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A European Solution to the Ukrainian Conundrum: Anticipating Russian Strategic Reactions & Re-Stabilizing Ukraine

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(A) Identifying the problem: The indirect deployment of Russia's military forces in the Crimean Peninsula, although ostensibly covered under the guise of Crimean militia- constitutes the single most important provocation to the post-Cold War security architecture established over the last 20 years. What is more problematic though about this provocation is that it constitutes a direct response to perceived US efforts to repeat the Orange Revolution of 2004.

Although there is no objective proof of US involvement in the preparation of the events leading to this second pro-Western Ukrainian revolution, it is clear that the dramatic pace of developments appears to have misled some key US officials into believing the following three self-fulfilling prophecies:

(i) That the components who led the Maidan protests and the political powers who emerged from the "Revolution" would consist of the main pro-western but by and large mainstream political parties led in 2004 by Viktor Yushchenko and Yulia Tymoshenko.

(ii) That the new interim regime would be internationally and nationally legitimized

(iii) That Russia would not react in the way it has reacted because of the fait accompli created by the revolution and the potential return of Yulia Tymoshenko to power would be too difficult to reverse

All these hypotheses have proven to be completely and perilously erroneous for the following four reasons:

(i) The currently governing coalition is an amalgamation of the most ultranationalist elements of the Western Ukrainian extremes in Ukraine's political landscape who are equally hell-bent to destroy the fragile balance of ethno-political power which held post-Soviet Ukraine together. In 2004 and again in 2008 these parties publicly championed a radical anti-Russian agenda that neither Yushchenko nor Tymoshenko would ever attempt to implement or even endorse.

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This coalition of chauvinist –and in some cases neo-nazi- parties are not the political offspring of the Orange Revolution and will not follow a centrist and conciliatory approach which is necessary to bring the country back from the brink of civil war. These parties were never allowed to play a major role in central Ukrainian political life before and were not given key ministerial or bureaucratic posts in the national security apparatus of the central Ukrainian State by President Yushchenko in 2004-2009. The main reason for the relative distance both Yushchenko and Tymoshenko kept from the ultranationalists of Western Ukraine is that their sharing of executive power would gravely destabilize the delicate balancing role Kiev has played in post-soviet Ukrainian politics. Kiev was supposed to be – not the center of gravity- but the balancing pivot between the extreme and polarizing nationalistic elements who control the Western and South-Eastern extremes of the country at a regional political level. This pivot is now effectively broken.

(ii) Another, even more important hazardous parameter, is the emergence of the Maidan protesters as an effective political power in Ukrainian politics. The synthesis of the new central government was red to the general acclaim of the protesters who still occupy the center of Kiev after President Yanukovich fled. The existence of this highly mobilized and partly armed group will make it even more difficult for centrist elements who are in relative minority in the current coalition government to prevail. This exact combination of Maydan’s “people” power with the ultranationalist parties of Western Ukraine destroyed the EU-brokered re-conciliatory proposition of 21 February to which we must now return to save Ukraine and Europe from the chaos of a potential internal conflagration.

(iii) As a result of the collapse of 21st February agreement the new government was not nationally legitimized. The new regime decided to free Tymoshenko from prison without any consultation with the judiciary, passed laws which banned the use of the Russian language as the nation’s second official language and set out on a course that would bring Ukraine closer to Europe, as if the revolution had occurred in order for Ukraine to sign an Association Agreement with the EU.

In reality, even before Putin mobilized it forces and Yanukovich fled to Russia, the majority of the regional governors in eastern Ukraine had met in Kharkov and refused to recognize the fait accompli created by the Maidan dynamic. For half of the country the new coalition government had lost all legitimacy before Putin mobilized a single regiment.

At the international stage the recognition of the Maidan government by the US and several EU states only hastened Russia’s reactions and accentuated the security dilemma faced by Ukraine’s Russian and pro-Russian Russophones. The recognition of the new regime by the EU was a tactical –albeit unavoidable-mistake given the new realities on the ground but we should not be misled into believing that the current government in Kiev is representative of the entire country if not because it is based on the votes of less than 1/3 of total MPs.

(iv) The most impressive American miscalculation though has been the underestimation of Russia’s

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reactions. Despite the fact that the new interim President and his Prime Minister did not threaten to annul the Black Sea Fleet agreements and push towards NATO Candidate Status, Russia was forced to react to what it perceived as the break-down of Kiev's internal balancing role.

For Russia the very presence of the Svoboda extremists in key ministerial positions constituted a clear and present threat for the vital security interests it holds primarily in the Crimean Peninsula and the general anti-Russian direction Svoboda and its allies (Congress of Ukrainian Nationalists-Ukrainian Self Defense) want to take the country.

As a result, Svoboda with just over 10% of the popular vote and less than 8% of all parliamentarians, now controls the Ministry of State Security, the National Defense Committee, the Ministry of Defense, the Ministry of Justice, the Deputy Prime Minister for Economic Affairs, and the Ministries of Education, Ecology and Agriculture. Moreover the entire cabinet is representative only of Tymoshenko's Fatherland party and Svoboda which together represent only 31% of the elected deputies and 36% of the popular vote.

