

## THE EUROPEAN UNION TOWARDS THE CRISIS IN UKRAINE

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### **Summary:**

*The authors of this article are focusing on the role of the European Union in managing the crisis that occurred at its Eastern borders. The political conflict in Ukraine, which we have witnessed since 2013, entered a military phase. The European Union, in its sense of responsibility for shaping security at its borders, should have reacted adequately to circumstances. The implementation of the EU crisis response process occurred gradually, using, above all, diplomatic sources of crisis solving. All the same, despite the military capabilities for conflict management, the European Union did not decide to use them for shaping security in the Eastern part of Ukraine. The authors have attempted to describe the involvement of the European Union bodies in this process and to evaluate its effectiveness. In assessing such a critical but also sensitive area that is shaping security, it is important to remember about the limitations of the European Union as an organization consisting of sovereign states functioning in the international environment. The European Union, in its actions, needs to rely on the consensus of the variety of national interests of the member states as well as the credibility in implementing universal values, which the organization commonly declares and promotes among the international community.*

### **Keywords:**

*European Union, Ukraine, military conflict, European security*

## INTRODUCTION

Western European politicians have declared their ambition to shape the European security environment since the founding of the European Union. In the last decade of the

21<sup>st</sup> century actions taken by the European Union (EU) in the field of military security did not bring desired results in the area of conflict management or in the development of military resources designated for implementing this type of operations<sup>1</sup>.

## 1. MILITARY ABILITIES TO MANAGE INTERNATIONAL CRISES OF THE EUROPEAN UNION

The first significant impulse for the creation of military abilities for managing crises of military nature was generated by the decisions taken in St. Malo at the end of 1998 and during the jubilee NATO summit in April 1999 in Washington. This impulse resulted in implementation. The then North Atlantic Alliance's strategic concept anticipated the support for the European vision of policy and security development of the EU, especially there where the Alliance could not be engaged<sup>2</sup>.

The course of action, determined during the meeting in St. Malo<sup>3</sup>, was supported by the findings of the German Presidency<sup>4</sup>. The final document of the Cologne Summit set out the assumptions that were supposed to determine the development of the future Common Security and Defense Policy (CSDP). It was crucial for the EU to be equipped with capabilities necessary to carry out Petersberg tasks<sup>5</sup> and, especially, those related to crisis management. For the European Union, the main aim was to maintain political control over the actions taken, since only in such a case would the basic condition of its autonomous operation be fulfilled in this important dimension for its international image. In addition, the EU, in order to achieve the aforementioned control, had to create unique but basic military capabilities, which determined the independence from the US potential, i.e. data analysis, intelligence sources and strategic planning possibilities<sup>6</sup>.

In the then conditions of the military potential of the Western European states, it was for political decision-makers to determine, before the implementation of planned military anti-crisis operations, the type of actions taken and to decide whether the EU in-

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<sup>1</sup> Department of Defense, *Report to Congress: Kosovo / Operation Allied Force After Action Report*. 31 January 2000, pp.XVIII-XIX,78-81[accessed on 15 May 2015]. Available online: <http://documents.theblackvault.com>; see: J. E. Peters, D. Shlapak, T. Liston, *Allied Power Projection Capabilities*, [in:] R. Sololsky, S. E. Johnson, F. Stephen Larrabee (2000) *Persian Gulf Security: Improving Allied Military Contributions*, MR-1245-AF, RAND Corporation, pp. 73-75.

<sup>2</sup> *Washington Summit Communiqué, Washington, DC, 24 April 1999, p. 10; NATO Alliance Strategic Concept, Washington, DC, 23 - 24 April 1999, paragraph 17.*

<sup>3</sup> More: J. Howorth, *Britain, France and the European Defence Initiative*, [in:] *Survival*, 2000, Vol. 42, No. 2, pp.33-55.

<sup>4</sup> Cf. *Draft Conclusions of the German EU-Presidency on the Union's Common Foreign and Security Policy, Reinhardtshausen, 13-14 March, 1999*, [accessed on 15 April 2005]. Available online: [www.bits.de](http://www.bits.de): Annex III, Presidency Conclusions, Cologne European Council, 3 - 4 June 1999, [accessed on 15 May 2016]. Available online: <http://europa.eu.int>

<sup>5</sup> See: The Petersberg Declaration adopted at the WEU Council of Ministers meeting, Bonn, 19 June 1992, [in:] J. Menkes, S. Parzymies, A. Prystrom, *UZE a Europa Środkowa i Wschodnia. Dokumenty*, Warsaw 1994, pp.70-71.

<sup>6</sup> *Annex III, Presidency Conclusions, Cologne European Council, 3 - 4 June 1999, op.cit.*

tended to conduct operations using NATO resources or to implement anti-crisis measures autonomously.

During the November meeting in Luxembourg in 1999, the defense ministers of the EU member states discussed the structure of the European Union Rapid Reaction Force<sup>7</sup>. The meeting was preceded by consultations in the strict cycle consisting of France, Germany and the United Kingdom, during which the preliminary rules and ways of implementing the provisions of the upcoming Summit of Heads of State and Government in Helsinki were agreed<sup>8</sup>.

