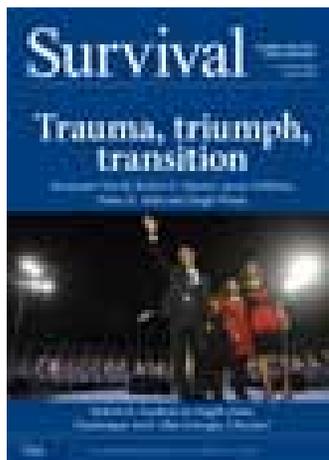


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Ukraine Since the War in Georgia

Dominique Arel

In November 2004, an attempt at massive electoral fraud by the incumbent forces in Ukraine spurred weeks of huge popular protests that came to be known as the 'Orange Revolution'. The greatest instance of mass mobilisation in the former Soviet Bloc since the fall of the Berlin Wall masked the fact that only half the country had risen up. In the final round of elections, Victor Yushchenko, the 'Orange' candidate and future president, carried overwhelming majorities in central and western Ukraine, while Victor Yanukovich, the loser and outgoing prime minister, swept the eastern and southern parts of the country.¹ This polarisation largely repeated itself in the parliamentary contests of 2006 and 2007. When united, the Orange forces had the advantage, but barely. In September 2007, they won a new parliamentary majority of only two seats.

Nearly four years after the Orange Revolution, in August–September 2008, the external shock of a war between Russia and Georgia produced neither demonstrations, nor an electoral or regional polarisation. Instead, the political class, largely reflecting popular orientations, split in three, resulting in political deadlock over fundamental issues such as the security relationship with Russia and the West, the constitutional rules of the game and even, for a while, a strategy to tackle the shattering economic crisis 'imported' from abroad.² The unstable alliance between the political blocs allied to President Yushchenko and twice-Prime Minister Yulia Tymoshenko has turned into a vicious divorce, resulting in such dramatic episodes as the presidential

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office accusing the prime minister of 'treason' and the latter abruptly siding with her erstwhile foe Yanukovych to unilaterally amend the constitution and effectively deprive the president of all his powers.³ The political confusion has produced one certainty: the chances of Ukraine joining NATO in the near future are now nil. By all indications, Russian objectives have prevailed, for the time being.

The war in Georgia triggered a war of narratives. The Western account, championed by the United States, more moderately by Western Europe and more stridently by Central Europe, presented Georgian President Mikheil Saakashvili as having recklessly fallen into a calculated Russian trap by bombing South Ossetia, and Russia as having launched an aggression, particularly in entering and de facto occupying undisputed Georgian territories such as the city of Gori. The Russian narrative, by contrast, echoed NATO's discourse legitimising its attack of Serbia in 1999: the Russian Army had to intervene to protect the civilian population from genocide and had, therefore, to conduct 'security' operations in adjacent territories to break the military capabilities of the aggressor. Russia lost this war of narratives in the Western media without, however, having to face concerted political action from the West. More importantly, it did not lose this discursive war in Ukraine.

Yushchenko did not waver in his response to the events in Georgia. Two days after the war broke out, the Foreign Ministry, under presidential jurisdiction, warned that Ukraine might not permit Russian Black Sea Fleet ships sent to patrol around Abkhazia to return to port. A subsequent presidential decree called for coordination between Russia and Ukraine on troop movements.⁴ Nothing came of it, since Ukraine lacked the means to implement the decree, even though the Russia–Ukraine agreements on the Fleet, signed in 1997, had never envisaged the use of those ships against an ally of Ukraine. Yushchenko also flew to Tbilisi, along with the presidents of Poland, Lithuania and Estonia, to show support for the embattled Saakashvili. Officially, the Ukrainian state had adopted the Western narrative, laying the blame on Russia. For Yushchenko, the war in Georgia had made it clearer than ever that Ukraine had to join NATO to ensure its security.⁵

