggers of new forms of waging war such as - the increasing salience of identity, the transformation of war economies and the end of the bipolar world order of the Cold War. This is the way to legitimize criminal activity to be accepted during a war. She considers that 'new wars' are not connected to 'traditional' political goals and that is why most violence is directed against civilians for political ends. Those elements are thought to produce a fundamental shift in the nature and human impact of warfare. It is important to mention that there is a conceptual part of the argument (referring to the main features which differentiate 'new' from 'old' wars and ways to identify them in several case studies) and a quantitative dimension of the discussion, referring to the rising number of civilian casualties and forced displacement as a specific marker of these 'new wars'. This aspect of the rising number of civilian casualties would also be an indicator discussed in the analytical section of the article.

One of the core theoretical arguments refers to the effects of globalization on state strength. Kaldor argued that this shift in the nature of warfare has occurred in the post-Cold War period, affecting the types of actors involved in wars, their goals, means of finance and military conduct. All these characteristics of 'new wars' are associated with weak states. Overall, there are five key features emphasised across Kaldor's work that serve to distinguish the key features of 'new wars' from 'old wars' which can be summarised as changes in actors, methods, financing, goals and logic (Kaldor, 2013, p. 2).

First, actors in new wars are described as 'decentralised networks' of state and non- state actors (Kaldor, 2013). As Mary Kaldor has described them, those conflicts have not only been notable for their brutality, but also for the fact that they have largely diminished the distinctions between civilians and combatants, soldiers and non-soldiers. Unlike 'old wars', 'new wars' are thought to blur modern distinctions between internal and external, public and private, political and



economic, civilian and military and even war and peace itself (Holsti, 1996, pp. 36–40; Kaldor, 2002, p. 29). This variety of actors makes it difficult to distinguish between combatants and civilians and may include government forces, paramilitaries or militias, mercenaries and private contractors, jihadists, warlords and others (Kaldor, 2013, p. 161). Furthermore, these actors may alternatively combat or cooperate with one another. This is contrasted with the conceptualisation of 'old wars' where actors are principally the regular armed forces of states (Kaldor, 2013, p. 2). From her perspective these manifestations represent a victory of exclusive forms of social organization (like religion, language and ethnicity) over 'inclusive' and modern ones (like nationalism, democracy and socialism).

Second, the methods of new wars focus on the political control of civilian populations through the spreading of 'fear and hatred', using methods of population expulsion, such as forced removals, ethnic cleansing or genocide (Kaldor, 2013). This means that violence is mainly targeted towards civilians, who can be either recruited for the cause or just killed. This is contrasted with 'conventional warfare' where the main method of operation is capturing territory through military force (rather than political means), with battles between opposing militaries being the decisive encounter (Kaldor, 2012, p. 2).

Finally, the goals of new wars are defined by the so-called 'identity politics', which have the ultimate aim of attaining political power for specific, exclusive groups rather than for 'the public interest' (Kaldor, 2012, p. 2). This is presented as part of a broader emerging divide between inclusive, universalist, cosmopolitan and exclusive 'particularism' brought about by globalisation and greater global connectivity. This is contrasted with 'old wars' where the ultimate goals are geopolitical and ideological, seeking to expand control over territory or spread specific ideological ideals. Moreover, Kaldor also underlined the increasing salience of identity in politics brought by postmodernism, in the context of the demise of hierarchical systems of order. These systems include both nation-states and the wars waged among them and their interaction with non-state actors who became more vocal and claim political legitimacy for their actions against the state (Kaldor, 2012). Another important feature of those types of conflicts is their lack of legitimacy: "New Wars not only are human rights violations but they also violate international humanitarian law, so they are totally illegitimate" (Kaldor, 2015a).

Most critiques of the 'New War' thesis have prompted a theoretical debate about whether the concept of war has changed in such a fundamental way as the theory states, but they also criticized the evidence used by Kaldor. In her most recent response entitled 'In Defence of New Wars' she argues that criticisms of the 'newness' of new wars 'miss the point' insofar as she uses the term as a way of highlighting the need for new policy perspectives and analysis of wars in a way which avoids 'old' assumptions about the nature of war and conflict, rather than a simple description of an empirical difference in the nature of war (Kaldor, 2013, p. 4). In the most recent edition of the book, inside an added chapter she draws attention on the claims she did not make in the initial version of the book such as



the identification of new wars with civil wars, the claim that they are only fought by non-state actors and only motivated by economic gain, or that they are deadlier than earlier wars (Kaldor, 2012, pp. 202-221). Those explanations prove to be very insightful in the present discussion.

Critics to the ‘New War’ concept have argued that, contrary to Kaldor’s thesis, the human impact of civil conflict is considerably lower in the post-Cold War period (Melander *et al.*, 2009). They showed that there is an increasing rarity of superpower campaigns of destabilization and counter-insurgency through proxy warfare at the level of the year 2009 when they wrote their article. Melander *et al.* (2009, p. 6) have criticized Kaldor’s quantitative evidence to support her argument, by stating that “the ‘new wars’ thesis exaggerates the human impact of civil war motivated by identity politics, that it misreads the effects of an increasingly globalized economy on the government side in civil conflict, and that it misjudges dispel some of the remaining myths about ‘new wars’”.

Moreover, Kaldor’s definition was also heavily criticized for being ‘overstretched’ in a way that could make all contemporary conflicts fit her definition (Mueller, 2004) and that would make it inoperable to empirical research. This counterargument is based on the fact that the border between ‘old’ and ‘new’ war is rather blurred and empirical differences between the two can be hard to find. However, such critiques seem not valid anymore, since Russia’s actions in Ukraine brought back in the forefront of discussions the concept of ‘new war’. The scope of this article is to test Kaldor’s argument and offer evidence referring to the rise of civilian victims in the Ukrainian conflict, with a reported number of 3 million civilians in the conflict zone (ONCHR, 2016) which empirically validates at least one important characteristic of the ‘New War’. Against those criticisms, one could argue that what remains particularly valid from Kaldor’s definition of the term ‘New War’ when applied to current conflicts is that those differences and nuances between ‘old’ and ‘new’ prove particularly relevant for policy making, as the last section of the article will show.

2. The Logic of ‘New War’ in Eastern Ukraine - Money, Manipulated Identities and Criminal Activities

“These ‘new wars’ are increasingly ‘nasty, brutish and long”.
(Holsti, 1996, p. 40)

“The conditions on the ground all indicate that the war is likely to grind on and on and on”.
(Carden, 2016)

There were a series of events following the military crisis in Crimea in the spring of 2014 which had a big impact on EU’s Eastern neighbourhood. The decision of then President Viktor Yanukovich not to sign the Association



Agreement (AA) with the EU during the Vilnius Eastern Partnership Summit triggered large-scale street protests called 'the Revolution of Dignity' or Euromaidan which lasted from 21 November 2013 to 22 February 2014. The operation to seize Crimea began on 27 February 2014 when an unidentified task force captured several government buildings including the Parliament in Simferopol. The separatist Republic of Crimea has since become officially incorporated as part of Russia on March 16 after a Russian-supported referendum condemned as illegal by Ukraine and the United Nations General Assembly (UNGA, 2014).