Decisions taken at the Cologne Summit and conclusion of the following discussions at a later stage were developed at the European Council meeting in Helsinki. On the 10<sup>th</sup>-11<sup>th</sup> December 1999, European leaders accepted the report of the Finnish Presidency on developing the EU's response capability in the event of a military crisis as part of joint and strengthened cooperation in security and defense policy<sup>9</sup>. It was decided then that member states cooperating voluntarily in EU-led operations would be able until 2003 to designate within 60 days and maintain for at least one year armed forces consisting of 50 to 60 thousand people in the area of operation, capable of performing the full range of the so-called Petersberg tasks. Within the European Union Council, new political and military structures would be created to enable the European Union to develop the necessary political guidelines and the concept of anti-crisis operation. It was decided to create a non-military mechanism for crisis management in order to coordinate the usage of the European Union, in parallel to the military capabilities and civilian resources of the member states<sup>10</sup>.

In the framework of the Common Security and Defense Policy (CSDP), the aim of which was to gradually develop defense capabilities, it was planned to create, on the basis of the Cologne Declaration, military assets that were in fact limited to carrying out tasks in the field of managing crises of military nature. However, the adopted solution could result in further narrowing of the developed concept to humanitarian operations<sup>11</sup>.

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<sup>7</sup> Luxembourg Declaration, WEU Ministerial Council, Luxembourg, 22-23 November 1999 M. Rutten, From St-Malo to Nice: European defence: core documents, "Chaillot Paper", No. 47, [accessed on 14 May 2016]. Available online: <http://www.iss-eu.org>.

<sup>8</sup> Joint Declaration on European Defence, Anglo-French Summit, London, 25 November 1999, [in:] Ibidem; Paris Declaration, Franco-German Summit, Paris, 30 November 1999, [in:] Ibidem.

<sup>9</sup> Presidency Conclusions, Helsinki European Council, 10 - 11 December 1999, paragraph 26- 27, [in:] M. Rutten, op.cit.

<sup>10</sup> Wnioski z Prezydencji po spotkaniu Rady Europejskiej (fragmety) — Helsinki, 10-11 grudnia 1999 r. Zbiór Dokumentów nr 4, PISM 1999, [accessed on 14 May 2016]. Available online:<http://www.zbiordokumentow.pl/1999/4/index.html> Annex I To Annex IV. Presidency Progress Report to the Helsinki European Council on Strengthening the Common European Policy on Security and Defence, [in:] M. Rutten, op.cit.; See: Rocznik Strategiczny 1999/2000, Warsaw 2000, p. 195.

<sup>11</sup> WEU after Washington and Cologne Summits-reply to the annual report of the Council. Report submitted on behalf of the Political Committee by Mr. Baumel, Doc.1652, 10 June 1999, [in:] Assembly of The Western European Union, Proceedings Forty-Fifth Ordinary Session. First Part, June 1999, pp. 331-337. Por.Security and defence: the challenge for Europe after Cologne- Report submitted on be-

The question of implementation of the tasks set by Western European Politicians left open. The creation of rapid reaction forces was the main theme of three conferences, during which states declared the size of military forces deployed to the EU and determined the time needed to reach combat readiness before the end of 2003<sup>12</sup>.

In spite of the substantial lack of ability to respond to crisis situations at the set level, in June 2003 the European Council declared full capacity to carry out Petersberg tasks<sup>13</sup>.

In December 2003, during the meeting of the European Council in Brussels, the document entitled *"A Secure Europe in a Better World: European Security Strategy"* was adopted, which outlined directions for development and informed about the role the EU was going to play on the international arena in the future<sup>14</sup>. Multilateral actions based on cooperation with existing international organizations were part of the basis for counteracting threats identified in the prepared strategy<sup>15</sup>. In the field of practical action it was decided to rely on the implementation of conclusions of the French military operation "Artemis" in the Democratic Republic of the Congo, for which the European Union took responsibility<sup>16</sup>. Based on the experience from its implementation, it was decided to apply a new concept of shaping EU military resources for anti-crisis measures. The use of combat groups of about 1,500 soldiers with appropriate logistic facilities in order to react quickly to the emerging international crisis was assumed<sup>17</sup>. The conclusions were included in the new initiative setting the 2010 operational objec-

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half of the Political Committee by Mr. Marshall, Doc.1662, 19October 1999, [in:] Assembly of The Western European Union, Proceedings Forty-Fifth Ordinary Session. Second Part, November-December 1999, pp. 112-115.

