

**UKRAINIAN FOREIGN POLICY  
AND ITS DOMESTIC SOURCES**

**A THESIS SUBMITTED TO  
THE GRADUATE SCHOOL OF SOCIAL SCIENCES  
OF MIDDLE EAST TECHNICAL UNIVERSITY**

**BY**

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**IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR  
THE DEGREE OF MASTER OF SCIENCE  
IN THE DEPARTMENT OF  
INTERNATIONAL RELATIONS**

**JANUARY 2010**

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## **ABSTRACT**

### **UKRAINIAN FOREIGN POLICY AND ITS DOMESTIC SOURCES**

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January 2010, 136 pages

The aim of this thesis is to analyze Ukrainian foreign policy and its domestic sources since 1991, with a focus on the post-Orange Revolution era. The thesis argues that contrary to neo-realist approaches to the study of Ukrainian foreign policy, in the final analysis, it is Ukraine's domestic factors which determines the direction of Ukrainian foreign policy in the post-Soviet era. This thesis demonstrates that the existing neo-realist studies of Ukrainian foreign policy exaggerates the role of external factors and neglects the crucial role of domestic factors in Ukrainian foreign policy.

The thesis begins with an introduction, which is followed by the second chapter on the interaction between domestic and external factors in Ukrainian foreign policy in the pre-Orange Revolution era. The third chapter examines the characteristics of Ukrainian foreign policy in the post-Orange Revolution era. The following four chapters discuss the impact of political, economic and cultural factors on Ukrainian foreign policy as well as the Crimean question. Finally the last chapter will be the conclusion of this thesis.

Keywords: Ukraine, Orange Revolution, the Crimea, Russia, the Crimean Tatars

## ÖZ

### UKRAYNA DIŐ POLİTİKASI VE İÇ KAYNAKLARI

TURAN, Gökhan

Yüksek Lisans, Uluslararası İliřkiler Bölümü

Tez Yöneticisi: Doç.Dr. Oktay F. Tanrısever

Ocak 2010, 136 sayfa

Bu tezin amacı, 1991 yılından başlayarak Ukrayna dış politikasını ve iç kaynaklarını, Turuncu Devrim sonrası döneme ağırlık vermek suretiyle incelemektir. Tez, Ukrayna dış politikası arařtırmalarına iliřkin neo-realist yaklařımların aksine, post-Sovyet dönemi Ukrayna dış politikasının yönünün son tahlilde iç etkenler tarafından belirlendiđi öne sürölmektedir. Bu tez, Ukrayna dış politikası hakkındaki neo-liberal çalıřmaların dış etkenlerin önemini abarttıklarını ve iç etkenlerin Ukrayna dış politikasındaki temel rolünü ise gözardı ettiklerini ortaya koymaktadır.

Tez, bir giriş bölümüyle başlamakta, bu bölümü Turuncu Devrim öncesi dönemde Ukrayna dış politikasında iç ve dış etkenlerin karşılıklı etkileşimi hakkındaki ikinci bir bölüm izlemektedir. Üçüncü bölüm, Turuncu Devrim sonrası Ukrayna dış politikasının özelliklerini incelemektedir. Takip eden dört bölüm, sırasıyla, siyasi, ekonomik ve kültürel etkenlerin Ukrayna dış politikası üzerindeki etkilerinin yanısıra Kırım meselesini tartışmaktadır. En nihayet, son bölümü tezin sonucu teşkil edecektir.

Anahtar sözcükler: Ukrayna, Turuncu Devrim, Rusya, Kırım, Kırım Tatarları

To my little daughter Ece and my dear wife Darya

Küçük kızım Ece'ye ve sevgili Eşim Darya'ya

## ACKNOWLEDGEMENTS

I would like to express my sincere appreciation to my supervisor Assoc.Prof.Dr. Oktay F. Tanrısever for his patience and understanding. As a government official who has graduated from university long ago in 1992, this thesis would not have been complete if it had not been for his continuous encouragement and advice. Without his valuable support, this thesis would not be transformed from a draft to a thesis. I also express my sincere thanks to my examining committee members, Prof.Dr. Hüseyin Bağcı from Middle East Technical University and Assoc. Prof. Dr. Fırat Purtaş from Gazi University.

I am very grateful to my colleagues at the Ministry of Foreign Affairs of the Republic of Turkey for their tolerance and kind understanding during the long process of writing this thesis. The support of Mr. Levent Murat Burhan, former Deputy Director General for Eastern Europe in the Ministry and since September 2009 Turkish Ambassador in Georgia was especially noteworthy. I also appreciate the encouragement of my colleagues in the Ministry, First Secretary Ayça Oşafıođlu, Third Secretary Dilan Bilgiç and Administrative Attache Duygu Varol-Yaşat.

I am very thankful also to the former Turkish Ambassador in Ukraine Erdoğan İřcan, under which I served between 2006-2008, and to my colleagues at this Embassy, Third Secretaries Bilge and Özgür Arslan.

Last but not least, I am indebted to my wife and to my mother who were always there when I needed support. Without their encouragement and patience, I would not be able to bring this thesis to an end.

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## ABBREVIATIONS

ARC	Autonomous Republic of Crimea
BSEC	Black Sea Economic Cooperation
BSF	Black Sea Fleet of the Russian Federation
CDC	Community of Democratic Choice
CEI	Central European Initiative
CIS	Commonwealth of Independent States
CTNA	Crimean Tatar National Assembly
EU	European Union
ENP	European Neighborhood Policy
GUAM	GUAM Organization for Democracy and Economic Development
MAP	NATO Membership Action Plan
NATO	North Atlantic Treaty Organization
NIS	Newly Independent States
OKND	Crimean Tatar National Movement Organization
OSCE	Organization for Security and Cooperation in Europe
PfP	Partnership for Peace
UNDP	United Nations Development Program
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organization

## CHAPTER 1

### INTRODUCTION

#### 1.1 Scope and Objective of the Thesis

This thesis seeks to explain Ukrainian foreign policy and its domestic sources after this country's independence in 1991. Ukraine, being the second most populous post-Soviet country and with its strategic location between Western Europe and Eurasia plays a critical role in contemporary international relations. Furthermore, the fact that Ukraine's northern neighbor, former superpower Russia regards Ukraine as the most important country in its "near abroad" does not bode well for the future stability of the region and gives reason for assuming that Russian meddling in Ukrainian affairs may continue.