In Eastern Ukraine fighting started in April 2014 and raged for months until Ukraine and the separatists came to a deal on 5 September 2014 to halt the violence (the so-called Minsk 1). On 25 May 2014, presidential elections were held in Ukraine, but in most of the districts in the Donetsk and Luhansk regions, citizens were prevented from exercising their right to vote by armed groups of the self-proclaimed Donetsk and Luhansk 'people's republics'. With an escalation in hostilities in urban areas between heavily armed men – including foreign fighters – and law enforcement and security operations undertaken by the Government, violence escalated, leading to grave violations of human rights and international humanitarian law. In February 2015 after heavy fighting and despite the previous ceasefire agreement, pro-Russian rebels have entered the strategic town of Debaltseve. The rebels tried to seize Donetsk airport, a strategic and symbolic asset, from government forces. Next, in April 2015, the Minsk 2 Agreement was signed, which was not respected, as the violence continued in the region.

As mentioned, starting with April 2014 parts of Eastern Ukraine were turned into a fully-fledged war zone which continues to the present day. This situation requires the correct definition of this conflict, opting for the term 'new war' as defined by Kaldor, rather than a civil war. The distinctions are particularly important in terms of EU policy for conflict resolution in the area. It is relevant to explain the events triggered by the annexation of Crimea in March 2014 by using the concept of 'New War' because this theory in particular discusses the purpose and causes of the recent wars and highlights a significant transformation in the social and historical context in which these wars are waged². The first element of this analytic framework deals with the actors involved in the conflict in Ukraine.

2.1. Actors

Determining the exact category of actors involved in the conflict in Eastern Ukraine is essential in order to make distinction between an external aggression coordinated by local Russian speaking rebels and Russian troops and a civil war

² It is worth also taking into consideration that other studies explain why the more commonly used term of "hybrid war" is not suitable as an analytical tool for the situation in Ukraine (See Renz and Smith, 2016).

without any external interference. A thorough analysis of this situation (of who actually fights against who) helps us make a distinction between what Russia claims to be ‘a civil war’ in Ukraine, or what Ukraine claims to be a war of aggression led by Russia waged through proxies from Eastern Ukraine.

On one side, the most controversial category of actors, the ones which started the conflict, are the ‘rebels’, a mix network of various types of non-state actors which form the separatist movements in Eastern Ukraine. The events which resemble a ‘New War’ typology began already in February 2014, when the Ukrainian peninsula of Crimea was ‘reunified’ with Russia with the help of well-equipped, organized, and trained ‘self-defence units’ who were actually Russian special forces (Wilk, 2014). In March 2014, the crisis broadened, with paramilitary and so-called self-defence groups as well as a special category, namely the ‘soldiers without insignia’ – widely believed to be from the Russian Federation – taking control of the Autonomous Republic of Crimea and organizing a referendum to join the Russian Federation. Also in March, in the aftermath of the Maidan events, regular rallies, mainly in the eastern regions of Donetsk, Kharkiv and Luhansk, but also in the south, notably in Odessa, began to be organized with participation of the local population, but also allegedly individuals and groups from neighbouring regions of the Russian Federation. The Russian-backed rebels, who opposed the new Ukrainian government, occupied government buildings in several towns in Eastern Ukraine. The separatists control two entities - the self-proclaimed Donetsk People’s Republic and the Lugansk People’s Republic - which together comprise a population of around 5 million people (Friedendorf, 2014). When Pro-Russian separatists in Donbas seized administrative buildings with the support of volunteers from Russia, similar groups tried to do the same in the South (Kharkiv), but those attempts were not successful (Portnov, 2016). The ‘New War’ paradigm could be backed up by the fact that those actions were directly targeted at fuelling the conflict, and spreading panic and fear rather than territorial gains or conventional fight for resources as in classic warfare.

On the other side, the other important actor in this ‘New War’ is the Ukrainian Government, which continued to have limited control over considerable parts of the border with the Russian Federation. Reportedly, this facilitated an inflow of ammunition, weaponry and fighters from the Russian Federation to the territories controlled by the armed groups. The ceasefire in certain districts of Donetsk and Luhansk regions in Eastern Ukraine agreed upon during the previous reporting period was further strengthened by the “regime of complete silence” introduced on 23 December 2015. On 14 April 2014 the Ukrainian Government launched a security operation referred to as an ‘anti-terrorist operation’ to re-establish control over those territories, but in May 2014 a “people’s republic” had been self-proclaimed in both regions, following the holding of so-called referendums that neither the Government of Ukraine nor the international community recognized. Armed groups supporting the self-proclaimed ‘people’s republics’ of Donetsk and Luhansk extended the portions of the territories of those



regions that had been seized to include most of the main urban areas. A complete breakdown of law and order ensued, with parallel structures. “At the time, most of the Ukrainian army officers were corrupt appointees of Viktor Yanukovich. Due to the limited number of troops (aprox. 5.000) individuals, often from right-wing groups, volunteered to fight in the east” (Kaldor, 2015).

Those battles between pro-Ukrainian activists (non-state actors and Government actors) and pro-Russian activists (non-state actors) resulted in many killings and displacement for the civilian population in those regions. Recent evidence show that 2,504 Ukrainian servicemen have been killed in Donbas since the start of this conflict (Ukraine Today, 2016a). The fact that the Ukrainian armed forces are conducting military operations against the armed groups of the self-proclaimed ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ can be identified as the erosion of the state’s monopoly on the use of force. In reality, the Ukrainian government has no control over Ukraine’s border with Russia from Donetsk. The rebels, with the involvement of Russia and its regular armed forces are supporting the Eastern Ukrainian separatist movements. They do not form a regular army as it would be described in a traditional/conventional war, even though they use heavy artillery. It should be underlined also that there are also a substantial number of foreign volunteers (French, Spanish, Swedish, Serb or American) swelling the ranks of the Donetsk and Luhansk separatist forces (BBC, 2014). Those para- and military forces fit the description of the ‘postmodern’ type of warfare as defined by Mueller (2004) – “criminal” and perpetuated by small bands of greedy and predatory thugs. The main warring parties, Russian-backed separatists and Ukraine forces, are mixtures of state and non-state actors—the kind of networks that involve regular forces, militias, mercenaries, warlords, etc. and that are globally recruited. In this particular case, the ‘New War’ is not fought in the name of ethnic or religious identity, which is different from ideology only in the sense that it’s their feeling they have a right to access the state (as the Russian-speaking rebels claim). Another feature of this ‘New War’ in Eastern Ukraine is its fragmentation— some areas experience high levels of violence, while others are relatively secure. Looking at the map of conflict areas in Ukraine at the moment, this fragmentation is evident (see also Ukraine Today, 2016b). This fragmentation creates more confusion, especially to external actors (like EU) and is a confirmation of of the ‘hybridity’ of the events. This aspect is confirmed also by the Berlin Report of the Human Security Study Group: “Some areas provide exclusive security for specific groups and/or are dominated by ‘strong (heavily armed) men’ or particular factions. Other areas negotiate localised ceasefires and try to establish inclusive local administrations (Kaldor *et al.*, 2016, p. 13).