- <sup>12</sup> European military capabilities in the context of the fight against international terrorism- Report submitted on behalf of the Defence Committee by Mr Wilkinson, Doc.A/1783, 3 June 2002, [in:]Assembly of The Western European Union-The interim European Security and Defency Assembly, Proceedings Forty-Eighth Ordinary Session. First Part, June 2002, pp.176-182; See: The Military Balance 2002-2003, The International Institute for Stratatgic Studies, London 2004; G. Lindstrom, The Headline Goal, Paris 1999, [in:] [accessed on 15 May 2016]. Available online: <http://www.iss-eu.org/esdp/05-gl.pdf>
- <sup>13</sup> Thessaloniki European Council, 19-20 June 2003: Presidency Conclusions 22 June, 2003[in:] [accessed on 15 May 2016]. Available online: [www.greekembassy.org](http://www.greekembassy.org)
- <sup>14</sup> "A Secure Europe in a Better World: The European Security Strategy", Brussels, 12 December 2003, [in:] [accessed on 8 June 2016]. Available online: <http://ue.eu.int/pressData/en/reports/78367.pdf>, pp.3-4.
- <sup>15</sup> A European strategic concept-defence aspects. Report submitted on behalf of the Defence Committee by Mr Gubert, Doc. A/1841, 1December 2003, [in:] Assembly of The Western European Union, Proceedings Forty-Ninth Ordinary Session. Second Part, December 2003, pp. 220-222.
- <sup>16</sup> Council Joint Action 2006/319/CFSP of 27 April 2006 on the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process[in:] [accessed on 15 May 2016]. Available online: <http://www.consilium.europa.eu/>;Szerzej see: C. Mace, Operation Artemis: Mision Imprabable?European Security Review, No.18, July 2003, pp.1-3.
- <sup>17</sup> See: B. Górka-Winter , Grupy bojowe Unii Europejskiej -koncepcja, proces formowania, perspektywy, „Biuletyn”, No. 69, PISM, 23 November 2006, pp.1719-1740.

tive for European anti-crisis capabilities<sup>18</sup>, which was finally authorized by the Council on 17<sup>th</sup> May 2004<sup>19</sup>.

European battle groups are a key element of the European Union initiative in the field of shaping international security – “*Headline Goal 2010*”<sup>20</sup>. The European states’ ambition was to create tactical battle groups by 2007 in the size of a battalion that would be capable of carrying out Petersberg tasks<sup>21</sup>. The possibility to initiate an operation would exist within 5 days after the approval of the “*Crisis Management Concept*” by the Council. The forces delegated by the member states would reach the conflict zone within 10 days following the decision and would be able to stay in the conflict area for 30 days with the possibility of extension to 3 months<sup>22</sup>.

The effectiveness of operations based on managing international military crises is determined by the speed of decision-making and the response time of military resources. The decision on the use of military resources made by the Council with accordance to assumptions should take place within approximately 5 days. This quick process should be ensured by the EU’s main decision-making and planning bodies such as the Political and Security Committee, the European Union Military Committee and the European Union Military Staff<sup>23</sup>. Over twenty-year period of activity of the European Union in crisis management, which includes a period of the development of the contemporary concept of responding to challenges and threats in the field of broadly understood external security, clearly indicates the divergence between the concept’s assumptions, initially ambitious, later significantly limited and their implementation in the realities of the international environment. The use of military resources by EU member states is realized on the basis of intergovernmental agreements and applied to complement the activities of leading international security organizations.

<sup>18</sup> Franco-British Summit. London, 24 November 2003. Strengthening European Cooperation in Security. And Defence. Declaration, pp. 2-3 [in:] [accessed on 15 May 2016]. Available online: [www.fco.gov.uk/Files/kfile/UKFrance\\_DefenceDeclaration,0.pdf](http://www.fco.gov.uk/Files/kfile/UKFrance_DefenceDeclaration,0.pdf)

<sup>19</sup> European Security and Defence Policy, Council Conclusions 2582<sup>nd</sup> Council Meeting, External Relations, Brussels, 17 May 2004.

<sup>20</sup> See: Headline Goal 2010 approved by General Affairs and External Relations Council on 17 May 2004 endorsed by the European Council of 17 and 18 June 2004 [in:] [accessed on 15 May 2016]. Available online: [ue.eu.int/uedocs/cmsUpload/2010%20Headline%20Goal.pdf](http://ue.eu.int/uedocs/cmsUpload/2010%20Headline%20Goal.pdf)

<sup>21</sup> More: M. Kertungen M., T. Koivula, T. Jeppson, EU Battelgroups, Theory and Development in the Leigh of Finnish-Swedish Co-operation, Research Reports, No.30, National Defence College, Helsinki 2005, pp. 28-30.

<sup>22</sup> See: J. J. Andersson, If not now, when? The Nordic EU Battlegroup, Alert - No11 - 17 February 2015, p.1 [in:] [accessed on 15 May 2015] Available online: <http://www.iss.europa.eu/publications/detail/article/if-not-now-when-the-nordic-eu-battlegroup>.

<sup>23</sup> COUNCIL DECISION of 22 January 2001 setting up the Political and Security Committee (2001/78/CFSP) [in:] Official Journal of the European Communities, 30.0.2001, L.27/1-3; COUNCIL DECISION of 22 January 2001 setting up the Military Committee of the European Union (2001/79/CFSP) [in:] Official Journal of the European Communities, 30.01.2001, L.27/4-6; COUNCIL DECISION (2005/395/CFSP) of 10 May 2005 amending Decision (2005/80/CFSP) on the establishment of the Military Staff of the European Union [in:] Official Journal of the European Communities, 26.05.2005, L.132/17-24.