Ukraine has been under heavy Russian influence for several centuries and its internal process of forming a sense of nationhood has not been finished yet. Moreover, the difficult and crisis-ridden social, political and economic transformation process within the country to get rid of Soviet-era institutions and practices and built a western-style democratic and free-market system is still going on.

The first three presidents of independent Ukraine after 1991 have all had their own *sui generis* approach to the challenges facing Ukraine and their own answers to these challenges. However, after 18 years of independence, as of 2009, Ukraine is in the midst of a political and economic crisis again and is on the eve of a turning point in its history. The results of the January 2010 presidential elections will certainly shape the domestic and foreign policy line of Ukraine in the foreseeable future.

In addition to external effects, Ukrainian foreign policy is being conducted under the influence of the domestic social, political and economic context. This thesis aims at trying to find out whether domestic or external factors have been more influential on the course of Ukrainian foreign policy. The following topic shows that a lot of foreign policy commentators and academics are underlying the influence of external factors on Ukrainian foreign policy.

## **1.2 Literature Review**

President Viktor Yushchenko's term in office is about to end and in the midst of the political and economic crisis, the much celebrated goal of Orange political leaders and some in the West to establish a Western-style democracy in Ukraine and join as quickly as possible Western organizations like the European Union (EU) and NATO has not been achieved. To make matters worse, Ukrainian-Russian relations have sunk to a new low level which has had some implications to domestic politics. These implications are illustrated in this thesis.

It is widely shared in the Western literature that the failure to reach these goals can be ascribed to weak Western commitment. This way of thinking is reflected by Sabina Fischer as she wrote that "...the low level of political commitment from the EU has weakened reform-oriented politicians in Ukraine".<sup>1</sup> Likewise, Denis Corboy, William Courtney and Kenneth Yalowitz argued in a joint article in June 2009 that,

The US and Europe ...must do more to improve conditions for reform – and not disdain prospects for democratic change in troubled areas (i.e. also in Ukraine). The best tool is expanded assistance to foster the rule of law, honest elections, respect for human rights and minorities, and the fight against corruption. Advances in these

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<sup>1</sup> Sabina Fischer, "Ukraine: Quo Vadis ?", *Chailot Paper No: 108*, EU Institute for Security Studies, Paris, February 2008, p.18

areas should precede – and will enable – closer ties to the European Union and NATO, not the other way around.<sup>2</sup>

This can be regarded as yet another example of the mentality of some Western governments towards Kiev: That external assistance and influence is sufficient to change the situation in Ukraine and determine its course. And also before the Orange Revolution, in a 1998 study on EU assistance to transition in Central and Eastern Europe, it was concluded that “throughout the region (i.e. including Ukraine), the prospect of enlargement (of the European Union) has acted as an important counter-balance to stalemate in internal reforms”.<sup>3</sup> Clearly, the EU regarded itself in a very influential position in relation to the direction of Ukraine.

Moscow’s influence in Ukraine is also stressed by several scholars, and is over-emphasized. Likewise, Alexander Lukin, referring to a U.S. expert on Soviet policy George Kenan, wrote that “Ukraine is economically as much a part of Russia as Pennsylvania is a part of the United States”.<sup>4</sup> And in 1992, French President Valery Giscard d’Estaing said that “Russia without Ukraine is as ridiculous as France without the Rhone-Alps region”.<sup>5</sup> This proves that in 1991-1992 many in the West had not yet wholeheartedly accepted the idea of an independent Ukraine and had real difficulties in changing their approach. I think, although now a minority in the West, some still have not completely overcome this prejudice towards Ukrainian independence.

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<sup>2</sup> Denis Corboy, William Courtney and Kenneth Yalowitz, “A wake-up call for Georgia, Ukraine – and the West”, *The Christian Science Monitor*, June 10, 2009

<sup>3</sup> Krzysztof J. Ners, Michael Palmer and Andrew Fyfe, “Assistance to Accession and Beyond”, *Policy Education Centre on Assistance to Transition*, Warsaw, 1998 p. 7

<sup>4</sup> Alexander Lukin, “From a Post-Soviet to a Russian Foreign Policy”, *Russia in Global Affairs*, No.4, October-December 2008

<sup>5</sup> Taras Kuzio, “Ukraine: The Unfinished Revolution”, *European Security Study*, London: Institute for European Defence and Security Studies, No. 16, 1992, p. 32

Furthermore, Mykola Ryabchuk asserted, that “the 'universal', 'superior' character of Russian culture and language was accepted not only by Russians themselves but also by many people of other Soviet nationalities”.<sup>6</sup> This was the result of centuries old Tsarist and Soviet policies and is still being used by the Kremlin as an opportune tool to interfere in domestic affairs of newly independent states in the ex-Soviet geography.

The “Russia factor” is indispensable when speaking about Ukraine. As Serhii Plokyh<sup>7</sup>, Paul R. Magocsi<sup>8</sup> and Orest Subtelny<sup>9</sup> illustrated in their books, a lot of factors important to the formation of modern Ukrainian and Russian historical identity are common or interrelated and still influence Ukrainian-Russian relations and their perceptions on events related to their common history. These issues are taken up in this thesis.

The literature on Ukraine to which I referred is a fraction of the existing huge literature on Ukraine. The main feature of this literature when writing, thinking and speaking about Ukraine is a constant emphasis on the influence of the West and Russia on Ukraine. There is practically nothing left which is commented without these two external powers being involved. The possibility that some processes within Ukraine may be independent from the external factor is almost entirely ignored. I approach the issue from a different angle.