But this is not how the majority of Ukrainian citizens, or the Ukrainian political class, sees it. The revealing moment came with Tymoshenko's reaction, or rather lack of reaction. During the entire crisis in August, the Ukrainian prime minister did not express an opinion on the war, let alone publicly criticise Russia, a remarkable turnaround for someone who had gone as far as making the (unsubstantiated) claim from the Orange 'barri- cades' back in 2004 that Russian troops had been deployed to guard Leonid Kuchma's presidential office.⁶ Tymoshenko's silence on the war in Georgia was so deafening that no official statement was to be found on the website of her parliamentary party, the Tymoshenko Bloc. A statement finally appeared in a raucous parliamentary session on 2 September, when each parliamentary faction submitted at least one resolution on the war, and none were adopted. The Tymoshenko Bloc and Our Ukraine, Yushchenko's faction, although still officially united in a governing coalition, were unable to agree on a common resolution. The Tymoshenko Bloc, as a matter of fact, did not even want the question on the agenda. When its parliamen- tary leader finally submitted the Bloc's proposition, Tymoshenko's stance became clear. By condemning the use of force, disproportionate or other- wise, by 'all sides' and calling for the unconditional implementation of the EU–Russia agreement, without expressing an opinion on Russia's interpre- tation of key clauses of this agreement, Tymoshenko essentially adopted a neutral stance.⁷ This is not, to be sure, how Tymoshenko supporters and most observers of the Ukraine scene framed her position. She is generally presented as espousing a view closer to the mainstream of the European Union, while Yushchenko is seen as playing the 'nationalist', anti-Russian card, aligning him with Polish President Lech Kaczynski. Substantively, however, it is the resolution presented by Our Ukraine parliamentary leader Viacheslav Kyrylenko that resembled most closely the official EU posi- tion that condemned the Russian Army's 'disproportionate' response and calling for its withdrawal from Georgian territory 'without delay'.⁸ Even on the cardinal question of the territorial integrity of the Georgian state, the Tymoshenko Bloc's support was kept in general terms ('all sides [must

*Tymoshenko's
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was deafening*

abide by] principles of independence, sovereignty and territorial integrity'), while the EU called the recognition by Russia of South Ossetia and Abkhazia 'unacceptable', and Our Ukraine called it 'absolute violations of fundamental norms of international law'.⁹

It was Yanukovich's Party of Regions that explicitly called for a 'neutral' Ukrainian position on the Georgia question, but it did so while wholeheartedly endorsing the Russian narrative of the war, placing all the blame on Georgia. It even went so far as to call for the recognition of the independence of South Ossetia and Abkhazia, a position supported by only two states – Russia and Nicaragua – but by 80% of Yanukovich's deputies, overwhelmingly from eastern and southern Ukraine.¹⁰ In effect, as far as Ukraine's interpretation of the war in Georgia is concerned, Yanukovich is pro-Russian, Tymoshenko is neutral, and Yushchenko is pro-NATO/pro-EU with, to be sure, a radical wing in his party that indulges in anti-Russian discourse. That the Tymoshenko Bloc favours neutrality became apparent in a remark made by its parliamentary leader Ivan Kyrylenko (no relation to Our Ukraine's Viacheslav Kyrylenko) on that fateful 2 September: the war in Georgia, he said, is 'not our war' and 'we don't need to involve ourselves in a foreign war'.¹¹ This most definitely does not square with the Western narrative, including official declarations of the European Union, which were based on the assumption that the international community was greatly concerned by the war. And yet it does not square with the Russian narrative either, which appeared to have captured the 'anti-Orange' regions.

The stances of Ukrainian parties are usually dismissed as political posturing, but this misses the important point that they in fact reflect broad popular orientations. The post-Orange political system in Ukraine might be unstable in that it repeatedly fails to produce durable parliamentary majorities, but, in contrast to Russia, it remains a system where power is electorally contested and where politicians must take their cue from their perceived electorates to remain in the game. On the question of NATO, the verdict is now in. In September 2008, a full month after the beginning of hostilities in Georgia, reputable polling agencies placed support for NATO in Ukraine in the 20–30% range, with opposition over 60%. Support for NATO has always been low in Ukrainian public opinion, but one could have argued

that the issue was not politically salient until recently, with NATO membership a distant possibility and its unpopularity reflecting indifference or lack of information. This argument is no longer tenable in the wake of the Bucharest Summit of April 2008 (when NATO announced that 'Ukraine and Georgia will become members of NATO' at an unspecified date) and the war in Georgia. For those who interpret the war as Russia's response to Bucharest, if there ever was a moment for Ukraine to shift towards NATO, the war was the test. But this is not how most Ukrainians see it. Asked in September 2008, 'which military security option is the best for Ukraine?', 28% of Ukrainians surveyed favoured some kind of pro-Europe system of collective security, 28% a pro-Russian military alliance, and 25% 'not joining any bloc'.³ What this means is that a critical mass of the Orange electorate is most uneasy with NATO, even in the face of a war in the post-Soviet neighbourhood, and even with the spectre of Crimea, the one territory with 'autonomous' status in Ukraine, looming larger.