This description of the situation in Eastern Ukraine fits the conditions described by Mary Kaldor for favouring a ‘New War’ lead by private militias, self-organised battalions aimed at spreading fear and violence against the civilians and directed against the central authority of the weak state. The rebels undoubtedly



were able to build on domestic discontent, although they could not have succeeded without Russian help.

2.2 Methods

Looking at the methods used by the actors discussed above, the situation again fits the description of Mary Kaldor. In the cases of the Eastern ‘occupied’ territories, armed groups have established parallel ‘administrative structures’ and have imposed a growing framework of ‘legislation’ which violates international law, as well as the Minsk Agreements. The fights between the paramilitary groups in Donbas and Donetsk and the Ukrainian government and pro-Ukrainian volunteers are ways to wage an unconventional type of war. The breach of human rights for the inhabitants of this area is one of the most important challenges. There are numerous reports of torture, murder, and disappearances committed especially by the separatists (OHCHR, 2016, p. 12). This feature is representative for ‘New War’: “widespread human rights abuse is not part of the collateral damage of the “new wars”, it is organic to how they are fought and their aims realized’ (Duffield, 2002, p. 151). Many of those victims supported or were involved in the Euromaidan demonstrations, which toppled the government of Russian-backed Viktor Yanukovytsch in February 2014 and they were especially targeted by those heavy armed groups (Friesendorf, 2014). The situation in Eastern Ukraine continues to be extremely worrying: “There is a terrible sensation of physical, political, social and economic isolation and abandonment among the huge number of people – more than three million in all – who are struggling to eke out a living in the conflict line,” said UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein. “They are in urgent need of greater protection and support” (Friesendorf, 2014). The tools Russia deploys to protect its interests in Eastern Ukraine fit the description of a hybrid war in which it is not directly claiming any involvement, but it is in fact contributing through the special troops of ‘soldiers without insignia’. According to the OSCE, men and women in military-style clothing have continued to daily cross the border between Donetsk and the Russian Federation. Moreover, it is reported that “clashes continued and in February 2016 intensified around the vicinity of Donetsk and Horlivka, both controlled by the armed groups. Exchanges of fire from artillery systems were rare while small arms and light weapons were employed frequently. Due to the limited range of such weapons, soldiers of the Ukrainian armed forces and members of the armed groups comprised the majority of casualties recorded by OHCHR during the reporting period. The OSCE Special Monitoring Mission continued to note the presence of heavy weapons, tanks and artillery systems under 100mm calibre, in violation of the Minsk Agreement” (OHCHR, 2016, p. 12).

Most recently in March 2016 the Office OHCHR reports that “there is still evidence to support violations and abuses of human rights under international law committed by some government services, by all parties involved in the hostilities in



Donetsk and Luhansk regions. The Office also reported serious human right violations in Crimea, including human rights concerns linked with Russian citizenship and the application of Russia legislation, including its criminal procedure code, with resulting discrimination towards ethnic Ukrainians and minority groups such as Crimean Tatars. This is the case especially with respect to the right to work, property rights as well as in access to health services and social protection well as by the de facto authorities of Crimea and by the Russian Federation” (OHCHR, 2016, p. 14). Those elements constitute a strong proof that the main goals of these actions are based on identity politics, which Kaldor considers as the main driver of the ‘New Wars’. This opposition between pro-Russian population and pro-Ukrainian and pro-Western parts of Ukraine is based on an essentialist and ethnic based distinction. The frontlines are drawn at the moment by the opposition between the identity of Eastern vs. Western Ukraine, which is not primarily an ethnic-based distinction, but rather an ideological one which was encouraged by Russia and which has started years before the conflict. The Orange Revolution was a weak of these tendencies, and the division continued in the next decade: “The image of ‘two Ukraines’ became extremely popular in Ukrainian and international media. It divided the country between east and west, into ‘ethnic zones’ according to the language of everyday communication” (Portnov, 2016).

The methods used are deeply connected also with the aims of this conflict. Eastern Ukraine is inhabited by a large concentration of Russians or Russian-speaking Ukrainians. Pro-Russian militias fight together with foreign fighters recruited from many other regions in the world³. The insurgency is being driven by rebels who claim to fight for the rights and interests of ethnic Russians and Russian speakers in the southeast Ukraine against the government in Kiev. The insurgents claim to wage this war in the name of the project of a greater ‘Novorossiya’ stretching from Kharkov to Odessa, the borders of which were announced by Vladimir Putin during his ‘Direct Line’ show on 17 April, 2014 (Portnov, 2016). From this perspective, it is worth to take into consideration that the attempts to divide Ukraine along ethnic or linguistic lines the conflict has not spread beyond Donetsk and Luhansk. Based on those elements, there are analysts who identify ethnicity and economics as the causes for this ongoing conflict. The ones who point to the economic drivers of the conflict underline the fact that Russian speaking population in Donbas was more direct beneficiary of exports to Russia and not the beneficiary of increased trade with the EU (Mylovanov *et al.*, 2016, p. 8). The social and economic aspects of poverty and fear of unemployment should also be

³ Abc News (2015), “Foreign fighters join pro-Russian rebels”, 22 September, available at: <http://www.abc.net.au/news/2015-09-22/foreign-fighters-join-pro-russian-rebels-in-eastern-ukraine/6792696> (accessed 5 April 2016).



taken into consideration as the main triggers of the conflict, together with other inter-related aspects.⁴

When viewed through the ‘New War’ lens, identity politics appears to have played a large part in the conflict, with the main split within Ukraine being along ethnic lines (i.e. between ethnic Ukrainians and ethnic Russians). Russian justification for interference in Ukraine has been framed as “protecting Russian speakers” (Putin, 2014). The use of identities in legitimizing the conflict is less connected to ethnicity, but more with ideology⁵. Also, other geopolitical goals appear to emerge. As mentioned above, Russian interference in supporting separatist movements has led many to conclude that identity politics are being instrumentalized as a front for Russia’s expansion of territorial control over Eastern Ukraine. Confirming this thesis, recent findings of Mylovanov, Zhukov and Gorodnichenko (2016) demonstrate, on the basis of quantitative analysis, that the root of the conflict in Eastern Ukraine was deprivation and predation rather than ethnic orientation. Their study uses big data on violence in the East of Ukraine to argue that the local variation in the violence is best explained by economic rather than ethnic or political factors.

The evidence suggests that local economic factors are stronger predictors of violence and territorial control than Russian ethnicity or language. Ethnicity only had an effect where economic incentives for insurgency were already weak. Separatists in Eastern Ukraine were “pro-Russian” not because they spoke Russian, but because their economic livelihood had long depended on trade with Russia and they now saw this livelihood as being under threat” (Mylovanov *et al.*, 2016, p. 8).