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<sup>6</sup> Mykola Ryabchuk , “Another Battlefield. Russia's Cultural Influence in the "Near Abroad": The Ukrainian Case”, Vienna: IWM Working Paper, No. 7/2001

<sup>7</sup> Serhii Plokyh, *Ukraine and Russia: Representations of the Past*, Toronto: University of Toronto Press, 2008

<sup>8</sup> Paul Robert Magocsi, *Ukraine: an illustrated history*, Seattle: University of Washington Press, 2007

<sup>9</sup> Orest Subtelny, *Ukraine: A History*, Toronto: University of Toronto Press, 2000

### 1.3 Argument and Methodology

The aim of this thesis is to analyze Ukrainian foreign policy and its domestic sources since 1991, with a focus on the post-Orange Revolution era. It is argued that contrary to neo-realist approaches to the study of Ukrainian foreign policy, in the final analysis, it is Ukraine's domestic factors which determines the direction of Ukrainian foreign policy in the post-Soviet era. This thesis demonstrates that the existing neo-realist studies of Ukrainian foreign policy over-emphasize the role of external factors and neglect the crucial role of domestic factors in Ukrainian foreign policy. I have examined these domestic factors comprehensively.

During my diplomatic assignment in Ukraine, I developed a close interest on Ukrainian affairs<sup>10</sup> and got the impression that the role of external actors on Ukraine's foreign (and also domestic) policy is over-emphasized especially by foreign observers and academicians and the underlying domestic factors compelling Kyiv to pursue a particular foreign policy line are often overlooked.

External actors certainly have an influence on Ukrainian foreign policy. And surely this influence augments during some periods. But domestic sources seem to have a bigger say and have had a more durable influence on Kyiv's foreign policy than one would have expected. And when discussing domestic sources, it is first of all the internal divisions inside Ukrainian society and in Ukraine as a geographical entity (ethnic-linguistic, cultural, historical, economic and regional divisions) which come to mind. I argue that these internal divisions have had a considerable influence on Kyiv's foreign policy. Whether they had determined it comes to light towards the end of this thesis. For this purpose I have examined relevant material and pertinent

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<sup>10</sup> Since the year 2000 during various work-related appointments, and beginning from 2008 as Head of Department for Eastern Europe, MFA Turkey.

events in recent Ukrainian history and especially after the Orange Revolution, a turning point in the history of this country.

As regards the theoretical approach to the examined subject, I want to add to the above-mentioned the following: This thesis has in overall accepted a non-realist approach. Although neo-realists frequently analyze state behavior, neo-realism lacks an explicit theory of foreign policy.<sup>11</sup> Kenneth Waltz's theory<sup>12</sup> is one of international politics and not of foreign policy. Its dependent variable is not the attitude of individual states but the properties of international systems such as their stability or tendency to war. Waltz himself regards his theory as insufficient as a theory of foreign policy.<sup>13</sup> I regard the neo-realist emphasis on the interaction between international actors as not opportune and also insufficient in understanding Ukrainian foreign policy because I argue that it is domestic factors which are more influential in Ukrainian foreign policy.

On the other hand, liberal and neo-liberal international relations theory is more helpful in explaining Ukrainian foreign policy. According to neo-liberals,<sup>14</sup> in international politics there are multiple channels that connect societies exceeding the conventional Westphalian system of states. This manifests itself in many forms ranging from informal governmental ties to multinational corporations and organizations. This approach is more useful for example in understanding the Russian impact (i.e. Russia proper and the Russian ethnic minority within Ukraine) on Ukrainian foreign (as well as domestic) policy. Furthermore, as Andrew Moravcsik put it,

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<sup>11</sup> K. N. Waltz, "Realist Thought and Neorealist Theory", *Journal of International Affairs*, Vol. 44, No. 1, 1990, pp.21-37

<sup>12</sup> K. N. Waltz, *Theory of International Politics*, New York: McGraw-Hill, 1979

<sup>13</sup> John J. Mearsheimer, "Reckless States and Realism". Online at <http://ire.sagepub.com/cgi/content/abstract/23/2/241> (accessed on 08.11.2009)

<sup>14</sup> Robert O. Keohane, and Joseph S. Nye, *Power and Interdependence: World Politics in Transition*, Boston: Little, Brown and Company, 1977, p. 23



Liberal international relations theory elaborates the insight that state-society relations-the relationship of states to the domestic and transnational social context in which they are embedded- have a fundamental impact on state behavior in world politics. Societal ideas, interests, and institutions influence state behavior by shaping state preferences, that is, the fundamental social purposes underlying the strategic calculations of governments. For liberals, the configuration of state preferences matters most in world politics- not as realists argue, the configuration of capabilities and not, as institutionalists (that is, functional regime theorists) maintain, the configuration of information and institutions.<sup>15</sup>

As seen in the liberal definition of the configuration of state preferences, the main argument in this thesis is served much better, that is, the effect of domestic factors on Ukrainian foreign policy. Therefore, this thesis is clearly much more influenced by liberal theories than realist theories of international relations.

Concerning the methodology of this thesis, I relied mostly on primary sources. As a Turkish diplomat in Kyiv I witnessed some of the significant political and foreign policy developments in this country. Although I never used confidential data on this topic, I benefited from my interviews with important figures in Ukrainian domestic and foreign policy. Additionally, I used important official documents on Ukrainian politics and foreign policy such as the Constitution of Ukraine and Ukrainian foreign policy concept. Besides, I also examined important official reports of international organizations such as OSCE and CE. Finally, I also studied policy papers produced by international think-tanks inside and outside Ukraine. This thesis is based on secondary sources, too. I have read and used important books and articles on Ukraine in English and Russian. In that respect this thesis contributes to the literature by using both English and Russian sources which is quite rare in the literature.

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<sup>15</sup> Andrew Moravcsik, "Taking Preferences Seriously: A Liberal Theory of International Politics", *International Organization*, Vol.51, Issue 4 (Autumn 1997), p.514. Online at <http://www.sg.pku.edu.cn/dpe/io97moravcsik.pdf> (accessed on 09.11.2009)

#### **1.4 Organization of the Thesis**

With the above in mind, in ensuing chapters I have explained Ukrainian foreign policy and its domestic sources. For this purpose I have begun with a chapter on the “Interaction Between Domestic and External Factors in Ukrainian Foreign Policy in the Pre-Orange Revolution Era”. In this chapter, the period of the first and second presidents (Kravchuk and Kuchma) of independent Ukraine is covered in two separate parts, and in the last part of this chapter the policies and reasons for their policy choices are put forth and evaluated. The main characteristic of this era is the effort to somehow consolidate Ukrainian independence and sovereignty by taking necessary- and sometimes urgent, and also hasty- measures. Domestic and foreign policy are much intertwined and the era can be referred to as a transition period. Although both presidents conducted a declaratively pro-Western policy, there was not much substance in their policies, domestic reforms were largely insufficient and Kyiv’s policies could not persuade the West of Ukraine’s western vocation. Many doubted its’ sincerity. Furthermore, towards the end of President Kuchma’s second tenure, Ukraine was largely considered as fallen back to the control of the Kremlin.

