



SEPTEMBER 2014

## Lessons of the MH17 disaster

The MH17 disaster makes clear that international peace and security cannot be taken for granted. The widespread support in Ukraine for democratization and rule of law presents western democracies with a strategic opportunity. The Netherlands should look beyond its short term interests and develop a long term view on its relations with Ukraine and Russia. It should not economize on international cooperation but strengthen it by investing in international organizations and conflict prevention. Finally: the proliferation of long-range anti-aircraft missiles has to be prevented.

### Introduction

The first priority of the Netherlands government was to deal with the direct consequences of the downing of flight MH17, flying from Amsterdam to Kuala Lumpur on 17 July 2014. The Netherlands and the international community will now have to start considering what lessons can be drawn from this tragedy, inter alia, by looking at the circumstances that made it possible for such a disaster to occur.

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

- weak governance leading to internal conflict
- Russian interference
- a long-range surface-to-air missile in separatist hands
- a civilian airplane flying over the conflict area.

If just one of these four circumstances had not been in place, the disaster could not have occurred.

By far, the easiest reaction to the incident would be limited to the last circumstance: avoid the airspace over eastern Ukraine and do nothing else. This paper, however, argues for also addressing the first three, which requires, inter alia, a reconsideration of Dutch policy towards Ukraine and Russia.

The recommendations are, in the first instance, directed at the Netherlands government, but clearly also require broad cooperation. This paper will therefore also look at the international organisations that were set up for that purpose.

### Weak governance leading to internal conflict

At the heart of the Ukrainian crisis stands the failure of successive Ukrainian governments to build a sustainable democracy.

Governments have time and again given priority to their own interests above fighting

corruption and establishing the rule of law. Institutions that in a well-functioning democracy protect the rights of minorities and opposition groups were either non-existent or very weak.

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

### **Why should the Netherlands support Ukraine?**

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

To answer both questions, it is necessary to take a long-term view on the place of the Netherlands in the world in general and on its relations with Ukraine in particular. Both have been absent so far.<sup>1</sup>

At an abstract level, the Netherlands recognises that its future is inextricably linked with those of other countries. But although the Dutch Constitution states that the "Government shall promote the development of the international legal order", successive governments have failed to convert this into a concrete strategy.

If one takes two full seconds to consider the European history of the last century and to look at the current situation in the wider world, it will be clear that the Netherlands needs a foreign policy that looks beyond short-term economic interests and gives high priority to supporting international peace, rule of law and sustainable economic development. This requires long-term investment in relevant international organisations and bilateral relations. This has been lacking, partly due to a one-sided fixation on short-term interests and short-term results.

Due to lack of a clear strategy, the Matra Program to support the transition of Ukraine into a multi-party democracy was dealt with as an act of charity rather than as a strategic investment. The support was useful but half-hearted and insufficient, and few protested when, in 2012, the government decided, quite blithely, to phase it out and replace it with an even less ambitious programme.

The argument for giving priority to the transformation of Ukraine consists of two elements. The first is the geographical proximity of Ukraine; it is closer to the Netherlands than Finland, Greece or Portugal. This means that when things go wrong in Ukraine the effects will be more directly felt in the Netherlands than when things go wrong in more distant countries, such as Syria or Mali. The disaster at Chernobyl in 1986 and the shooting down of MH17 are only the most acute and visible manifestations of this close link. Less visible, but no less worrisome, are the possible consequences of what happens in Ukraine for the quality of water, air, health and biodiversity in the Netherlands.

The link is also positive. A stable democratic Ukraine would mean a significant enlargement of the European zone of peace and stability and provide important economic opportunities.

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1 See Barend ter Haar and Eva Maas, *Threats and Challenges for the Netherlands*, Clingendael, 2014

The second element is the presence of broad support in Ukraine, both among the population and within government, for reform and closer relations with Europe. Although the transition process will be difficult and take many years, this broad support for reform provides an opportunity that should not be missed.