Why is this? In 2004, Ukrainians were regionally polarized (52% to 45%) over the process of a presidential election, with one-half backing a pro-Europe candidate and denouncing fraud, and the other half espousing the Russian narrative of a Western conspiracy to interfere with the sovereign choice of a people. In 2008, the important story is that Ukrainians, by rejecting NATO two-to-one, refuse to become polarised over security, perhaps because of an intuitive sense that a confrontation over military issues could have unforeseen consequences for their own state in a context where Russia has defined the Ukraine–NATO question as 'existential'.¹³ With a large centre searching for 'neutrality', Ukrainians do not appear to want to place the question front-and-centre in domestic politics and make a stark choice.¹⁴ This might or might not be practical as a state-building strategy, but it does send a powerful message to Brussels that Ukraine is not ready to join NATO.

It is hard to imagine how a membership track can be granted over the objection of the great majority of the applicant state's population. In late October 2008, with a new parliamentary election in the offing, Yushchenko's party — which had lost half of its support in the last year — had not benefited an iota from its Western-oriented stance on Georgia, while the Tymoshenko Bloc's ratings remained more or less stable. There is no sign

that Tymoshenko will be punished by her pro-Orange electorate for adopting a de facto neutral stance towards Georgia, a stance that could not but please Russian officials as it avoided offending Russia. There is no sign, moreover, that the next election will be over NATO; this, in itself, is a key domestic fallout of the war. The Foreign Ministry of Ukraine will continue to push for NATO, but the option is no longer credible.

But is this search for neutrality practical? Was Russia merely signalling to the West that it had crossed the line in promising NATO membership to states bordering Russia and should step back, or did South Ossetia create a precedent for future behaviour towards former Soviet states such

as Ukraine?¹⁵ The touchstone in Ukraine, of course, is Crimea. In the early 1990s, Crimea shared a strong secessionist movement with five ex-Soviet territories, including South Ossetia. Uniquely, however, Crimea saw neither violence nor de facto secession, since the Ukrainian government was able to peacefully take over the entire security apparatus in Crimea and politically

The touchstone in Ukraine is Crimea

neutralise the separatists.¹⁶ Separatism as an organised political force has been dead in Crimea for 13 years, but there is little doubt that a critical mass in the only administrative territory in Ukraine where ethnic Russians constitute a majority would rather live in Russia than in Ukraine.¹⁷ Sentiments, as any sociologist knows, do not create a movement, but they can certainly be tapped under the right circumstances. The vote by the Crimean parliament on 17 September, by 79–8, to recognise the independence of South Ossetia and Abkhazia is a prime example.

There are two complicating factors. The first is the Black Sea Fleet, which is in the middle of a 20-year lease of naval facilities in the port of Sevastopol. The lease, a package of three agreements, was concluded concurrently with the Ukraine Treaty of Friendship, Cooperation, and Partnership in 1997. The treaty, in asserting the ‘immutability of existing borders’, plainly recognises that Sevastopol and Crimea belong to Ukraine. However, in its use of more ambiguous language – ‘[not to] conclude with third parties any kind of agreement directed against the other party’ – it leaves the door open for Ukraine to seek NATO membership and for Russia to reconsider the

question of Ukraine's territorial integrity. Ukraine's position is that NATO is not directed against Russia. Russia warned that NATO membership by Ukraine would render the Treaty null and void.¹⁸ Ukraine's quiet renewal of the Treaty, on 1 October 2008, for another ten years will do nothing to clarify this crucial point.¹⁹ In the wake of the war in Georgia, Yushchenko has announced that the Sevastopol lease will not be renewed, that the Black Sea Fleet will have to leave in 2017, and that the issue is non-negotiable.²⁰

Yet since Yanukovich, who has a reasonable chance of defeating Yushchenko in the 2009 presidential elections, is opposed to the policy, the fate of the Black Sea Fleet remains utterly uncertain. One would think that the presence of so much military firepower, on either side, with Ukrainian military troops deployed in Crimea, has to act as a deterrent for any kind of violent scenario. This was certainly the case in the early 1990s, when the Black Sea Fleet was never a factor in the tense negotiations between Kiev and Simferopol. It could very well be that the possible building of naval facilities in de facto Russian-annexed 'independent' Abkhazia could relieve pressure on Ukraine. But this probably underestimates the huge emotional investment that the Russian elite has made in the belief that Ukraine cannot 'tear itself away' from Russia.