The next (the third) chapter in this thesis is headed “Characteristics of Ukrainian Foreign Policy in the Post-Orange Revolution Era”. In the first part the foreign policy priorities in the post-Orange Revolution era are explained, followed by two separate topics on the Westerns and Russian factors in Ukraine’s foreign policy, and a fourth and last part evaluating the whole chapter. The Orange-Revolution is regarded by many, and also in this thesis as a turning point in Ukrainian history. Up to these events, Ukraine was never that pro-Western in her history. After Yushchenko became President, the Orange Government announced its new policy of aligning with the West. This dedicated, pro-Western direction, unparalleled in Ukrainian history, caused difficulties in its relations with Moscow. Orange leaders were very clear and ambitious in their Western vocation which contrasted the balancing and maneuvering between the West

and Russia of previous administrations and especially the policy of President Kuchma. The chapter shows how ambitious President Yushchenko followed his pro-Western policy and even lost in this process some important Orange allies like Yulia Tymoshenko. His too hasty pro-Western course led to harsh domestic reactions within Ukraine and also from Moscow, and was not that wholeheartedly welcomed by some Western capitals as he expected either. The course of events and reasons to the eventual disillusionment on Ukraine's "European push" are put forward in this chapter.

The ensuing chapters explain domestic factors which have influenced Ukrainian foreign policy and in essence were the main reasons for inhibiting or slowing down the achievement of President Yushchenko's over-ambitious pro-Western foreign policy goals. These are the impact of political, economic and cultural factors on Ukrainian foreign policy and the special place which the Crimean question occupies in Ukraine.

The chapter on political factors deals with the administrative structure of the country, the executive and legislative branches of power; and with the political reform and the reasons for its failure. This chapter demonstrates how incomplete the constitutional system in Ukraine is, and also how it was misused by political actors. This resulted in a situation in which the holders of power imposed (or tried to impose) policy choices upon the whole country which were often not shared by important segments of the population and mainstream political parties. This is true for some foreign policy choices, too. Given the internal divisions within the country which are explained in ensuing chapters, this led to the escalation of already existing tensions.

The chapter on economic factors affecting Ukrainian foreign policy consists of topics on characteristics of Ukrainian economy, the role of international institutions, Russia and of the oligarchs in the economy. In this regard, Ukrainian oligarchs stand out as a significant domestic factor in influencing Ukrainian foreign policy.

The chapter on cultural factors affecting Ukrainian foreign policy takes up perhaps the most important internal divisions which Ukraine confronts: The ethno-linguistic and religious diversity of the country. These two separate topics are followed by an assessment of the impact of these factors on Ukrainian foreign policy. The assessment shows that cultural factors are indeed significant as a domestic factor influencing Kyiv's diplomacy.

A separate chapter deals in detail with the Crimea, in which the ethnic Russian and Crimean Tatar factors on the peninsula are taken up separately. The history of the Crimea, its population, languages, unique politics, its economy and the sensitive situation around the Russian Black Sea Fleet based in Sevastopol are explored in the first two parts. The last part of this chapter which is related to the Crimean Tatars examines their situation comprehensively. This chapter demonstrates that the Crimean question which bears inside itself the abovementioned difficulties has the potential for negatively affecting Ukrainian domestic policy as well as the region surrounding the Crimean peninsula.

Finally, the last chapter is the conclusion of this thesis.

## CHAPTER 2

### INTERACTION BETWEEN DOMESTIC AND EXTERNAL FACTORS IN UKRAINIAN FOREIGN POLICY IN THE PRE-ORANGE REVOLUTION ERA

In this chapter I have covered the pre-Orange Revolution era by elaborating two separate periods: The 1991-1994 President Kravchuk period and the 1994-2004 President Kuchma period. A recapitulation on the pre-Orange Revolution era foreign policy of Ukraine follows.

This chapter illustrates the conditions how the political crisis in the late Kuchma era evolved and led to the turning point in the history of this country, the Orange Revolution. The external and domestic political context of this period are dealt with rather comprehensively in order to show that the political leaders of this era had real difficulties in maintaining domestic stability and managing the political-social and economic transition of the country.

#### **2.1 Kravchuk Era (1991-1994)**

In order to study Kravchuk era, the external political context is examined first. Ukraine gained its independence during Leonid Kravchuk's presidency in 1991 and began to pursue a pro-Western policy. Russia was too busy with its own problems and the expectation that the West would embrace Ukraine quickly was immense. Ukraine joined the OSCE in 1992<sup>16</sup> and in 1994 became the first post-Soviet country to join the PfP (Partnership for Peace) program

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<sup>16</sup> Web site of the of the Organization for Security and Cooperation in Europe. Online at <http://www.osce.org/about/13131.html#U> (accessed on 19.07.2009)

devised by NATO<sup>17</sup>. Yet, despite Ukraine's remarkable move towards the West, Ukraine took also important steps to mollify Moscow. Notably, Ukraine, together with Belarus and Russia, founded the Commonwealth of Independent States (CIS) in 1991.<sup>18</sup> According to Natalie Mychajlyszyn, "the adversarial transformation was complete: Europe became the security partner, and Russia became the potential threat".<sup>19</sup> This was clearly a policy in reaction to the immediate past of Ukraine.