This does not contradict the ‘New War’ paradigm, which outlines both identity and economic reasons as the main drivers of conflict of groups who violently rise against the state’s monopoly on violence. Those elements directly impact on the indeterminate duration of the conflict, as well as on the instruments

⁴ Portnov explains the complex combination of factors of the war in eastern Ukraine: “The war on the territory of Donetsk and Luhansk regions arose through a combination of circumstances. Most importantly: the behaviour of local elites and paralysis of the police, Russian intervention (including military) and the indecisiveness, mistakes and miscalculations of Kyiv. In the cases of Dnipropetrovsk and Kharkiv, both the decisive and unmistakably pro-Ukrainian actions of local business and political elites and the tangibly reduced activity of pro-Russian forces were key factors for keeping these regions in Ukraine” (Portnov, 2016).

⁵ Kaldor adds this nuance in her most recent description of ‘New War’ in order to stress the importance of identity politics for the legitimization of violence: “War becomes in itself a way of constructing identity. People are sort of forced into the arms of these groups. This is the first way in which it becomes a mutual enterprise. People acquire a political identity or ideology through fighting. The more they fight, the more people care about identity and the more they are likely to support these guys” (Kaldor, 2015a).



that international actors can use for conflict resolution. Because of this fundamentally 'new' logic that it is based on, Kaldor shows that "such a war is like a mutual enterprise that's very difficult to end—like a social condition, rather than like a contest of wills" (Kaldor, 2015a).

2.3. *Casualties*

As the war entered third year, and after a series of two cease-fire agreements, peace is yet to come to Ukraine, and casualties are measured in thousands. An important element which needs to be highlighted at this point is that civilians are the main victims of the war in Eastern Ukraine and this is one of the strongest characteristic of 'New War' in Kaldor's view. On the ground, "the contact line has physically, politically, socially and economically isolated civilians, impacting all of their human rights and complicating the prospect for peace and reconciliation", as the Human Rights Council (2016, p. 1) describes. Kaldor highlights the overall 'logic of new wars' as being unique due to the focus they have on persistence rather than "winning"⁶. The following analytic section of the article aims at assessing the changing conduct of 'New Wars' by investigating battle severity and civilians killed in Ukraine as a relevant indicator of the category of conflict taking place on the ground. A total estimate of 5.4 million people is at the moment directly affected in the war zone (Uatoday.tv, 2016). International organizations and human rights groups accuse both sides of being responsible for civilian casualties. International humanitarian law obliges conflict parties to adhere to the principles of distinction, proportionality, and military necessity, but in Eastern Ukraine, these principles have often been violated. In many cases, troops have indiscriminately fired shells and rockets into populated areas (OHCHR, 2016). Additionally, military targets have been placed in residential areas, further endangering civilians. Those reported aspects of the OSCE and UN missions are a proof that the civil population is one of the main targets of this conflict. The actions are not meant to completely destroy them, but rather to spread terror and to maintain instability on medium term, beyond the requirement of the Minsk II Agreement.

⁶ Kaldor argued that in 'New Wars' you extend your territory, but not through direct fighting against the other side. But there is a form of 'political' extension of territory: "We see that in Ukraine and Syria. You take over the administrative buildings, and you either kill or expel anyone who doesn't agree with your political control. So violence is being directed through established political functions. (...) The main aim is displacement—getting rid of people so they can control the territory. They destroy historical and cultural buildings. If you have visible atrocities, your opponents are more likely to run away. I've been arguing for years that everyone tries to count casualties, whereas—quite apart from the fact that the figures are very bad—the real risk in the New Wars is displacement. They are deliberate: a mutual enterprise among bandits or rebels who do these things" (Kaldor, 2015a).

Already on 14 March 2014 OHCHR deployed a Human Rights Monitoring Mission to Ukraine to monitor and report on the human rights situation throughout Ukraine and to propose recommendations to the Government and other actors to address emerging human rights issues as well as the root causes of the situation that was unravelling. In order to base the analysis on several quantitative elements, the paper employs the latest reports conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Ukraine. By spring of 2016 the office has delivered thirteen reports on the situation of human rights in Ukraine, based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU). The latest report states that in total, from the beginning of the conflict in mid-April 2014 to 15 February 2016, OHCHR recorded 30,211 casualties in Eastern Ukraine, among civilians, Ukrainian armed forces, and members of armed groups –including 9,167 people killed and 21,044 injured (OHCHR, 2016, p. 6). To this it is important to add that the 2016 UN Humanitarian Response Plan for Ukraine identifies the 0.8 million people living in areas along the contact line (200,000 in areas under Government control and 600,000 in areas under the control of the armed groups) as being in particular need of humanitarian assistance and protection (OHCHR, 2016, p. 6). It also adds that the killings that occurred during the 2014 Maidan events, the 2 May 2014 Odessa violence, the 9 May 2014 Mariupol incidents and the 31 August 2015 Kyiv violence are still under investigation.

One of the most immediate impacts of the armed conflict in Eastern Ukraine has been the increase in the number of Internally Displaced Persons (IDP). About half of the population of Luhansk and one third of the population of Donetsk have fled. There are more than 230,000 registered IDPs from Eastern Ukraine, the majority of who are women and children. However, the actual number of unregistered internally displaced persons may be two to three times higher. According to the Office of the United Nations High Commissioner for Refugees (OHHCR), around 378,000 people crossed the border into the Russian Federation in recent months (OHHCR, 2016, p. 6). The Ukrainian Government has registered 1.6 million IDPs, who have fled their homes as a result of the conflict. Between 800,000 and 1 million IDPs are living in territories controlled by the Government, where some continue to face discrimination in accessing public services. OHCHR has observed that some IDPs are returning to their homes, while others are unable to do so due to the destruction or military use of their property. According to government sources in neighbouring and European Union countries, over 1 million Ukrainians are seeking asylum or protection abroad, with the majority going to the Russian Federation and Belarus (OHCHR, 2016). OHCHR was able to access several locations that had been shelled in Donetsk region. In January 2016, it visited the area around Donetsk Airport and Kyivskyi district, observing extensive destruction and weapons contamination. In Debaltseve, Horlivka, and Shakhtarsk, OHCHR assessed the damage caused by attacks on residential neighbourhoods (2016, p. 10). All those figures are a proof which invalidates the argument that “the



human impact of civil conflict is considerably lower in the post-Cold War period” (Melander *et al.*, 2009).

In conclusion, the Ukrainian conflict has a combination of ‘old war’ features (highly centralised into two camps: Ukraine and Russia) and ‘New War’ actors, the decentralised network of pro-Russian rebels and methods (attacking civilians and relying on human rights abuses in order to spread fear rather than focusing on the spread of territory). The conflict in Ukraine has been waged mixing ‘old war’ methods, namely battles and engagements between armed forces, shelling and airstrikes in order to gain territorial control over key areas with ‘new’ hybrid methods (for which there is still little evidence, as the access in the area is restricted for internationals). Violence has been directed at both armed forces and civilians. Military operations in residential areas mean many civilians have been killed, which cannot be considered as ‘collateral damage’ but rather a policy of violence specially directed against civilians as a form of population control, as ‘New War’ theory describes. Kaldor has explained that vulnerable states, with a failed democratization process are more prone to be involved in ‘New Wars’ in which the ‘enemy’ is not an outside power, but a rather a more diffuse mix of actors combining rebels from inside and outside. And so is the cause of Ukraine starting with 2014, when the intensification of hostilities led to a dramatic increase in casualties.