## 2. ACTIONS OF THE EUROPEAN UNION AGAINST THE CRISIS IN UKRAINE

Ukraine, since it gained independence, has been an important partner for the European Union in Eastern Europe, especially in the post-Soviet security area<sup>24</sup>. The leaders of the EU member states declare paying close attention to the institutionalization of contacts in the sphere of political life, including the field of broadly understood security.

The European Union has endeavored to stop the development of armed conflict, preserve territorial integrity and ensure security for the Ukrainian citizens. The preparation of a political association with Ukraine and her economic integration with the EU member states was one of the means to achieve the aforementioned objectives by the European Union. Ukraine is one of the main partners in the European Neighborhood Policy and the Eastern Partnership. The Partnership and Cooperation Agreement between the European Union and Ukraine signed on 14<sup>th</sup> June 1994 that entered into force in 1998 and expired in 2008 was the basis for cooperation and reforms in the main areas of reform<sup>25</sup>. Simultaneously in 1998, the first meeting of the Cooperation Council between Ukraine and the EU was held, during which Ukraine representatives formally announced their accession to gain the status of the EU associated country<sup>26</sup>. An important event in the European Union-Ukraine relations was undoubtedly the adoption of the *Joint EU Ukrainian Strategy* at the EU summit in Helsinki on 11<sup>th</sup> December 1999, which was extended until December 2004<sup>27</sup>. Joint fight against threats to stability and security in Europe, environmental protection, energy and nuclear security have been the main tasks listed in it<sup>28</sup>. Afterwards, a number of sectorial documents were signed, including ones on security<sup>29</sup>. In 2003, during the Yalta Summit, it was decided to start consultations in order to implement the *Wider Europe Action Plan* for Ukraine, which also covered the issues of nuclear safety, fight against terrorism and organized crime<sup>30</sup>.

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<sup>24</sup> See: *Foreign and security policy*, [in:] [accessed on 15 September 2016] Available online: <http://ukraine-eu.mfa.gov.ua/en/ukraine-eu/dialogue/foreign-policy>.

<sup>25</sup> Partnership and Cooperation Agreements (PCAs): Russia, Eastern Europe, the Southern Caucasus and Central Asia [in:] accessed on 14 November 2016]. Available online: <http://eur-lex.europa.eu/legal-content/EN/TXT>.

<sup>26</sup> F. Jasiński, *Rola sprawiedliwości i spraw wewnętrznych w ramach wschodniego wymiaru Unii Europejskiej: brak zaufania czy brak koncepcji?* [in:] „Nowe sąsiedztwo” na wschodzie poszerzonej Unii, ed. T. Kołodziej, Elipsa, Warsaw 2005, p. 68.

<sup>27</sup> EUROPEAN COUNCIL COMMON STRATEGY of 11 December 1999 on Ukraine (1999/877/CFSP) [in:] [accessed on 14 November 2016]. Available online: <https://www.consilium.europa.eu/uedocs>.

<sup>28</sup> More: T. Kołodziej, „Nowe sąsiedztwo” na wschodzie poszerzonej Unii Europejskiej: wyzwania dla PECSA, / „Nowe sąsiedztwo”, op.cit., p.17.

<sup>29</sup> W. Bąba, M. Zajac, „Stosunki zewnętrzne Unii Europejskiej z Ukrainą, Białorusią i Rosją”, *Zeszyty Naukowe Akademii Ekonomicznej w Krakowie*, No. 734, 2006, pp. 63-64.

<sup>30</sup> T. Kołodziej, op. cit., p. 20.



In 2009, the EU-Ukraine Association Agenda entered into force, which replaced the former Partnership and Cooperation Agreement (PCA)<sup>31</sup>. The principal objective of the new initiative was to prepare for the implementation of the Association Agreement (AA), an integral part of which was the creation of the Deep and Comprehensive Free Trade Area (DCFTA) with the European Union<sup>32</sup>. The change in Ukraine's internal situation in January 2010 resulted in the refusal to sign the association agreement by President Victor Yanukovich during the Eastern Partnership Summit in Vilnius. The events that followed this decision and when the Ukrainian militia brutally dispersed the demonstrators gathered at the Independence Square in Kiev on 30<sup>th</sup> November 2013, led not only to a change of power in the state but also to reorientation of the overall politics of Ukraine, both on the internal and external arena. The signing of the political part of the Association Agreement took place on 21<sup>st</sup> March 2014 and the second part on 27<sup>th</sup> June the same year. The Verkhovna Rada of Ukraine (Supreme Council of Ukraine) approved the agreement ratification on 16<sup>th</sup> September 2014 and the President signed it on the same day<sup>33</sup>. The effective functioning of the agreement between Ukraine and the European Union on the Deep and Comprehensive Free Trade Area (DCFTA), which is a central part of the sign Association Agreement between Ukraine and the EU, has been the consequence of that since 1<sup>st</sup> January 2016.