The second factor, often forgotten but potentially most important, is the Crimean Tatars. If Crimean Russians are predisposed to rejoin Russia, Crimean Tatars are most definitely not, and they might plausibly react to a South Ossetia-like scenario with violence. The Crimean Tatars are politically excluded from local politics despite constituting at least 15% of the population and tend to nurture hostile views towards Russia, which they blame for their collective deportations during the Second World War.

The question that no one can answer convincingly is whether Crimea will be the next domino in Russia's diplomatic and military resurgence in the former Soviet zone. Realists see it as unlikely, since 'Ukraine is not Georgia' and Russia would respect the strength of the Ukrainian military.²¹ Yet no one really knows how parties would react if an incident were to occur, say, in Sevastopol.²² The one disquieting parallel with South Ossetia is the presence of all these Russian 'citizens' in disputed territories. Russia had issued passports to virtually the entire Ossetian population and framed its inter-

vention as a defence of its citizens. Since the war, the Ukrainian press has been full of articles about the ‘hundreds of thousands’ of Russian passports issued to residents of Sevastopol and Crimea.²³

This is all speculation, of course, since the Russian state will not release data officially contradicting Ukrainian legislation (dual citizenship is banned in Ukraine), but it is plausible. If there were to be an incident, such as a demonstration that turns violent, and were Russia to invoke the defence of its ‘citizens’, no one really knows how any of the parties, including the Crimean Tatars, would react. The one thing we do know is that most Ukrainians, by a proportion of 3:2, do not see a military threat arising in Ukraine from the Russia–Georgia war, and most would therefore see this scenario as unlikely.²⁴ The proportion of Ukrainians fearing a Russian military threat is just a few points higher than those favouring a European military alliance. This is consistent with the view, espoused by Yanukovych and Tymoshenko (albeit for different reasons), that *not* joining NATO is the best way to ensure Ukraine’s security. It appears that the war in Georgia only crystallised this view.

Notes

- 1 Dominique Arel, ‘Orange Ukraine Chooses the West, but Without the East’, in Ingmar Bredies, Andreas Umland and Valentin Yakushik (eds), *Aspects of the Orange Revolution III – The Context and Dynamics of the 2004 Ukrainian Presidential Elections* (Stuttgart and Hanover: ibidem-Verlag, 2008), pp. 35–53.
- 2 Ukraine has a mixed presidential–parliamentary system, but one in which the powers of the president and the prime minister are constitutionally ill defined, in effect creating a dual executive and repeated political crises, with little respect on either side for the power of the court to adjudicate disputes.
- 3 Yushchenko’s chief of staff, Viktor Baloha, alleged that Tymoshenko had refrained from criticising Russia in public over Georgia in return for Russian financial support of her 2009 presidential bid. The prosecutor-general dismissed the charges. The constitutional crippling of the presidential office was later undone by Tymoshenko in an attempt to stave off new elections.
- 4 Pavel Korduban, ‘Kyiv on Georgia: Diplomacy Awkward, Parties Divided’, *Eurasia Daily Monitor*, vol. 5, no. 157, 15 August 2008.
- 5 Tony Halpin, ‘Nato Membership Vital to our Security, says Ukraine’s President Yushchenko’, *Times Online*,