Ensuing events have proved this policy being too naive and under heavy influence of wishful thinking among the Ukrainian political elite at this period. Kyiv was greatly misled by illusions that Ukraine's European orientation, its record on ethnic tolerance and firm commitment to renounce its nuclear arsenal, declared in 1991, would lead to closer relations between Ukraine and the West. As a matter of fact, the West's deep concern with the fate of the Soviet nuclear missiles left on Ukraine's territory after the Soviet collapse (over 1240 warheads located on 176 intercontinental ballistic missiles) resulted in the country being rediscovered by international actors, but only for a while.<sup>20</sup> Following its commitment to renounce its nuclear arsenal, Ukraine voiced requests for compensation, economic assistance and security assurances in return for the removal of these nuclear weapons.

The U.S. and Russia, with Ukraine's participation, quickly reached broad agreement on a complex deal that would result in Russia getting the

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<sup>17</sup> Web site of MCC Northwood. Online at [http://www.manw.nato.int/page\\_pfp.aspx](http://www.manw.nato.int/page_pfp.aspx) (accessed on 19.07.2009)

<sup>18</sup> Web site of GlobalSecurity.org. Online at <http://www.globalsecurity.org/military/world/int/cis.htm#> (accessed on 19.07.2009)

<sup>19</sup> Natalie Mychajlyszyn, *From Soviet Ukraine to the Orange Revolution: European Security Relations and the Ukrainian Identity*, in: *Europe's Last Frontier: Belarus, Moldova, and Ukraine between Russia and the European Union*, eds. O. Schmidtke and S.Yekelchyk, New York: Palgrave Macmillan, 2008, p.46

<sup>20</sup> J.F. Dunn, "The Ukrainian Nuclear Weapons Debate", *Soviet Studies Research Centre-The Royal Military Academy Sandhurst*, March 1993. Online at <http://www.fas.org/news/ukraine/k16.html> (accessed on 19.07.2009)

warheads along with U.S. money to help with their dismantlement and Ukraine getting various forms of assistance from the U.S. as well as debt relief from Russia and international assurances on its sovereignty. When Ukrainian President Leonid Kravchuk tried to reopen this issue during Bill Clinton's visit to Ukraine in January 1994, President Clinton told Kravchuk that if he backed out of the deal that had already been made, it would be a major setback for Ukraine's relations with both Russia and the U.S.<sup>21</sup> After signing the Trilateral Agreement with the U.S. and Russia in early 1994 in Moscow<sup>22</sup>, which required Ukraine to dismantle its entire nuclear arsenal by June 1996, Ukraine's relations with the U.S. improved somewhat. However, even though Ukraine became the third largest recipient of U.S. assistance after Israel and Egypt, it received far less than it requested (the figure for 1994 was \$ 700 million U.S., of which \$350 million was for bilateral economic assistance, the rest to help dismantle nuclear weapons).<sup>23</sup> Later this figure was increased to \$ 900 million.<sup>24</sup> In 1996 Ukraine received the third lowest per capita U.S. assistance among the 12 newly independent states (NIS) of the former Soviet Union. Of the funds allocated for the nations of the NIS, the rate of expenditure for Ukraine was also the third lowest.<sup>25</sup> Much of the delay in assistance Clinton's administration justified by the slow pace

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<sup>21</sup> "Kravchuk agrees to rid Ukraine of nuclear weapons: Visegrad Four sink their differences to dopt US proposals that open the door to possible Nato membership", *The Independent*, 13 January 1994. Online at <http://www.independent.co.uk/news/world/europe/kravchuk-agrees-to-rid-ukraine-of-nuclear-weapons-visegrad-four-sink-their-differences-to-adopt-us-proposals-that-open-the-door-to-possible-nato-membership-1399648.html> (accessed at 19.07.2009)

<sup>22</sup> "Trilateral agreement on Ukrainian nuclear weapons", *Centre for Russian Studies*. Online at <http://www2.nupi.no/cgi-win//Russland/krono.exe?1195> (accessed at 19.07.2009)

<sup>23</sup> "The President's News Conference With President Leonid Kravchuk of Ukraine", *The American Presidency Project*. Online at <http://www.presidency.ucsb.edu/ws/index.php?pid=49755#> (accessed at 19.07.2009)

<sup>24</sup> "Clinton Lauds Ukraine Leader, Vows to Boost Aid - Diplomacy: \$900-million package would put Kiev in 4th place on U.S. assistance list. Money earmarked for helping dismantle nuclear arsenal", *Los Angeles Times*. Online at [http://articles.latimes.com/1994-11-23/news/mn-710\\_1\\_aid-package](http://articles.latimes.com/1994-11-23/news/mn-710_1_aid-package) (accessed at 19.07.2009)

<sup>25</sup> Eugene M. Iwanciw, "Letter to the Editor", *The Ukrainian Weekly*, October 27, 1996, p.7

of economic reform in Ukraine.<sup>26</sup> This justification, however, was not firm when considering that per capita expenditure for countries such as Turkmenistan, Tajikistan and other NIS countries was much higher (all far behind Ukraine in economic reform). Having achieved its major goal with regard to Ukraine, i.e. de-nuclearization, the West moved on to other preoccupations, whereas Ukraine's membership in NATO and the EU turned into a "strategic aim" for an indeterminate future. Additionally, stumbling relations with the U.S. resulted in much frustration over the unwillingness of the free world to embrace Ukraine and in further distancing from the West.

When examining the domestic political context of the Kravchuk era, it should be noted that there occurred no political revolution in Ukraine in 1991 when the USSR disintegrated. Ukraine unexpectedly became independent of Moscow and began to make its own policy choices. Change in Ukraine happened to be mainly gradual but from time to time also sudden. This change occurred not as an categorical break from the past political institutional order. In general, old political structures were simply modified and applied to the current political reality.<sup>27</sup> Two examples reveal this fundamental argument.

