

Policy Review Memo of the Permanent Representative to the United Nations

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This is a response to the request of the President for policy recommendations following the National Security Council (NSC), concerning the escalating situation in Latvia. This paper presents the position of the Permanent Mission to the United Nations as laid out at the meeting.

1. Principal Objectives of the Permanent Mission to the United Nations

- 1.1 The Permanent Mission to the United Nations has the following three principal policy objectives with regards to the situation unfolding in Latvia. First and foremost, it seeks to avert the threats arising to US and allied interests in the region. Secondly, it endeavours to avoid an escalation of any direct conflict with the Russian Federation (henceforth to be simply called Russia). Last, the Permanent Mission recommends a reassertion of the USA's ability and will to defend her interests in the face of adversary, in Europe or elsewhere. These priorities form the basis for the following policy recommendations and act as the underlying rationale by which they are justified.
- 1.2 On top of these underlying Objectives, each policy recommendation is qualified through a consistency with the following key aims of the Permanent Mission, as well as US interests. Any and all decisions ought to be based on the existing international treaty framework, with the United Nations Charter, the North Atlantic Treaty providing the key guidance and restrictions on any course of action. Last, any US action ought to make full use of the highest international institutions relevant to their course, with the United Nations Security Council (UNSC) ultimately acting as forum, jury, and court of world opinion, with all actions to be devised and executed with the transparently and formal procedure the enable and require.

2. Primary Recommendations from the Permanent Mission to the United Nations

- 2.1. The Permanent Mission to the UN's primary recommendation is for the President (POTUS) to immediately call for an emergency session of the UNSC regarding both the ethnic unrest in Latvia, as well as the clear and present danger posed by direct and indirect Russian interference in the crisis. Unlike an emergency session of the UN General Assembly, the powers vested to the UNSC by the Charter¹, as well as its select membership make it more appropriate as a forum for immediate crisis management. This session ought to convene as soon as possible and form the basis of a broad multilateral response to Russian aggression in Latvia.
- 2.2. The aim of this session ought to be the establishment of a transparent and purposeful forum within the proven framework of the UNSC and aim to restore internal stability in Latvia, by highlighting the situation to the International Community and unambiguously showcasing Russian involvement in its escalation. In particular with regards to the proven activity of Russian trans-border operatives in Latvia and the inauspiciously linked build-up of forces at the border. Presentations of select intelligence assessments from the relevant federal agencies, including satellite images of Russian troop movements and signal intelligence proving the presence of Russian operatives in Latvia and reports from assets embedded within Latvia, as well as a determined guiding of the debate by US, and coordinated allied representatives, towards an

evaluation of the facts of this crisis deemed relevant by our shared assessment should lead to a meaningful response from the international community and universally caution Russia to continue its operation.

- 2.3. This Mission believes that due to the undeniable involvement of Russian political, intelligence and military operatives, makes the UN the most appropriate forum for discussion with Russia, as well as our European partners. While a set of tailored bilateral or multilateral talks may enable the most fruitful agenda and constellation, they would lack the inherent legitimacy and neutrality of the UNSC. As any degree of uncertainty surrounding the intent and procedure of the talks would serve to further escalate the situation, especially given a large number of interested parties involved, any misunderstandings between the US and the Russians, or the allies may have catastrophic consequences. The proven structure and process of the UNSC should mitigate that risk.
- 2.4. Given the evident breach of Latvian sovereignty by the Russians, this Missions recommends that the US treat the evolving crisis primarily as a foreign intervention by a hostile power. This represents both a violation of the UN Charter, which the UNSC holds custody of, as well as the geostrategic interests of the USA in Europe, which relies on the integrity of our allies there². And while this Mission concedes that there is certainly a domestic element to the crisis due a clear ethno-political divide with Latvia³, the immediate US and allied foci ought to remain on securing Latvia from Russian intervention. Especially given the recent Russian involvement in the Ukraine, which had seen a slow build-up of Russian forces in the countries Eastern region, leading to the occupation and annexation of the Crimea and de facto secession of the Donbass from Kiev's control⁴, the threat to Latvia's territorial integrity should not be underestimated and the UNSC should be used as a vehicle to pressure the Russians to withdraw their assets and ceasing any ongoing or future operations to exploit and escalate the crisis.
- 2.5. Finally, regarding the internal stability of Latvia, which while worrying must remain a secondary objective of any US response, this Mission proposes a provision of any needed assistance to the Latvian government within a bilateral framework, with US advisors and mediators offered to conduct *on the ground* support to the Latvians as soon as possible. In the mid to long term, a limited presence of UN Peace Keeping, akin to the successful operations in Burundi, Haiti and the Kosovo may also prove to be a valuable tool to ensure Latvian stability⁵. Seeking to stabilise the domestic situation outside a UN framework, however may ultimately lead to a *Russia vs NATO* situation and subsequent risk of escalation, with a NATO led effort being at particularly risk of being construed as a provocation. Logistic and limited military support should be offered to the Latvian government in a similar manner and be explicitly separate from any NATO-led efforts unless further Russian escalation occurs.

3. Secondary Recommendations from the Permanent Mission to the United Nations

- 3.1. In the eventuality of a failure of the UNSC led diplomatic effort, this Mission recommends that the US pursues dialogue through the other established channels of communication. Especially the NATO-Russia Council, may prove to be an affective auxiliary forum given its recent facilitation of a Baltic security dialogue⁶ ought to ensure a continuity of meaningful and transparent dialogue. As with UNSC based talks, this approach would ease the establishment of trust between all relevant parties through proven processes and reduce the risk of fatal misunderstandings.