### **What can be done?**

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

First, Dutch support should not be provided as a charity programme that can be ended at will, but rather as part of a long-term strategy. That strategy should make use of relevant experiences, such as the enlargement of the European Union and the support provided to fragile and post-conflict states. It should help to guide Dutch policy with regard to Ukraine in the EU, NATO, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, as well as to address the question of Ukrainian membership of the first two organisations. As these questions cannot be considered in isolation of wider issues such as relations with Russia, a long-term strategy with regard to Ukraine should be embedded in a wider view of the place of the Netherlands and the EU in the world.

A change of policy would also require the participation of several Dutch ministries that have so far neglected their international responsibilities. For example, the number of Ukrainian students in the Netherlands is only about 250. Transforming Ukraine will require, inter alia, reforming education, local government, public health, the police, the tax system and the legal system. If the Dutch government recognises that this transformation is of strategic importance for the Netherlands, then ministries with expertise in these fields should accept their responsibility for supporting such a transformation.

## **Russian interference**

The Buk missile that the rebels used on 17 July was probably provided by Russia. But even if the missile had been stolen from a Ukrainian arsenal, it is clear that the fighting would not have been so fierce without Russian interference. The separatist forces are supported by Russian volunteers and Russian arms, and often even led by Russians.

### **The wider problem**

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

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

### **What can be done?**

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

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

## Proliferation of long-range surface-to-air missiles

There is little doubt that MH17 was downed by separatist forces using a Buk surface-to-air (SAM) missile. What is less clear is how those forces obtained that missile and how they learned to use it. As Russia has been actively supporting the separatists, not only by providing weapons but probably also by providing personnel, some sort of Russian involvement is likely. According to some reports, the Buk missile was provided by Russia. Another possible explanation is that the separatists obtained it by capturing military bases in eastern Ukraine. Firing a Buk missile is not very complicated: instructions can be found on internet. However, it is much more difficult to identify whether an aircraft is a hostile airplane or a neutral civilian airplane. This is where the separatists clearly failed.

### The wider problem

Although the number of civilian airplanes crossing the airspace of countries in turmoil is high, the number that have been shot down is very small, at least until now. The reason is that missiles that are capable to destroy planes flying at high altitude are sophisticated, big and expensive and that only few countries possess them.

But how long will this last? Here we should take two long-term trends into account. The first one is that as technology advances it becomes easier to make a weapon more effective, lighter and cheaper. The second is that, over time, the capabilities to produce and use a new weapon system tend to proliferate. However, these trends are not

laws of nature. Most nations have, for example, accepted limitations on the use of weapons that cause unnecessary suffering. But preventing a country or an armed group from obtaining or producing a weapon can be very difficult, particularly when the country or group believes such a weapon will help it win its war.

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

### What can be done?

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

At the same time, additional measures should be considered, directed specifically at the trade and transfer of SAM systems. The Missile Technology Control Regime (MTCR) could be used as an example. The MTCR is

an informal association of countries that try to prevent the proliferation of missiles that are capable of delivering weapons of mass destruction. It was established in 1987 by a number of Western countries but now also includes Russia and Ukraine. A comparable regime could be set up to prevent the proliferation of SAM systems.

## The role of international organisations

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

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

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

## Conclusion

In reaction to the disaster of 17 July, the Netherlands should not limit itself to avoiding the airspace over eastern Ukraine, but should consider how it might address the other circumstances that made the disaster possible. It is recommended that the Netherlands government should, in particular:

- develop a long-term view on relations with Ukraine and, on that basis, consider how to support the transformation of Ukraine into a multi-party democracy
- engage the whole government in that support, including the so-called domestic ministries
- develop a long-term view on relations with Russia that goes beyond economic interests to provide a basis for bilateral relations and for its position in the EU, NATO, the OSCE and the Council of Europe
- make it clear to Russia that armed intervention in Ukraine is unacceptable, but at the same time continue to strive for including Russia in a 'Europe whole and free'
- promote non-proliferation of long-range surface-to-air missiles
- play a more active role in relevant international organisations and provide them with the means to do their job properly.

## About Clingendael

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## About the author

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