First, Ukraine's communist-era constitution was in effect until 1996, when a new version was adopted. Although this old constitution was revised several times until 1996, the fact that political actors at that time chose to amend it and did not reject it, can be considered as proof of the evolutionary character of post-independence Ukrainian politics. The new constitution was even adopted in accordance to the rules set by the pre-1996 constitution. This constitutes a stark contrast to former communist states in Eastern Europe where new constitutions

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<sup>26</sup> "A bargaining tool", Policy Documentation Centre. Online at <http://pdc.ceu.hu/archive/00001355/01/9.pdf> (accessed at 19.07.2009)

<sup>27</sup> For further information: Taras Kuzio, Robert Kravchuk and Paul D'Anieri, *State and Institution Building In Ukraine*, New York: St.Martin's Press, 1999



were written anew mainly by new and anti-communist political actors.<sup>28</sup> Second, because of the fact that the old constitution was still in force, the Ukrainian parliament which was elected before independence in 1990 stayed in office until 1994. Thus, the same cadres kept their positions during this period and these were the people who prevented many reforms right after independence and also preferred not to amend the election law for the new parliamentary elections in 1994. Reform initiatives were blocked by those interests. Formulated in other words, the choice to keep Soviet institutional structures and staff after independence was not only a choice to change things slowly, but a choice to limit how far reform may proceed. These decisions were not made by inexperienced reformers, but by self-interested bureaucrats and politicians who were in power during the collapse of the USSR. Those people were never pressured to leave power. The actions of those cadres of the late USSR period have continued to influence politics in independent Ukraine.<sup>29</sup>

Given Ukraine's weak national identity and regional-ethnic divisions, there seems also to be an absence of a basis for a national revolution in 1991. Ukraine's history since its independence shows that nation-building would have to follow national independence and not go before. Therefore, gaining independence in any possible way made sense. Furthermore, a certain mood of wishful-thinking dominated in the period before independence, insofar that it was believed that parting from Russia would certainly lead to democracy in Ukraine, since many, especially Ukrainian nationalist circles believed, that anti-democratic regimes and ideologies were enforced from Russia, and had little local support in Ukraine. In fact, the Kravchuk-era can be described as a period in which the Ukrainian leadership strived to consolidate the independence of the country through various

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<sup>28</sup> For a detailed discussion of the Soviet constitutional framework and the changes to the 1978 constitution of the Ukrainian SSR during Kravchuk's presidency, see Kataryna Wolczuk, *The Moulding of Ukraine: The Constitutional Politics of State Formation*, Budapest: Central European University Press, 2001

<sup>29</sup> For further information see: Council of Europe Parliamentary Assembly, Doc.7396, 1995 session, Fourth Part, 25-29 September 1995

internal and external means (i.e. nation-state building, establishing and strengthening of national bureaucracy, diplomatic recognition and support, international financial assistance...). The political actors who were at the forefront for gaining independence were concentrated more with nationalist themes than democratic objectives.<sup>30</sup>

The tactic of the remnants of the pre-independence era is also worth mentioning, because they did not merely respond to changing conditions, but actively benefited from them. By siding with nationalists when declaring independence, they could free themselves from Moscow's supervision and became able to control all sources of power in Ukraine. Additionally, by banning the Communist Party of Ukraine (CPU) in August 1991<sup>31</sup> they also became "nationalists" overnight and had given the impression to outsiders as if a real revolution was going on in Kyiv. They managed to keep control of all economic and political levers, which meant that they, and not the nationalists, would determine the speed, scale and course of any prospective reforms. In the presidential elections in December 1991, the former CPU Secretary and Speaker of the Verkhovna Rada Leonid Kravchuk prevailed over his nationalist opponent Vyacheslav Chornovil in a landslide and became the first post-Soviet President of independent Ukraine. The old cadres demonstrated how well they could accommodate themselves to new circumstances. Kravchuk was able to present himself as a moderate nationalist. Former CPU cadres followed suit and dropped their CPU memberships and argued that communism had been enforced from abroad and that they never wholeheartedly embraced it. These

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<sup>30</sup> For further information see: Taras Kuzio and Paul D'Anieri, *Dilemmas of State-Led Nation Building in Ukraine*, Westport: Praeger Publishers, 2002

<sup>31</sup> The Ukrainian Parliament allowed the Communist to resume their political activity in May 1993. For further information see: "Ukraine Ends Ban on Communist Political Activity", *Los Angeles Times*, May 16, 1993. Online at [http://articles.latimes.com/1993-05-16/news/mn-36211\\_1\\_political-activity](http://articles.latimes.com/1993-05-16/news/mn-36211_1_political-activity) (accessed on 19.07.2009)

actions were hoped to be embraced by the West and lead to financial support to Kyiv.<sup>32</sup>

The forming of the Ukrainian state system between August and December 1991 has still its negative legacy on Ukrainian political institutions to date. Independent Ukraine took over from its predecessor a kind of parliamentary government. There was no legally defined President and also Prime Minister. Thus the Speaker of Parliament became the de-facto Head of Government. After the independence declaration, there was a hurry to establish all necessary state institution and to prove within the country and also to foreign countries (especially Russia) that this was a full-fledged independent new country.<sup>33</sup>

Although independence was declared in August 1991, there remained real doubts among the international community about the firmness of this political decision. Therefore, the majority of foreign governments preferred withholding recognition until after the December 1991 independence referendum. In the meantime, the Russian Government in Moscow was working feverishly to prevent complete state sovereignty for Ukraine. Ukraine's new institutions were thus created in a haste. The principal goal was not to design the institutions of an effective liberal democracy, but to create the most convincing presentation to the international community that this was really an independent state. Therefore, the office of President was created as an official institution of an independent state.<sup>34</sup> In the fall of 1991, the office of Prime Minister was created to head the Government, which meant that in a matter of months

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<sup>32</sup> For further information see: Taras Kuzio, *Contemporary Ukraine: Dynamics of Post-Soviet Transformation*, New York: M.E.Sharpe Inc., 1998

<sup>33</sup> For further information see: Taras Kuzio, *Contemporary Ukraine: Dynamics of Post-Soviet Transformation*, New York: M.E.Sharpe Inc., 1998

<sup>34</sup> The History of Presidency, *Official Web site of President of Ukraine*. Online at [http://www.president.gov.ua/en/content/president\\_history.html](http://www.president.gov.ua/en/content/president_history.html) (accessed on 21.07.2009)

Ukraine went from having no separate head of the executive branch to having two.