- 3.2. Regarding the involvement of and coordination with our NATO and European allies, US efforts to establish a coherent and unified front will be greatly aided through the use of established institutional frameworks. This Mission especially recommends close coordination under the North Atlantic Council to ensure a unitary response of all NATO partners, and a subsidiary collaboration with the Organisation for the Security and Co-Operation in Europe to engage third party actors with a stake in the Baltic security, in order to maximise the engagement with local states, whilst maintaining the primacy and coherence of NATO interests.
- 3.3. On the use of economic sanctions against Russian governmental, corporate and private entities, this Mission believes that despite some limited medium-term successes of the response to Russian aggression in Eastern Ukraine⁷, the acuity of the situation makes them a less appropriate tool to pressure Moscow to cease its operations in Latvia. The strategic proximity of Latvian territorial integrity to US interests, as enshrined in the North Atlantic Treaty, make even limited Russian aggression an unacceptable collateral, as any *de facto* occupation or annexation of any Latvian Territory would qualify a triggering of the Treaty's Article 5⁸, which would risk the immediate escalation of the conflict or erstwhile fundamentally undermine NATO and US credibility, should the alliance's resolve come into doubt.
- 3.4. This Mission further believes that economic sanctions against Russia would further undermine the involvement of Russian organisations and individuals within Latvia, making the reconciliation effort following the anticipated initial de-escalation needlessly harder. Given the already substantial damage inflicted onto the Russian economy by Western sanctions in the build up to the Minsk Agreement⁹, further destabilisation of Russia would be counterproductive to solving this crisis.
- 3.5. In light of the already tense military balance in the Baltic region, any deployment of US forces in the region ought to be handled with the greatest of care. This mission recommends that a limited number of specialist forces be offered to help Latvia secure her borders and critical infrastructure, such as power plants, ports and air ports, but that these forces be equipped with limited capabilities to defend against a major Russian offensive to signal to the Russians that these forces are intended as peacekeepers, not a defensive formation. Of particular appropriateness for this operation may be elements of the 75th Army Ranger Regiment or the 82nd Airborne Regiment given the particular demands of the mission and the skill sets and discipline of elite light infantry units¹⁰. This, twinned with a deployment on a bilateral basis, not under the NATO framework should limit the perceived threat of any deployed US troops.

4. Conclusions

- 4.1. The Permanent Mission of the United States to the UN believes that that the surest way to de-escalate the tension at the Latvian-Russian border in a full diplomatic engagement of the Russian Federation at the highest possible level. The proven structures of UNSC, UN General Assembly and NATO – Russia Council continue to be the most appropriate and effective forums, and through their inherent transparency and legitimacy minimise the risk of further escalating the tension. Staying within these frameworks should signal to our allies and potential adversaries the unwavering commitment of the USA to our interests in Europe and underline every diplomatic action with the full weight of our capabilities. Our allies should be regularly updated and conferred with through the usual channels of communication.

4.2. At no point of any chosen course should our resolve be questionable and ability to protect our allies be questionable, and any action undertaken by the Russian Federation or any of her agents must be seen as a threat to the integrity of NATO, and while all attempts to resolve this crisis peacefully must be made and pushed to the extreme, but the USA must be prepared to use all tools at her disposal to ensure peace in Europe.

References

1 Charter of the United Nations and Statute of the International Court of Justice, Chapter 5, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

2 The White House (2017), The National Security Strategy of the United States of America, xxx.12.2017, <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf> accessed on 22.08.2018

3 Rodin, Miahil (2013); Ethno-political Conflicts and national identity in Latvia, OSCE Report, available at <https://www.osce.org/odihr/106116> accessed on 22.08.2018

4 Centre for Strategic and International Studies, Timeline of the Ukraine Crisis, <http://ukraine.csis.org/> accessed on 22.08.2018

5 United Nations Peacekeeping, <https://peacekeeping.un.org/en/our-successes> accessed on 22.08.2018

6 Barnes, J. E. (30.03.2017); Russian-NATO Diplomats discuss Military Deployments in the Baltic Sea Region; Wall Street Journal; available at <https://www.wsj.com/articles/russian-nato-diplomats-discuss-military-deployments-in-baltic-sea-region-1490893510> accessed on 22.08.2018

7 Christie, EH; Sanction after Crimea: have they Worked; NATO Review; available at <https://www.nato.int/docu/review/2015/russia/sanctions-after-crimea-have-they-worked/EN/index.htm> accessed on 22.08.2018

8 The North Atlantic Treaty (1949); Article 5; available on https://www.nato.int/nato_static/assets/pdf/stock_publications/20120822_nato_treaty_en_light_2009.pdf accessed on 22.08.2018

9 Francis D and Jakes, L (28.04.2016); Sanctions are a Failure...Let's Admit That; Foreign policy; available at <https://foreignpolicy.com/2016/04/28/sanctions-are-a-failurelets-admit-that/> accessed on 22.08.2018

10 Segal, DR et al (1990); Light Infantry as Peacekeepers in the Sinai; *Armed Forces & Society*; Vol 16, Issue 3, pp. 385 - 403