The parallels lie not in the number of lives lost, but mainly in ‘the logic’ of how war was and continues to be conducted. Many civilians who in summer 2014 tried to leave the combat zones through ‘humanitarian corridors’ were killed through shelling and rockets. Those who stayed behind and now live in combat zones are at high risk” (Friesendorf, 2014). Tackling the first question, the article tried to show that there are elements which confirm a ‘new type of war’ taking place in Ukraine at the moment. The most evident parallels with Kaldor’s ‘New War’ features are the ones with regard to effects on civilians as the most evident measureable criteria. There are features of a ‘New War’ paradigm, combined with features of ‘old wars’. The conflict in Ukraine has been waged using mainly ‘Old War’ methods, namely battles and engagements between armed forces, shelling and airstrikes in order to gain territorial control over key areas. Kaldor draws attention that if we see only the ‘traditional’ part of the conflict, the solutions that would be proposed by international actors will be misleading, as it happened with other conflicts which triggered military external intervention: “Most of our methods for dealing with these conflicts are traditional. We tend to think that the choice is between military intervention and talks. In either case, we are assuming that it’s an Old War, so military intervention would be on one side—one country—and with talks you get the two sides to compromise. But if it’s not really a contest of wills, then military intervention is just going to make things worse, which is what happened in Afghanistan and Iraq” (Kaldor, 2015a). Violence has been directed at both armed forces, military operations in residential areas mean many civilians have been killed, which cannot be considered as ‘collateral damage’ but



rather a policy of violence specially directed against civilians as ‘a form of population control’ as defined by Kaldor. The actors involved in this violent enterprise are both global and local, public and private. The wars are fought for particularistic political goals using tactics of terror and destabilization that are theoretically outlawed by the rules of modern warfare. What the ‘New War’ paradigm puts forward in this context is that EU has to deal in the 21st century with a new type of organized violence, which could be described as a mixture of war, organized crime and massive violations of human rights. The last section will assess the second research question, discussing the relevance of those ‘new war’ features in Ukraine for the changes in EU policy narratives as reflected in the revision of its Global Strategy for the European Union’s Foreign and Security Policy (2016).

3. Features of the ‘New War’ paradigm in recent EU policy narratives

As mentioned, the analytical framework which focused on ‘New Wars’ should be understood not as an empirical category *per se*, but rather as a way of elucidating “the logic of contemporary war that can offer both a research strategy and a guide to policy” (Kaldor, 2013, p. 1). This section aims to detect features of the ‘New War’ paradigm in recent policy narratives referring to EU’s role in containing the conflict⁷. The main argument presented here is that describing the events in Eastern Ukraine as ‘New War’ has also a normative dimension as it was the basis for the new shift in EU policy making. This will be illustrated with a series of examples from the EU consultation process conducted in 2015 with the aim to replace the old Security Strategy proposed by Javier Solana in 2003 with a new document adapted to the new strategic realities.

The EU has played an active role in mitigating the conflict in Ukraine, offering technical, financial, and diplomatic support to the new Ukrainian government. With respect to the resolution of the crisis in Ukraine, it has served as a mediator between the parties of the conflict throughout the entire period since the beginning of the Euromaidan. The EU policy has focused on mediating the crisis in a multi-dimensional manner: Minsk I and Minsk II agreements, the trade agreement between the EU and Ukraine, financial assistance to Ukraine, and technical assistance with reforms, with an approach combining dialogue, diplomacy and sanctions. While the conflict settled into a precarious stalemate after the Minsk II Protocol, scattered skirmishes in Eastern Ukraine pose a risk for a

⁷ The main sources used to depict those features were Mary Kaldor’s interview from September 2015 (Kaldor, 2015a), and the story about her trip to Ukraine (Kaldor, 2015b), the Berlin Report of the Human Security Study Group convened by Mary Kaldor and Javier Solana and presented to Federica Mogherini in February 2016, the Draft (2015) as well as the final version of the EU Global Strategy on Foreign and Security Policy (2016).



resurgence of violent conflict, analysts have criticized EU's instruments and their limited results in containing the conflict (Mylovanov *et al.*, 2016).

Meanwhile, EU started a process of redesigning its foreign and security policy in order to adapt to its troubled neighbourhoods. Between autumn 2015 and summer 2016 the EEAS coordinated an extensive EU-wide consultative process with experts and diplomats with the main aim to rethink its overall strategy towards conflict resolution (EEAS, 2015). Researchers and policy makers alike have been continuously searching for a practical strategy for ending violent conflict that would best represent the specific political nature of the EU and based on its normative approach. One of the most comprehensive (and, in the end, influential) policy-based document was "The Berlin Report of the Human Security Study Group" (The Berlin Report hereafter) convened by Mary Kaldor and Javier Solana. The report proposed that the EU adopts a so-called "second generation human security approach" to conflicts, as an alternative to the one focused on geopolitics or 'the War on Terror'. The document analysed existing policies towards conflict and discussed why, despite a very large allocation of resources, they are insufficient and it outlines what is involved in a second generation human security approach and illustrates what this means for some of the instruments available to the EU. The vocabulary used in those recommendations is directly connected with the literature on 'New War'. Rooted in the ideas of Kaldor's writings (as she is also one of the main convenors of the Report), but focusing more on the conceptual background of 'second generation human security' studies, the main contributors to the report make a series of policy recommendations for strengthening EU conflict resolutions instruments. One section in the report refers specifically to the situation in Eastern Ukraine. This report is extremely relevant for the paper's argument, as most of the main recommendations it makes are to be found in the Global strategy published in June 2016. This shows in a way the transfer of the main concepts from 'New War' literature to EU policy narrative. One of the essential recommendations of the Report is that EU should tackle the 'new' logic of contemporary conflicts, defines as a combination of identity politics and war economy, with both bottom-up and top-down instruments like supporting civil society groups on the ground from above.

The document criticizes EU's approach to conflicts in the last decade and proposes an important shift: "Up to now, the EU has focussed on top-down peace-making, humanitarian assistance and post-conflict reconstruction. These policies can easily be subverted because they can end up entrenching criminalised extremist networks" (Kaldor *et al.*, 2016, p. 3; also, see more in Selchow, 2016). In today's complex, contested and connected world, as the Global Strategy defines it, the so-called 'outside instruments' proved to have limited results. Some studies show that they actually "backfire and make things worse" (Kaldor *et al.*, 2016, p. 3). Moreover, a compelling definition of contemporary conflicts which seems directly inspired by "new war" literature is given in the introduction of the document: "a sort of predatory social condition in which networks of armed groups



instrumentalise extremists identities and enrich themselves through violence” (Kaldor *et al.*, 2016, p. 3). Going back to theory, Bauman and others stressed the fact that in globalization there is no clear distinction anymore between ‘outside’ and ‘inside’, as the 21st century warfare brought a ‘hybridisation’ of methods. Moreover, this affects very much also the instruments available for conflict resolution, which should adapt to this ‘hybridisation’ as well (Kaldor, 2015b). This new approach proposed by the Report argues that “Human security is about extending the inside beyond the EU” (Kaldor *et al.*, 2016, p. 3).