In the years to come, disagreements between the President and Prime Minister over prerogatives negatively affected the exercise of executive power. Although two powerful new offices were created, no workable constitutional rules were made for either of the new offices or for the existing organs that were presumably giving up some responsibility to them. Thus from 1991 until the establishment of the 1996 constitution, Ukraine had a four-headed central administration, with executive authority unclearly divided among President, Prime Minister, Parliament and Parliamentary Speaker.<sup>35</sup>

Economic difficulties and political instability have partially undermined the credibility of President Kravchuk to lead Ukraine on its path to successful transition. Massive inflation and political uncertainty created domestic political tensions which were further exacerbated by the prospect of elections in 1994. In the pre-election campaign differences between Russia and Ukraine and the causes of Ukrainian economic difficulties were simplified by some Ukrainian politicians. This logic was propagated by the 'Eurasian' school of thought, which maintained that closer integration with the CIS provided an opportunity for Ukraine to prosper economically which would, in turn, guarantee its sovereignty<sup>36</sup>. Before the elections, the popular discourse was dominated by struggles to attach meanings to 'sovereignty' and 'economic prosperity' which were linked to Ukraine's partnership with Russia. Kuchma used the pre-election domestic political tensions embedded within rising inflation to articulate his neo-Soviet discourse with a vision of Ukraine as a victim of the West and a loyal partner of Russia. As Kuchma said in 1993,

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<sup>35</sup> For further information see: Paul J. D'Anieri, Robert S. Kravchuk and Taras Kuzio, *Politics and Society in Ukraine*, Oxford: Westview Press, 1999

<sup>36</sup> Ilya Prizel, *Nation-Building and Foreign Policy*, New York and Oxford: Rowman & Littlefield Publishers, 2000, pp.19-21

The West has made it its goal to exploit all our reforms and efforts at restructuring, to ruin everything for us, and to turn the mighty Soviet Union, including the present independent Ukrainian state into an economic appendage providing raw materials and cheap labour. Nobody, [whether] in the USA, England, France or Germany, has any interest in a strong Russia and a strong Ukraine. We must find our own way out of the crisis, expecting help from nobody.<sup>37</sup>

Later developments proved that there was nothing sincere in these words of Leonid Kuchma and this statement was only serving the public mood dominant in Ukraine at that time. Further, this statement of Kuchma's is exemplary in illustrating the opportunist way of thinking of President Kuchma and the lack of a clear foreign policy line of him. This is in sharp contrast to his successor, the third Ukrainian President Viktor Yushchenko, who had an indisputable pro-Western foreign policy approach.

## **2.2 Kuchma Era (1994-2004)**

Some authors argue that the election of Leonid Kuchma as President signified increased support for pro-Russian policy among the general public and a shift in power alliances among the Ukrainian elite.<sup>38</sup> However, the myth that has linked the Ukrainian national idea to the concept of Europe has not been eradicated by the neo-Soviet pre-election discourse. Although the popular pro-Russian discourse was dominant before the elections, after Kuchma became President, the wish to join the West through membership in the EU became a focal point in Ukrainian politics. Moreover, since 1996, the 'European' myth has shifted from the meaning of historical and cultural heritage to the discourse on foreign policy. The pro-EU discourse prevailed, culminating in the 1998

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<sup>37</sup> Tor Bukkvoll, *Defining a Ukrainian Foreign Policy Identity: Business Interests and Geopolitics in the Formulation of Ukrainian Foreign Policy 1994-1999*, in: *Ukrainian Foreign and Security Policy: Theoretical and Comparative Perspectives*, eds. Jennifer D.P. Moroney, Taras Kuzio and Mikhail Molchanov, London: Praeger, 2002, p.131

<sup>38</sup> Prizel, 2000; Bukkvoll, 2002; Wilson, 2000

Strategy of Ukraine's Integration to the European Union, which laid out the primary direction for Ukraine's policy reforms required in order to attain the ultimate aim of EU membership.<sup>39</sup>

This change of mind in Kuchma can be explained by the state of affairs in Ukrainian-Russian relations at that time. First, Kuchma's identity as a leader of a sovereign state was challenged in the course of Ukraine-Russia negotiations. Kremlin and the Russian people did not and could not regard Ukraine as an independent and sovereign state. The fact that the Russian side had difficulties accepting Ukraine as an equal and independent state contributed to the growing dominance of the pro-European discourse. Second, while the Ukrainian ruling elite were reaffirming their country's sovereignty, the Russian officials were pushing intensely for further integration among the Commonwealth of Independent States (CIS).

However, during and shortly after the presidential elections in 1994, it was difficult for Kuchma to present Russia as an "enemy of the Ukrainian nation". Ukraine remained economically and politically dependent on Russia. Hence, Kuchma was hesitant to continue to articulate the pro-European myth constructed by his predecessor. Most of Kuchma's speeches in 1994 referred to Ukraine as a Eurasian and/or Central European nation while stressing the need to construct a close relationship with Russia. In his inaugural speech on 19 July 1994, Kuchma stated,

Historically Ukraine is part of the Euro-Asian economic-and cultural space... I intend to propose a change to the current legislation with the aim of granting official status to the Russian language, while the Ukrainian language retains its state status.<sup>40</sup>

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<sup>39</sup> Inna Pidluska, "Ukraine-EU relations: Enlargement or Integraton". Online at <http://www.policy.hu/pidluska/EU-Ukraine.html> (accessed at 21.07.2009)

<sup>40</sup> Zbigniew Brzezinski and Paige Sullivan, *Russia and the Commonwealth of Independent States*, Center for Strategic and International Studies, Washington D.C., 1996, pp.272-273

These words were intended to get a favorable approach and support from Moscow. However, relations with Russia did not improve. In fact, tensions were growing over the issues relating to the Crimea, the Black Sea Fleet and CIS affairs. Consequently, in the midst of pressures from Russia, Kuchma's speeches began to integrate concepts of democracy, human rights and European values. By articulating Ukraine as a 'European' country, Kuchma was able to counterbalance Russian pressure as well as consolidate power in the domestic arena. But the Kuchma Government did not necessarily follow through its pro-EU declarations, failing to implement the necessary reforms.<sup>41</sup> Nonetheless, pro-Western discourse of Kuchma helped Ukraine to receive more financial aid and credits from the West.