(B1) Why Russia intervened: The reaction of the Russian state to the destruction of the 21st February agreement should not have come as a surprise to any seasoned observer of Ukraine's post-soviet geopolitics. From the moment the Maidan militants were deployed to the Eastern provinces and Crimea in an attempt to gain the control of the regional governments, President Putin was "freed" to implement Phase 1 of his "Abkhazian" strategy that would allow him –should the situation is further escalated- to detach Crimea and potentially several other Eastern provinces from the control of Kiev's central government.

This would not be done for the first time. In the chaos of the first few years following the implosion of the USSR three soviet autonomous republics sought to detach themselves from the control of respectively Moldova (Transnistria) and Georgia (Abkhazia, South Ossetia) asking for the active assistance of the Russian military, despite the fact that the majority of the local population was not Russian. There were no ethnic Russians or Russian citizens in either Abkhazia nor Ossetia in the early 1990s and no Russian passport holders resided in those two regions until the 2008 war with Georgia. Even in the case of Transnistria only 30% of the local population were ethnic russians. Even today in the eastern shore of the Dniestr river, ethnic Russians are in the minority with Moldovans and Ukrainians constituting respectively 32% and 29% of the local population.

None of these regions ever belonged to Russia under soviet times and at the time of their secession Abkhazia, South Ossetia and Transnistria were not home to major Russian military installations. The HQ and arsenal of the 14th Soviet Army are nowhere near comparable to the strategic significance of the Russian naval bases in the Crimea where Russia has the right to install 25,000 marines. Crimea is therefore a unique case in the Russian post-soviet strategic doctrine of military interventions in the CIS.[1] It would have been almost impossible for Putins' Russia to not intervene in the Peninsular given the fact that:

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- Crimea was a component of Soviet Russia until 1954.
- 60%-65% of the local population are ethnic Russians not mere Russophones.
- Crimea was granted the special status of an Autonomous Republic within the Ukrainian state because Moscow decided in the early 1990s to pressure Crimea's Russians against secession from the Ukraine, despite a proclamation of self-governance by the region's parliament in May 1992.
 - Russia had started to distribute Russian passport to the Crimea in the aftermath of the 2008 War with Georgia and the pro-Georgian position of the then Ukrainian government under President Yushchenko.
 - Crimea is the home of Russia's Black Sea Fleet (BSF) that is able to utilize the Sebastopol facilities until 2042 as a result of an international agreement ratified by the Ukrainian parliament in 2010.

(B2) Anticipating Russia's Next Moves: Although it should have been relatively easy –given the history and pattern of Russian post-Soviet military interventions- to predict Russia's initial reaction in the Crimea it is essentially much more difficult to predict what would Russia do next.

There are nevertheless some relatively objective indications which would pinpoint to an escalation on the Russian part such as:

- The rapid increase of passport dissemination to Crimeans and the dissemination of Russian citizenship to the population of the two most pro-Russian eastern provinces of Donetsk and Luhansk that correspond with the historic Donbas region.
 - The scheduling of a referendum on the potential secession of the Donbas region from the Ukraine with or without a specific date or deadline
 - The actual organization of a referendum on Crimean secession on 30 March 2014
 - A decision to establish a no-flight zone over the Crimea and the violent take-over of Ukrainian military installations in the Crimea including most of the vessels of the Ukrainian fleet.

Short-Term Actions: In the interim Russia is most likely to continue on its course of gradual escalation that is attempting to achieve the return to the Status Quo Ante before the fleeing of President Yanukovich from Kiev and the full implementation of the EU-brokered 21st February agreement without Yanukovich:

- Russia will expand its operational control over the territory of the Crimea in a bloodless manner without issuing ultimatums and forcing a show down with the isolated Ukrainian military forces in the peninsula.
 - Ukrainian forces in the Crimea will be effectively isolated within their bases and gradually become completely cut-off from Kiev and from each other through the destruction of their telecommunications links. They will reach a point where they might be able to receive their orders only by TV.
 - The ultimate target of the Russian military is to force or facilitate a change of allegiance from the commanders and personnel of these increasingly isolated Ukrainian troops, especially those who are either of Crimean

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or East Ukrainian origin.

- This is already happening in the case of senior naval Ukrainian commanders that is indicative of the conflict of allegiance which is endemic in the top and medium echelons of the Ukrainian military.
- Russia will refrain from demanding the allegiance of these troops. All senior military commanders of Ukrainian origin in the Crimea who change sides will pledge their allegiance to Crimean authorities. These officers will retain their rank and privileges in the future Crimean State should the option of a secession from Ukraine prevails.
- Russia will continue to support the counter-Maidan demonstrations that are taking place across Eastern Ukraine and will help the local populations to oppose the establishment of any regional governors appointed by the interim government in Kiev.
- Russia is also more likely to encourage the passing of legislation from local governments in Eastern Ukraine that would annul all the decisions taken by Kievan authorities after 21st February but is less likely to condone secessionist actions like the ones currently pursued by Crimean authorities.