Mary Kaldor has conducted a trip to Ukraine in the autumn of 2015 and she wrote an extensive article describing the situation in eastern Ukraine and the blatant breach of human rights taking place there (Kaldor, 2015b). She concludes her article on the topic with the following observations relevant to the analysis: “On the Ukrainian side, weak state capacity (especially in the east) after years of corruption, the arrival of armed volunteers, and, later, the destructive offensive all contributed to what I call a “new war”—something that is a mixture of war, organized crime, and human-rights violations. In ‘New Wars’, traditional approaches, such as military intervention or top-down peace agreements, do not work. The former makes the situation worse; the latter legitimizes the extremist criminal networks that fight the wars and have a vested interest in disorder; the only solution is the construction of legitimate governance” (Kaldor, 2015). Referring to the specific role of the EU in containing this conflict, in her analysis on the situation in Eastern Ukraine, Kaldor states that “There is a lot of criticism of the European Union for its slowness, bureaucracy, and lack of support for Ukraine during the Minsk negotiations, which were between Ukraine, the separatists, and Russia, It was argued by some of the human-rights activists I met that Ukraine needed the presence of the EU to strengthen its bargaining position” (Kaldor, 2015). These observations from the ground show the fallacies of the Eastern Partnership and prove in a way the inefficiency of EU’s strategy of soft power to contain the conflict in Ukraine for which symbolically the EU is responsible. This was also pointed by Adam Hug, who showed that “The Ukrainian crisis made from the ENP revision an urgent need” (Hug, 2015).

Based on the mandate received from the European Council, Federica Mogherini, in her capacity as High Representative and Vice-President of the European Commission (HRVP), has announced the preparation a Global Strategy on Foreign and Security Policy to take place between June 2015 and June 2016. The official text of the strategy was launched during the June 2016 European Council in Brussels. But reading the 2015 first draft of the future strategy, one finds the main three ‘catchy’ concepts proposed by the document – Connectivity, Contestation and Complexity (EEAS, 2015, p. 1). All the three concepts fit very well the description of ‘new wars paradigm’. The main observation to be made here is that EU policy narratives have integrated in their official discourse the main understandings of the new way of waging war, and the new type of threats as debated in the ‘new war’ paradigm. The new June 2016 EU Global Strategy is



expected to discuss proposed policy solutions to address those new threats, in the context of the EAP failure. As mentioned, I would argue that the main conceptual pillars of this document reflect the features of Kaldor's description. All the three concepts fit also the features of postmodernity, as a space where order is challenged and a 'new order' emerges from a clash of narratives – connectivity, contestation and complexity. For the first feature – Connectivity – the strategy identified the 'liquid' shapes of our world as a source of threats: "A more connected world, whereby a surge in global connectivity and human mobility challenges traditional approaches to migration, citizenship, development and health, while at the same time facilitating crime, terrorism and trafficking" (EEAS, 2015, p. 1). The other feature is contestation, directly link with violence and the possibility of mass protests, occupy movements and all recent un-stabilizing actions which are both the result of connectivity in the virtual world but also based on marginalized groups who contest the centre. The document states that "A more contested world in which fragile states and ungoverned spaces are expanding, as a result of instability and violence triggered by poverty, lawlessness, corruption and conflict-ridden electoral politics" (EEAS, 2015, p. 1). This feature points to the similar aspects raised by Kaldor's theorization of the interactions with non-state actors who became more vocal and claim political legitimacy for their actions against the state. The last concept is more general and it refers to complexity and mentions precisely the lost distinctions between state and non-state actors, internal and external threats that Kaldor mentioned as a feature of 'new wars': "A more complex world where power is shifting towards other regional players in the developing world and is increasingly shared between state and non-state actors" (EEAS, 2015, p. 2). Beyond those three concepts, the strategic document also identifies as a high priority "rethinking the EU's approach to conflict and crises" and "EU's continuation to support reforms in the neighbourhood (i.e. Western Balkans, Turkey and the Eastern Partners) through integration and association policies" (EEAS, 2015, p. 2). It also points to the strategic importance of the Eastern neighbourhood and the Russian threat to EU borders within "the need to address destabilizing actions on the EU's borders, while also engaging with Russia to restore sustainable European security architecture and address global challenges" (EEAS, 2015, p. 2).

Finally, in June 2016 Federica Mogherini presented the Global Strategy for the European Union's Foreign and Security Policy in the EU Council. One could find a series of elements which were directly taken from the Berlin report and which make use of 'New War' concepts, particularly in the subsection 3.3 - An Integrated Approach to Conflicts and Crises (pp. 28-32) where the document states that "The EU will foster human security through an integrated approach" (EU Global Strategy, 2016, p. 28). The Strategy explicitly mentions EU's engagement "in the resolution of protracted conflicts in the Eastern Partnership countries" (EU Global Strategy, 2016, p. 29). Cooperation with grass roots initiatives and civil society is also an important element introduced in the Strategy: "We will partner



more systematically on the ground with regional and international organisations, bilateral donors and civil society” (EU Global Strategy, 2016, p. 29). The ‘hybridization’ of methods aimed at addressing the complex realities of contemporary conflicts is reflected in the proposed blend of grass roots initiatives and incentives from above also present in the strategy. This is another evident feature connected with ‘New War’ literature: “Through CSDP, development, and dedicated financial instruments, we will blend top-down and bottom-up efforts fostering the building blocks of sustainable statehood rooted in local agency. Working at the local level – for instance with local authorities and municipalities – can help basic services be delivered to citizens, and allows for deeper engagement with rooted civil society” (EU Global Strategy, 2016, p. 31). As suggested in the Berlin Report, the social and economic aspects of the conflict are also explicitly introduced on EU agenda. Thus, EU engages to break the political economy of war and to create possibilities for legitimate sustenance to exist. This calls for greater synergies between humanitarian and development assistance, channeling our support to provide health, education, protection, basic goods and legitimate employment” (EU Global Strategy, 2016, p. 31).

All those elements fit very well the changes described by Kaldor to be brought by ‘New Wars’ in terms of actors, methods, financing, goals and logic. This shows that the ‘New War’ paradigm has directly influenced the official EU policy narrative. And as Kaldor indicated, these concepts are very relevant for EU policy makers, especially in the context of the latest international events in the summer of 2016 – the European Council and the NATO Summit in Warsaw – where several important strategic decisions were announced with the aim of strengthening the Euro-Atlantic ties and containing the conflict in Ukraine.