- 25 August 2008, <http://www.timesonline.co.uk/tol/news/world/europe/article4602509.ece>.
- 6 Yulia Tymoshenko, 'The Battle for Ukraine', Project Syndicate, USA, 30 November 2004, available at <http://www.tymoshenko.com.ua/eng/exclusive/publications/2490/>.
 - 7 'Tymoshenko Bloc Draft Resolution in the Rada', *The Ukraine List*, no. 430, 9 October 2008, <http://www.ukrainianstudies.uottawa.ca/pdf/UKL430.pdf>.
 - 8 Council of the European Union, Extraordinary European Council, Presidency Conclusions, Brussels, 1 September 2008, available at <http://www.ue2008.fr>.
 - 9 'Our Ukraine Draft Resolution in the Rada', *The Ukraine List*, no. 430, 9 October 2008.
 - 10 Taras Kuzio, 'Party of Regions Splits over Georgia and NATO', *Eurasia Daily Monitor*, vol. 5, no. 167, 2 September 2008.
 - 11 Stenographic report of the Ukrainian parliament (Verkhovna Rada), Second Session (*Zasidannia druhe*), 2 September 2008, available at <http://portal.rada.gov.ua/>.
 - 12 'Excerpts from Two Representative Surveys by the Kyiv International Institute of Sociology (KIIS) on Popular Perceptions of the War in Georgia', *The Ukraine List*, no. 43, 9 October 2008. KIIS is one of the oldest and most respected polling organisations in Ukraine, known for the accuracy of its survey data. Respondents to this question were given the choice between 'Joining NATO' (17.4%) and 'Creating in Europe a new system of collective security with only EU members' (10.6%). In another question, on 'How would you vote, if a referendum were to take place next week on NATO', 22.2% were in support (without the option of an EU security alliance). In other polls, support for NATO has been marginally higher.
 - 13 'Russia's Strategy: "What's Looming in Ukraine Is more Threatening than Georgia"', Spiegel Online, interview with Vyacheslav Nikonov, 16 October 2008, <http://www.spiegel.de/international/world/0,1518,584631,00.html>. This stance is fairly representative of Russian discourse over Ukraine since Bucharest and Georgia.
 - 14 I am grateful to Keith Darden of Yale University for articulating this point to me.
 - 15 Joshua A. Tucker, 'Next Stop, Ukraine?', *The New Republic*, 13 October 2008.
 - 16 Dominique Arel, 'Russian-Speakers, Autonomy, and Violence in Crimea and Transnistria', unpublished manuscript.
 - 17 Since Crimea belonged to the Russian Soviet Republic until 1954, many among the older generation of Russians were technically born in 'Russia'. Many more emigrated from Russia.
 - 18 Writing shortly after its signing, James Sherr foresaw that it would not constrain Ukraine's aspirations towards NATO. See James Sherr, 'Russia-Ukraine Rapprochement?: The Black Sea Fleet Accords', *Survival*, vol. 39, no. 3, Autumn 1997, pp. 33-50.
 - 19 A clause indicated that the treaty would be automatically renewed, unless a party objected by October 2008. The clause does not techni-

cally pertain to the Black Sea Fleet agreements, which established a uninterrupted 20-year lease.

- ²⁰ 'Ukraine: No Russian Black Sea Fleet Lease Extension', Associated Press, 23 October 2008.
- ²¹ Roundtable on The War in Georgia and Its Implication for Ukraine, Fourth Annual Danyliw Research Seminar in Contemporary Ukrainian Studies, Chair of Ukrainian Studies, University of Ottawa, Canada, 24 October 2008.
- ²² Adrian Karatnycky, 'Ukraine and NATO on the Eve of the December 2008 Summit', Roundtable on The War in Georgia and Its Implication for Ukraine.
- ²³ Taras Kuzio, 'Ukraine's Security Vacuum', *Ukraine Analyst*, vol. 1, no. 3, 14 October 2008.
- ²⁴ 'Excerpts from Two Representative Surveys'. To the question 'Does a military threat exist in Ukraine in case of an aggravation of the conflict between Russia and Georgia, taking into account the fact that the Black Sea Fleet is based in Sevastopol?', 14.4% answered 'yes', 20.4% 'probably yes', 26.9% 'probably no', and 25% 'no'.

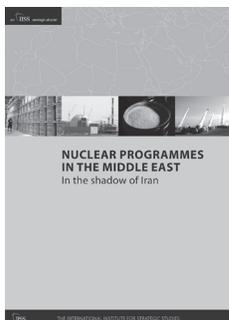
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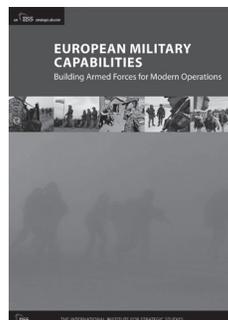


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