Another important task for the European Union has been ensuring the stability of both the internal and external security in Ukraine. The events initiated by the attempt to suppress pro-European demonstration on 31<sup>st</sup> November 2013 in Kiev and further escalation of the use of force by security forces led to the involvement of the EU bodies responsible for security policy in counteracting negative efforts of the dynamically evolving situation. The intervention of the European Union authorities was mainly a result of the great support of the demonstrators for European values and preventing negative consequences of the large-scale use of violence in the already developing internal conflict that occurred in the immediate vicinity of the European Union borders. The fear of losing the image of an effective arbitrator capable of suppressing any conflict effectively, especially when one of the parties to the dispute defends the values declared in the EU's strategic documents, seems to be the further inspiration for the EU's commitment to solving the situation in Ukraine<sup>34</sup>. Failure in this regard would ultimately undermine the role of the Common Foreign and Security Policy as a tool of the European Union for ensuring its status as a "superpower", at least at a regional

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<sup>31</sup> EU-Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement [in:] [accessed on 7 November 2016]. Available online: [www.eeas.europa.eu](http://www.eeas.europa.eu).

<sup>32</sup> D.Szeligowski, Strefa wolnego handlu UE-Ukraina. Kwestie instytucjonalne i prawne, WSiZ Working Paper Series, March 2014, pp. 5-9 [in:] [accessed on 28 May 2015]. Available online: [www.workingpapers.wsiz.pl/pliki/working-papers/working-paper-n10.pdf](http://www.workingpapers.wsiz.pl/pliki/working-papers/working-paper-n10.pdf).

<sup>33</sup> Ukraine ratifies EU integration deal [in:] [accessed on 7 November 2016]. Available online: [www.theguardian.com/world/2014/sep/16/ukraine-ratifies-eu-integration-deal-autonomy-eastern-regions](http://www.theguardian.com/world/2014/sep/16/ukraine-ratifies-eu-integration-deal-autonomy-eastern-regions)

<sup>34</sup> Wersja skonsolidowana Traktatu o Unii Europejskiej,[w:] [accessed on 14 August 2017]. Available online:[http://oide.sejm.gov.pl/oide/index.php?option=com\\_content&view=article&id=14803&Itemid=945](http://oide.sejm.gov.pl/oide/index.php?option=com_content&view=article&id=14803&Itemid=945)

level as well as a way to spread the Western European model of integration in the area of security. The representatives of the highest authorities of the European Union repeatedly called on the parties to the conflict to refrain from using force in confrontation and advocated resolving the conflict through political dialogue in cooperation with regional security organizations<sup>35</sup>. However, their efforts at the turn of 2013/2014 were fruitless, especially in the face of firearms use by the government and casualties among demonstrators. In the face of growing violence, the EU Council decided to introduce sanctions against all those responsible for the use of violence and violations of basic human rights in the ongoing conflict on the streets of Kiev. In particular, responsibility for the possibility to change the current state of security was entrusted to the president<sup>36</sup>. It seems that the simultaneous visit of the French, German and Polish foreign ministers at the request of the High Representative for Foreign Affairs and Security Policy Catherine Ashton in some way affected the suppression of the conflict and, as a consequence, the defeat of President V. Yanukovich<sup>37</sup>.

The defeat and escape of President V. Yanukovich meant political change and failure of the Russian Federation (RF) policy in Ukraine. The failure of the pro-Russian policy option in Kiev led to the implementation of a solution by the Russian politicians in the form of hybrid aggression. The variant of intervention in Ukraine by its Eastern neighbor was implemented according to the planned and prepared model of a foreign power intervention, affecting the sovereignty, independence and territorial integrity of Ukraine<sup>38</sup>.

On 26<sup>th</sup> February 2014 in Crimea, militant groups of allegedly unknown origin began occupying or blocking strategic and operational objects in order to counter "illegal" takeover or destruction. In reality, it was a demonstration of regular Russian troops and RF Special Forces acting as local paramilitary groups preventing the alleged persecution of the Russian-speaking minority by the members of the Right Sector. In the face of an act of aggression in violation of the UN Charter, the OSCE Final Act, the breach of the Budapest Memorandum of 1994 and the 1997 Bilateral Friendship, Cooperation and Partnership Agreement, the European Union Council condemned the actions of the Russian Federation and called for the withdrawal of her troops from the territory of Ukraine as well as to begin acting in accordance with international law in order to resolve the conflict<sup>39</sup>. At the same time, the Council called for the transparent and democratic action of the new Ukrainian authorities in order to stabilize the securi-

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<sup>35</sup> Council conclusions on Ukraine, Foreign Affairs council meeting Brussels, 10 February 2014, p. 2 [in:] [accessed on 7 November 2016]. Available online: <http://www.consilium.europa.eu>.

<sup>36</sup> Council conclusions on Ukraine, Foreign Affairs council meeting Brussels, 20 February 2014, pp. 1-2 [in:] Ibidem.