Conclusions

The ‘New War’ paradigm argued that the end of the Cold War marks a fundamental shift in the nature of warfare. In this sense, this theoretical framework has been important in opening up new scholarly analysis and new policy perspectives in terms of efficient and tailor-made conflict resolution. Kaldor argued that ‘New Wars’ should be understood not as an empirical category, but rather as a way of elucidating the logic of contemporary war that can offer both a research strategy and a guide to policy. These wars feature the collapse of state institutions and armed forces, and they are fought over identity, being focused on profit rather than territory. In this type of post modern wars, fighters pick soft targets, and the most vulnerable of all those ‘new’ targets are civilians, which cannot be protected anymore by the weak state. Despite its intentions to promote regional stability through trade agreements and democratic institution-building, the EU is now confronted with a ‘new’ type of war at its borders. Thus, the article analysed the actuality of Mary Kaldor’s concept of ‘New War’ in the context of the conflict in Ukraine.



In an overview of the main events which took place in Ukraine after the annexation of Crimea, the article has identified several of Mary Kaldor's main characteristics of 'New Wars' in terms of actors, methods and an entire new logic/new condition of war. The rising number of civilian casualties illustrates the monopoly of violence that has eroded from below in the Donetsk and Lugansk regions. As the events unfold and the information from the area is limited, it is hard to assess the main objectives of those criminal activities taking place in the region, as well as to make predictions about a possible end of hostilities. Arguably, until this point, the main purpose of those insurgents is disintegration of the state and violent contestation of the authority from Kiev, while Russian-speaking groups from Eastern Ukraine require their rights for autonomy. The analysis showed that the events in Ukraine provide a combination of both 'Old'/conventional and 'New Wars' as there are confirmed Russian military activities on the territory of Ukraine, but also the presence of soldiers without insignia, rebels and foreign fighters. Confronted with most recent reports of the OSCE and OHCHR, the 'New War' that seems to take place in Ukraine is a mixture of war (organized violence for political ends), crime (organized violence for private ends) and human rights violations (violence against civilians), as an embodiment of Kaldor's prescriptions. In the last section the article sought to reflect on those features of 'New War' both from a policy-driven perspective, looking at how EU incorporated in its new Global Strategy the recommendations based on a human security and 'New War' perspective.

There is enough evidence to claim that since 2014 a new type of war is waged in Ukraine, which is novel in terms of methods, strategies, tactics, and level of human sacrifice. The main idea worth to be highlighted as a conclusion is that the 'New War' taking place in Ukraine requires 'new'/reshuffled policies by the EU and NATO which will have direct implications on relations with Russia. The modern logic of conflict resolution focusing on *inside* the borders of the nation-state, where the state has monopoly of violence, and *outside the borders* where international law and international organizations have legitimacy is twisted into the postmodern logic of hybridization of wars, which merges the outside with the inside (soldiers without insignia, but backed by other countries fight on the territory of another country with local rebels against a state' government, as the situation in Eastern Ukraine). Within the 'New War' taking place in Eastern Ukraine, the various warring parties are more interested in what Kaldor called "the condition of war" than in winning or losing. There are different types of profit one can make from perpetuating that war, either in its hot or frozen form. This material and symbolic profit is the main goal of maintaining the 'condition of war', not the fight for territory or ideology. This conclusion should be further on developed for more in-depth research. In the end the article showed that Mary Kaldor's both theoretical and policy oriented contributions, which pleaded for a cosmopolitan approach to the stabilization of 'New Wars', have proved as very useful instruments for understand the situation in Ukraine at the moment. Thus, the article



argues that, in defining EU's role in the Eastern neighbourhood, policy makers already replaced former mechanisms with a more targeted and less ambitious strategy, but this time addressing the specificities of the Ukrainian crisis. In this context marked by uncertainty, the EU needs to counterbalance Russia's intention to control the Eastern neighbourhood with a comprehensive stance that addresses not only economic issues, but also security needs. The new Global Strategy from June 2016, at least at the rhetoric level, shows EU's ability to address this 'new war' in Ukraine with the proper tools and applying the lessons learnt from all the shortcomings of the Eastern Partnership.

Acknowledgments: This work was supported by a grant of the Romanian National Authority for Scientific Research and Innovation, CNCS – UEFISCDI, project number PN-II-TE-2014-4-0534.

References

- Atlantic Council* (2015), "Minsk II' Accord Will Let Moscow Keep Pumping Arms, Fighters into Ukraine's Donbas", available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/russias-military-advance-in-ukraine-wins-it-advantages-in-new-truce-deal> (accessed 2 April 2016).
- Bauman, Z. (2000), *Liquid Modernity*, Polity, Cambridge.
- Bauman, Z. (2001) *Community. Seeking Safety in an Insecure World*, Polity, Cambridge.
- Bauman, Z. (2002), *Society Under Siege*, Polity, Cambridge.
- Bauman, Z. (2006), *Liquid Times: Living in an Age of Uncertainty*, Polity, Cambridge.
- BBC (2014), "Ukraine war pulls in foreign fighters", 1 September, available at: <http://www.bbc.com/news/world-europe-28951324> (accessed 2 April 2016).
- Bussiness Insider (2015), "NATO just called out Patin's narratives", available at: <http://www.businessinsider.com/nato-just-called-out-putins-crimea-narrative-2015-3> (accessed 2 April 2016).
- Carden, J. (2016), "Don't expect the next meeting of the Minsk Group to solve anything in Ukraine", *The Nation*, 05.04.2016, available at: <http://www.thenation.com/article/dont-expect-the-next-meeting-of-the-minsk-contact-group-to-solve-anything-in-ukraine/> (accessed 2 April 2016).
- Chifu, I. (ed.) (2014), *Prospective of the Ukrainian Crisis: Scenarios for a mid-long term evolution*, ISPRI Publishing House, Bucharest.
- Council on Foreign Relations (2014), "European Unions Eastern Partnership", 4 March 2014, available at: <http://www.cfr.org/europe/european-unions-eastern-partnership/p32577> (accessed 2 April 2016).
- Duffield, M. (2001), *Global Governance and the New Wars: The Merging of Development and Security*, Zed, London.