Medium-Term Actions: In case Ukraine's political clock does not return to 21st February and in case a new more-inclusive interim government does not return to power in Kiev, then Russia is more likely to take a more assertive but systematically violent-aversive stance. President Putin understands that in this game the first one to fire the first shot is the one to lose, not win, the game.

- Putin understands that a military engagement in Ukraine is not a "walk in the park" not because the Ukrainian military can effectively oppose Russia's military might or because there will be active military assistance to Kievan authorities from the West. Putin is able to conquer Crimea and the Eastern Ukraine should he chooses to do so from a military point of view and Ukraine's current defense minister had said so publicly.
- What Putin does not want to is to have to fight a protracted war against Ukrainian resistance over the territories which could theoretically secede from Ukraine. That is why any active Russian military intervention must be fully legitimized by the populations which will have to leave under the protection of the Russian military should they choose to separate themselves from Kiev.
- That is why Russia will not annex either Crimea or any other Ukrainian province but would recognize a Crimean independence if a referendum decides in favor a secession.
- It is not clear how Putin would react to the potential secession of the Donbass and other Eastern Provinces where a sustained long-term Russian military presence is far more difficult to legitimize.

(C) Calibrating the European Position: Despite the instinctive tendency of several East European EU members-states to propose a more aggressive response to Russian actions, the majority of the continental EU states understand that there is no military option available.

Moreover although most EU states would agree that there needs to be some sort of diplomatic penalization of Russia's behavior, they would not go so far so as to freeze Russian-EU relations or upgrade EU and NATO relations with the current interim government. US plans to impose economic sanctions and calls to isolate Russia from the international economic system are unrealistic. Russia is too big to isolate from the global economy and no major Asian

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power would even consider joining a US-led coalition that imposes economic sanctions on Moscow. Such policies would also receive little European support.

The EU has a far greater economic exposure to Russia than the US and Europe is dependent for more than 25% of its oil and gas consumption on Russian exports for which there is no readily available alternative. If the situation in Ukraine gets out of control then a new Russian-Ukrainian gas crisis that would stop 45% of EU gas imports from Russia will become extremely probable.

Any potential attempt to embargo Russia's oil exports will also result in a major oil crisis since Saudi Arabia and OPEC do not have the necessary surplus production capacity to substitute the potential loss of more than 8 million barrels per day of crude oil & oil product exports including the near totality of Kazakh oil exports which are also dependent on the Russian pipeline network. Even if they did have that capacity the Saudis have no major national security interest at stake in Ukraine and would be fearful of a violent Russian reaction against their interests in Syria and Iran if they joined an anti-Russian economic coalition that would diminish Russia's global oil market share.

Despite the initial market panic which has precipitated the devaluation of the Russian currency Russia has more than enough hard currency reserves to re-stabilize its economy and can count on increasing oil prices which will ensue the continuation of the political crisis in the Crimea to maximize its oil revenues by also increasingly directing the bulk of its oil exports to Asia.

(D) Proposing the Remedy: At this point there appears to be only one major way out of this crisis and that is to return to the 21st February EU-brokered agreement which will lead to the formation of a new interim coalition government which will:

- Minimize the role of the ultranationalists by removing them from all security-related ministries but keeping them inside the interim cabinet.
- Share power between the two centrist parties, the Fatherland Party and the Party of the Regions, equally representing the Tymoshenko/Yanukovich power blocks. Although the interim president may not come from the pro-Yanukovich block and may not be Yanukovich himself, the Party of the Regions must retain a Vice-Presidential position in the interim government.
- Issue a decree for a general amnesty that would de-criminalize the political pre-electoral process until the date of the next Presidential election.
- Allow an independent judiciary with the potential assistance of investigators from the International Court of Justice in the Hague to set up a fact finding mission that would base any future prosecutions on facts, not "revolutionary justice"
- Jointly Decide on a date for an early presidential elections (before February 2015) that will be open to all candidates including Yanukovich in case he secures the nomination of his party.

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- Annul the 25 May 2014 as the day of the next presidential elections and simultaneously annul Crimea's independence referendum that is scheduled for 30 March 2014.
- Freeze the signing of any Association Agreement with Ukraine until a more representative government is formed following the next Presidential election. The signing of an Association Agreement by the EU with the post-revolutionary non-elected interim government would constitute a strategic mistake on the part of the European Union that will make it impossible for Putin to save face and back off from the Crimea.
- Avoid the possibility of another major Russian-Ukrainian gas crisis that would stop 45% of EU gas imports from Russia with especially adverse repercussions for Hungary, Italy, Bulgaria and Greece, the member-states with the highest level of import dependence on Gazprom.

[1] CIS: Commonwealth of Independent States

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