<sup>37</sup> K. Sobczyk, Konflikt na Ukrainie – porażka czy szansa dla Wspólnej Polityki Bezpieczeństwa i Obrony UE?, „Bezpieczeństwo Narodowe”, 2015, No. 1, p. 47.

<sup>38</sup> M. Wojnowski, koncepcja „wojny nowej generacji” w ujęciu strategów Sztabu Generalnego Sił Zbrojnych Federacji Rosyjskiej, „Przegląd Bezpieczeństwa Wewnętrznego”, 2015, No. 13, p.16.

<sup>39</sup> P.Ochman, J. Wojaś, Zagadnienia prawne rosyjskiej interwencji zbrojnej na Krymie w 2014 r., *Sprawy Międzynarodowe*, 2016, No. 1, p.104-110.



ty situation and respect democratic principles in state reforms<sup>40</sup>. A further reaction of the EU Council, in the face of the ongoing actions of the Russian Federation in Ukraine, was freezing foreign assets to counter an illegal seizure of them by separatist authorities or persons responsible for undertaking undemocratic activities in Crimea<sup>41</sup>. The actions of the EU Council were strengthened by the position of the European Council condemning the activities of the Russian Federation in Ukraine and the announcement of the suspension of relations in important areas of cooperation<sup>42</sup>. With the total military dominance of the Russian Federation and intimidation of local communities, a formal takeover of power took place, and after an illegal referendum on 16<sup>th</sup> March 2014 it was decided to secede the occupied territory from Ukraine<sup>43</sup>. The response of the EU Council was to deepen the sanctions and condemn the illegal referendum in Crimea that had broken the Ukrainian constitution<sup>44</sup>.

The next stage of the Russian Federation's aggression towards Ukraine was the destabilization of her Eastern part, also largely dominated by the Russian-speaking population. Informal armed groups that were linked to or inspired by the new regime carried out acts of terror against groups of people and local activists who remained loyal to the Ukrainian central institutions. There were plans to carry out terrorist acts of criminal nature aimed at the Ukrainian-speaking population and perform terrorist activities directed against representatives of the international community. After the implementation of the plan already known from operations in the Crimean Peninsula and after the limited actions taken by the Ukrainian central authorities, the aggressors decided to undertake a military operation<sup>45</sup>. Local the so-called self-defense forces, foreign "volunteers" and subdivisions composed of soldiers of the regular military forces of the Russian Federation undertook full-scale combat operations using modern and advanced military equipment<sup>46</sup>, whose affiliation was sought to be hidden in the first

<sup>40</sup> Council conclusions on Ukraine, Foreign Affairs council meeting, Brussels, 3 March 2014, pp. 1-2 [in:] [accessed on 7 November 2016]. Available online: <http://www.consilium.europa.eu>

<sup>41</sup> EU freezes misappropriated Ukrainian state funds, Brussels, 5 March 2014, p. 1 [in:] Ibidem.

<sup>42</sup> Statement of the Heads of State or Government on Ukraine, European Council, Brussels, 6 March 2014, pp. 1-2 [in:] Ibidem.

<sup>43</sup> A. Szpak, Status „małych zielonych ludzików” w konflikcie zbrojnym na Ukrainie, „Stosunki Międzynarodowe”, 2016, No. , p.134.

<sup>44</sup> EU adopts restrictive measures against actions threatening Ukraine's territorial integrity, Council of the European Union, Brussels, 17 March 2014, pp. 1-2 [in:] [accessed on 7 November 2016]. Available online: <http://www.consilium.europa.eu>; EU strengthens sanctions against actions undermining Ukraine's territorial integrity, Council of the European Union, Brussels, 21 March 2014, pp. 1-2 [in:] Ibidem;

<sup>45</sup> See: F. Bryjka, Rosyjska wojna zastępcza w Donbasie, „Ante Portas – Studia nad Bezpieczeństwem”, 2016, No. 1(6), pp. 204-208.

<sup>46</sup> More: J. Ferguson, N.R. Jenzen-Jones, Raising Red Flags: An Examination of Arms & Munitions in the Ongoing Conflict in Ukraine, ARES Armament Research Services, Research Report no. 3 [in:] [accessed on 28 May 2016]. Available online: [www.armamentresearch.com](http://www.armamentresearch.com); Servicemen of the Russian Armed Forces who takes part in combat actions in Ukraine [in:] [accessed on 28 May 2016]. Available online: <http://gur-mou.gov.ua/en/content/russia-cambatants-suspected-of-committing-war-crimes.html>.

days of fighting in order to legitimize itself as a party to a non-international armed conflict<sup>47</sup>.

Deploying a large number of Russian troops near the eastern border of Ukraine and conducting military trainings in the immediate vicinity of the Ukrainian-Russian border as well as the indirect, although often direct, support of the separatist parties fighting in eastern Ukraine significantly determined the conservative actions of the Armed Forces of Ukraine and consequently the failure of the Ukrainian counterterrorist operation in 2014<sup>48</sup>. Attempts to solve the problem of hybrid aggression with military tools in the eastern part of the Donbas region by Ukraine herself, despite the initial success and recovery of a part of the territory by the Ukrainian government, failed. The symbol of this failure was the defeat in the "Battle of Ilovaisk" and its tragic consequences for the Ukrainian forces<sup>49</sup>.