- EEAS (2015), "EU Strategic Review", available at: http://eeas.europa.eu/docs/strategic_review/eu-strategic-review_strategic_review_en.pdf (accessed 2 April 2016).
- EEAS (2016), "Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign and Security Policy", available at: https://eeas.europa.eu/top_stories/pdf/eugs_review_web.pdf (accessed 2 April 2016).
- Friesendorf, C. (2014), "Eastern Ukraine – a war against civilians?", *Sicherheit Politik*, 13 November 2014, available at: <http://www.sicherheitspolitik-blog.de/2014/11/13/eastern-ukraine-a-war-against-civilians/> (accessed 2 April 2016).
- Gray, C. H. (1997), *Postmodern War: The New Politics of Conflict*, Guilford Press, New York.
- Holsti, K. J. (1996), *The State, War and the State of War*, Cambridge University Press, Cambridge.
- Hug, A. (2015), "Trouble in the Neighbourhood? The future of the EU's Eastern Partnership", Foreign Policy Centre, available at: <http://fpc.org.uk/fsblob/1681.pdf> (accessed 2 April 2016).
- Kaldor, M. and Vashee, B. (eds.) (1998), *New Wars*, Printer, London.
- Kaldor, M. (1999), *New and Old Wars: Organized Violence in a Global Era*, Polity Press, Cambridge.
- Kaldor, M. (2012), *New and old wars. Organised Violence in a Global Era (3rd ed.)*, Polity Press, Cambridge.
- Kaldor, M., (2013). "In Defence of New Wars" *Stability. International Journal of Security and Development*, Vol. 2, No. 1, pp 1-16, available at: <http://www.stabilityjournal.org/articles/10.5334/sta.at/> (accessed 2 April 2016).
- Kaldor, M. (2015a), "New Wars and Old: An interview with Mary Kaldor", interviewed for Peace magazine by Metta Spencer, available at: <http://peacemagazine.org/archive/v31n4p08.htm> (accessed 2 April 2016).
- Kaldor, M. (2015b), "Ukraine and Crimea: a report from the front", *The Nation* (25 Nov 2015), available at: <http://www.thenation.com/article/ukraine-and-crimea-a-report-from-the-front/> (accessed 2 April 2016).
- Kaldor, M, and Solana, J. (conveners), (2016), "From Hybrid Peace to Human Security: Rethinking EU Strategy towards Conflict", The Berlin Report of the Human Security Study Group, 24 February 2016, Brussels, available at: <http://library.fes.de/pdf-files/bueros/london/12373.pdf> (accessed 2 April 2016).
- Kalyvas, S. N. (2001), "'New' and 'Old' Civil Wars - A Valid Distinction? Research Note", *World Politics*, Vol. 54, pp. 99–118.
- Luhn, A. (2014), "Preparing for War with Ukraine's Fascist Defenders of Freedom.", *Foreign Policy*, available at: <http://foreignpolicy.com/2014/08/30/preparing-for-war-with-ukraines-fascist-defenders-of-freedom/> (accessed 2 April 2016).



- Melander, E., Öberg, M. and Hall, J. (2009), “Are ‘New Wars’ More Atrocious? Battle Severity, Civilians Killed and Forced Migration Before and After the End of the Cold War”, *European Journal of International Relations*, Vol. 15, No. 3, pp. 505–536.
- Mueller, J. (2004), *The Remnants of War*, Cornell University Press, New York.
- Mundy, J. (2011), “Deconstructing civil wars: Beyond the new wars debate”, *Security Dialogue*, Vol. 42, No. 3, pp 279–295.
- Mylovanov, T, Zhukov, Y. and Gorodnichenko, Y. (2016), “Review of EU Policy in Ukraine”, *Security in Transit Working Papers, SiT/WP/02/16*, February 2016, available at: http://www.securityintransition.org/wpcontent/uploads/2016/02/WP02_Ukraine_FinalEditedVersion.pdf (accessed 2 April 2016).
- Naumescu, V. and Dungaciu, D. (eds.) (2015), *The European Union’s Eastern Neighbourhood Today: Politics, Dynamics, Perspectives*, Cambridge Scholars Publishing, Cambridge.
- Newman, E. (2004), ‘The “New Wars” Debate: A Historical Perspective is Needed’, *Security Dialogue*, Vol. 35, No. 2, pp. 173–89.
- OHCHR (2014), “Report on the human rights situation in Ukraine”, available at: <http://www.ohchr.org/Documents/Countries/UA/UkraineReport28August2014.pdf> (accessed 2 April 2016).
- OHCHR (2015), “Ukraine: Growing despair among over three million civilians in conflict zone – UN report”, 3 March 2015, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17131&LangID=E> (accessed 2 April 2016).
- OHCHR (2016), “Report on the human rights situation in Ukraine”, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3_March2016.pdf (accessed 2 April 2016).
- ONCHR (2016), “Ukraine: over three million civilians lack access to human rights”, 3 March 2016, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/FeelingabandonedinUkrainesconflict.aspx#sthash.8dqmSQax.dpuf> (accessed 2 April 2016).
- Portnov, A., (2016), “How ‘eastern Ukraine’ was lost”, *Open Democracy*, available at: <https://www.opendemocracy.net/od-russia/andrii-portnov/how-eastern-ukraine-was-lost> (accessed 2 April 2016).
- Putin, V. (2014), “Transcript, ‘Putin defends Russian intervention in Ukraine, *The Washington Post*, available at: http://www.washingtonpost.com/world/transcript-putin-defends-russian-intervention-in-ukraine/2014/03/04/9cadcd1a-a3a9-11e3-a5fa-55f0c77bf39c_story.html (accessed 2 April 2016).
- Renz, B. and Smith, H. (2016), “Russia and hybrid warfare – going beyond the label”, Aleksanteri Papers, 1/2016, available at: http://www.helsinki.fi/aleksanteri/english/publications/presentations/papers/ap_1_2016.pdf (accessed 2 April 2016).
- Rice, E. (1988), *Wars of the Third Kind: Conflict in Underdeveloped Countries*, University of California Press, Berkeley.



- Selchow, S. (2016), "The Construction of "European security" in The European Union in a Changing Global Environment: A Systematic Analysis", *European Security*, Vol 25, No. 32, pp. 281-303.
- Solonenko, I. (2015), "Ukraine's EU-Russia Dilemma. The Essence of the Choice", in: Shirinyan, A. and Slavkovapp, L. (eds.), *Unrewarding Crossroads? The Black Sea Region amidst the European Union and Russia*, pp. 68-91, available at: <http://sofiaplatform.org/wp-content/uploads/2015/06/unrewarding-crossroads.pdf> (accessed 2 April 2016).
- Snow, D. M. (1996), *Uncivil wars: international security and the new internal conflicts*, Lynne Rienner Publishers, Boulder.
- Ukraine Today (2016a), "Poroshenko reveals staggering death toll statistics in the war in eastern Ukraine", 24 August, available at: <http://uatoday.tv/politics/poroshenko-reveals-staggering-death-toll-statistics-in-the-war-in-eastern-ukraine-733262.html> (accessed 2 April 2016).
- Ukraine Today (2016b), "Two years of human costs of Russia undeclared war in Ukraine's Donbass", 13 April, available at: <http://uatoday.tv/society/two-years-of-war-human-cost-of-russia-s-undeclared-war-in-ukraine-s-donbas-infographics-630254.html> (accessed 2 April 2016).
- Umland, A. (2016), "Russia's pernicious hybrid war against Ukraine" Atlantic Council, 22 February 2016, available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/russia-s-pernicious-hybrid-war-against-ukraine> (accessed 2 April 2016).
- United Nations General Assembly (UNGA) (2014), *Territorial integrity of Ukraine*, 68/262, 68th sess, 69th plenary mtg, Agenda Item 33 (b), UN Doc A/RES/68/262 (accessed 27 March 2014).
- Van Creveld, M. (1991), *The Transformation of War*, The Free Press, New York.
- Wilk, A. (2014), "Russian military intervention in Crimea", *OSW*, available at: <http://www.osw.waw.pl/en/publikacje/analyses/2014-03-05/russian-military-intervention-crimea> (accessed 2 April 2016).