Since the beginning of the conflict the new Ukrainian authorities and its European neighbors were making every effort to involve the EU bodies responsible for security in this domestic, although in the essence having an external intervention character, conflict. At the same time, actions taken by the EU should be institutionalized. However, the main problem was the scope of assistance and the nature of support granted. The political tools used by the EU authorities at that point were unsuccessful and were ignored by the separatists motivated by the Russian Federation in this area<sup>50</sup>. The Russian side sought to talk only with selected partners. The effectiveness of her efforts manifested itself in the creation of the so-called "Normand" formula of meetings that resulted in the protocol signed in Minsk in 2014 as well as the agreement in the following year<sup>51</sup>. All arrangements for peaceful settlement of the conflict were created in the conditions shaped by the self-proclaimed authorities of republics in the eastern Ukraine under the dictation of their Russian superiors. The European community could only be represented by France and Germany that were chosen by the Russian administration, which revealed the place and role of the EU authorities in the foreign policy of the Russian Federation and the attitude of her diplomacy towards the CFSP repre-

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<sup>47</sup> R.Heinsch, Conflict classification in Ukraine: The return of the „proxy war“?, "International Law Studies", 2015, No. 91, p. 356.

<sup>48</sup> L. Freedman, Ukraine and the Art of Limited War, "Survival", [in:] [accessed on 28 September 2016]. Available online: <https://www.iiss.org/-/media//silos/survival/2014/survival--global-politics-and-strategy-december-2014-january-2015/56-6-02-freedman/56-6-02-freedman.pdf>.

<sup>49</sup> More: *Міноборони оприлюднило повний звіт про "Іловайський котел"* [in:] [accessed on 28 September 2016]. Available online: <http://www.depo.ua/ukr/politics/u-minoboroni-opublikovali-povniy-zvit-pro-ilovayskiy-19102015131400>.

<sup>50</sup> See: *EU-Ukraine relations*, „Fact Sheet“, Brussels, 24 April 2015, No. 150424/05 [in:] [accessed on 7 November 2016]. Available online: <http://www.consilium.europa.eu>.

<sup>51</sup> See: *PROTOCOL on the results of consultations of the Trilateral Contact Group (Minsk, 05/09/2014)* [in:] [accessed on 10 November 2016]. Available online: <http://mfa.gov.ua/en/news-feeds/foreign-offices-news/27596-protocol-on-the-results-of-consultations-of-the-trilateral-contact-group-minsk-05092014>; *Minsk Agreement: Ukraine peace deal terms in English* [in:] [accessed on 10 November 2016]. Available online: <http://uatoday.tv/news/minsk-memorandum-in-english-unofficial-translation-of-ukraine-peace-deal-408912.html>

sentatives. An intensive debate was held in the European environment dealing with international security on practical and effective ways of involving the EU institutions in the ongoing armed conflict, not only to monitor its progress but, in prospect, conflict parties separation and control of possible armistice<sup>52</sup>. The possibility of using the armed forces as part of a possible European Union mission seemed illusory<sup>53</sup>.

The response of the international community to the events in eastern Ukraine was primarily based on establishing and organizing an OSCE monitoring mission in this region<sup>54</sup>. A special civilian mission with the OSCE mandate operates in Donbas, whose main task is to supervise the implementation of the ceasefire agreement concluded in Minsk in February 2015. Representatives of the OSCE are also mediating in talks between the Ukrainian authorities and the separatist forces within the so-called contact group. However, the activities of the OSCE mission from the beginning encountered problems caused by the parties to the conflict, especially the separatist forces. Authorities of the republics formed in eastern Ukraine tried to hide the movement to eastern Ukraine of Russian military means and personnel, which were used against the Ukrainian government forces. The OSCE mission does not seem to fulfill its tasks and objectives to the outmost, but at the same time it must be acknowledged that it operates under complex political conditions and under the pressure of Russian actions destabilizing its effectiveness.

Observers from the international community have repeatedly stressed the lack of possibility of an effective OSCE mission. Multiple interventions and remarks by European representatives bring only a temporary effect. In order to counter the Russian influence, it was decided to reinforce the actions of the European community by announcing the possibility of sending a civilian mission to Ukraine under the Common Security and Defense Policy (CSDP), which was discussed at an informal meeting of EU heads of diplomacy. The task of the new mission was, in the first place, to support the activities of the observation mission launched earlier by the Organization for Security and Cooperation in Europe (OSCE). The mission was to cover projects related primarily to the judiciary reform and the police, thus ensuring stability of power and restoring the Ukrainian public trust in public security organs weakened by corruption and fraud.

On 22<sup>nd</sup> July 2014 the European Union Council (No 2014/486/CSFP) under the EU Common Foreign and Defense Policy set up the European Union Advisory Mission in

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<sup>52</sup> G. Gotev, *Yelisieiev: The EU should send a CSDP mission to Ukraine*, [in:] [accessed on 10 November 2016]. Available online: <https://www.euractiv.com/section/europe-s-east/interview/yelisieiev-the-eu-should-send-a-csdp-mission-to-ukraine>.

<sup>53</sup> N. Holmov, *A test too far for the EU CSDP? – Peacekeepers to the Donbas*, 20 March 2015 Ukraine [in:] [accessed on 10 November 2016]. Available online: <http://www.odessatalk.com/2015/03/a-test-too-far-for-the-eu-csdp-peacekeepers-to-the-donbas>.

<sup>54</sup> Decision No. 1117 Deployment of an OSCE Special Monitoring Mission to Ukraine [in:] [accessed on 28 September 2016]. Available online: <http://www.osce.org/pc/116747?download=true>

Ukraine (EUAM)<sup>55</sup>. The EU mission in Ukraine officially started on 1<sup>st</sup> December 2014 with the aim of assisting the Ukrainian government and local government administration in reforming the security sector. The main task of the EUAM mission is to rebuild the state public security organs and to improve the functioning of the Ukrainian courts and prosecutors. The strategic goal of the reform is to restore the confidence of the Ukrainian citizens in civilian security organs.

Activities of the EUAM mission in Ukraine are based on strategic consulting on rebuilding the civil security organs, consulting on the operational level, training, implementing projects and cooperation and coordination of undertaken reforms and actions between the Ukrainian side and international organizations. The priorities set for the mission are, above all, separation of functions and tasks between the authorities in order to avoid duplication of competence and achieve partnership in relations with society. At the same time, the mission seeks to guarantee the right to freedom of assembly and that the actions of services in those areas are in line with European standards and respect for human rights. The priority is to strengthen the ability of security bodies to conduct criminal cases, in particular those related to corruption offenses<sup>56</sup>.

## CONCLUSIONS

The aforementioned mission is a testament to the capability of the European Union authorities for addressing conflicts that arise at its borders and in particular in its immediate vicinity in Europe. Its character indicates the designed model of engaging this European organization in solving crises. This is complementary to the current global or regional powers. The European Union should increase its involvement in shaping security in states where it intends to engage politically and economically in the future. If the European Union intends to play a key role in managing crises of military nature, the priority of its action should be ensuring survival and consolidation of threatened states effectively and, at the second stage, development of high standards of state management. The main task of the government administration in Ukraine is to achieve efficiency in law enforcement, high level of functioning of domestic security authorities and defense against external military threats<sup>57</sup>. At present, states in a similar situation as Ukraine need support in protection of external borders in the military way and, in the longer term, in providing standards of domestic security services in the style of Western European states. At the same time, states aspiring to enter the Western European political system should strive to reliably change their existing model of functioning, which is not always in line with the democratic and transparent model of the European Union member states.

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<sup>55</sup> COUNCIL DECISION 2014/486/CFSP of 22 July 2014 on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) Ukraine [in:] [accessed on 28 September 2016]. Available online: <http://eur-lex.europa.eu/legal>.

<sup>56</sup> <http://www.euam-ukraine.eu/en/what-we-do/our-priorities>.

<sup>57</sup> N. Popescu, *First lessons from the Ukrainian crisis*, "Alert, 10 October 2014 Nr 41, Ukraine [in:] [accessed on 11 November 2016]. Available online: <http://www.iss.europa.eu/publications/detail/article/first-lessons-from-the-ukrainian-crisis>.

In assessing the involvement of the European Union authorities in resolving the conflict in Ukraine in the field of such an important area of security, the internal conditions of the EU should be taken into account. The limitations to functioning of this organization in the international environment, as a collection of sovereign states, should be borne in mind. The activity of the European Union must be based on the consensus and take into account the diversity of national interests of the member states. At the same time, taking on international action, it should validate commonly declared and promoted universal values. The idealistic approach to many issues of relations between states and nations is, however, verified in the face of the pragmatics of shaping international relations.

In circumstances such as conflicts, a lot depends also on the party that is trying to influence behind the scenes the actions taken by the European Union authorities in relation to a state in a situation such as Ukraine. In this case, an entity like the Russian Federation rarely takes into account and even avoids direct relations with bodies of international organizations that may take initiatives contrary to her interests. Russian decision-makers prefer bilateral relations, especially with partners who have influence in European organizations due to their political, economic or military potential. With this kind of involvement of a party, which has decisive strength in shaping security in Eastern Europe, the effectiveness of international organizations authorities will be low or just symbolic. The main issue is also the way in which the EU member states deal with the Russian Federation. Discussion in a limited group, formed by the third side of the crisis, which stimulates the conflict behind the scenes, becomes the only solution to solve the conflict. The indirect appreciation of the EU largest member states and the prospect of “exclusive” relations with the Russian Federation could seem tempting to many politicians from these countries. However, the only way to make the European Union effective is its unconditional unity in foreign policy, especially in the sensitive area of security.

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