On the other hand, some business circles, NGOs and think-tanks who had the support of Western countries began to lobby much more effectively for the necessary reforms. Most political groups shared the pro-European perspective. This is due to the fact that 'Europe' has been associated as the policy aimed at economic and political well-being. The idea of being part of Europe has also been supported by the majority of the Ukrainian population. At the same time, Ukraine stood little chance of realistically pursuing its membership in the European Union, thus allowing even those who would traditionally be pro-Russian to accept generally the pro-EU declarations of the ruling elite. The majority of the Ukrainian elite agreed that Ukraine was a European state in an historical and cultural sense and should therefore pursue the policy of integrating with "Europe". However, the lack of any clear membership signal from the EU as well as Ukraine's internal political disputes and weak economy have resulted in the failure of Ukraine's European integration.<sup>42</sup>

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<sup>41</sup> Kataryna Wolczuk, *The Moulding of Ukraine: The Constitutional Politics of State Formation*, Budapest: Central European University Press, 2001

<sup>42</sup> Tatiana Zhurzhenko, "The Myth of Two Ukraines", Institute for Human Sciences, Vienna. Online at [http://www.iwm.at/index.php?option=com\\_content&task=view&id=273&Itemid=451](http://www.iwm.at/index.php?option=com_content&task=view&id=273&Itemid=451) (accessed on 21.07.2009)

Moreover, there remained differences within the prevailing pro-EU discourse between those who believed that Ukraine is an Eastern Slavic country, the belief which sees no contradiction between being both European and an Eastern Slavic country and those who proclaimed that Europe was the sole root of Ukraine's identity and foreign policy. This situation would continue to affect Ukrainian domestic political debate even after Kuchma.<sup>43</sup>

During the Kuchma era, multilateral cooperation within the Partnership for Peace (NATO-PfP) and bilateral cooperation with the USA remained at high levels. However, some scholars, like Taras Kuzio describe Kuchma's multi-vectored foreign policy as "shifting, incoherent and ideologically vacuous".<sup>44</sup> Contradictory signals, one day pro-Western, the next day pro-Russian, damaged Ukraine's international credibility. Yet, these contradictory signals reflected the political reality of the Ukrainian society.

In 1997 NATO and Ukraine signed the "Charter on Distinctive Partnership". In 1998 Kuchma made clear Ukraine's wish to join the European Union. He even turned up for a summit in Prague in November 2002 notwithstanding that he was not personally invited to attend.<sup>45</sup> However, during Kuchma's presidency, the NATO-Ukraine relationship was frequently instrumentalized for political and geopolitical purposes – both to mitigate Western responses to autocratic tendencies in Ukraine and to offset pressures from Russia. Indeed, it is very important to note that, as Natalie Mychajlyszyn put it, "the Europe-Ukraine relationship and the European dimension of Ukraine's identity were advanced only when the Russia-Ukraine relationship was stable, and when the Europe-Russia relationship

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<sup>43</sup> Prime Minister Tymoshenko seems to support the first group and President Yushchenko surely the second group.

<sup>44</sup> Taras Kuzio, "Is Ukraine Part of Europe's Future ?", *The Washington Quarterly*, Vol.29, No.3, Summer 2006, p.89

<sup>45</sup> Michael McFaul, "Ukraine Imports Democracy", *International Security*, Vol. 32, No.2, Fall 2007, p.67



was also advanced”.<sup>46</sup> Thus, the 1997 NATO-Ukraine Charter was signed following the completion of the NATO-Russia Founding Act and the establishment of the NATO-Russia Permanent Joint Council, as well as the signing of the Ukraine-Russia Treaty on Friendship and Cooperation.

In light of the international context explained above, I want to return to the domestic political context of the Kuchma era. The 1996 Constitution and some other legal acts, and also political maneuvering of the then President Kuchma helped to strengthen the position of the office of the President. At the time when Kuchma won the Presidency in 1994, there was no fear that he was not a democrat. Rather the fear was that he would be very pro-Russian, which worried many in Ukraine and in the West. Therefore, this election sets the backdrop for a key point: The puzzle is not just that Ukraine became authoritarian, but that it did so after the democratic elections of 1994. Part of the explanation lies in the parliament elected in 1994 and in the institutional stalemate that emerged. The immobility and corruption, as well as the leftist dominance that characterized the 1994-1998 parliament, helped persuade many that increased executive power was necessary for reform to succeed. The problems with parliament were in part directly attributable to the election law.

But although Kuchma presented himself as a democrat in 1994 when he came to power, slowly he lost his “democratic” zeal and his struggle to maintain in power dominated. This led to anti-democratic measures initiated by his Administration, which in turn cost him the support of the West. Especially towards the end of his second term as President (1999-2004) he was more and more regarded as an autocrat and pro-Russian politician. This led to fierce opposition of not only nationalist political parties led by opposition leaders like Yushchenko and Tymoshenko but also of the Socialist Party. Especially

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<sup>46</sup> Natalie Mychajlyszyn, “From Soviet Ukraine to the Orange Revolution: European Security Relations and the Ukrainian Identity”, in: *Europe’s Last Frontier: Belarus, Moldova, and Ukraine between Russia and the European Union*, eds. O. Schmidtke and S. Yekelchik, New York: Palgrave Macmillan, 2008, p.47

the Gongadze scandal<sup>47</sup> damaged the image of President Kuchma much and illustrated the democratic deficiencies of his Administration. Furthermore, this scandal became a rallying point for the opposition and their leaders finally managed to agree on a common candidate against the presidential candidate promoted by President Kuchma (Viktor Yanukovich) for the elections for President in 2004.

On the foreign policy front Kuchma found himself more and more in a position where he could no more meander between the West and Russia, and towards the 2004 presidential elections he relied almost entirely on Russian diplomatic support. This led to interference in these elections from Russia and the West alike.<sup>48</sup> Further developments are dealt with in the next chapter.

### **2.3 Ukrainian Foreign Policy in the Pre-Orange Revolution Era**

In overall, Ukrainian foreign policy in the pre-Orange Revolution era can be explained as follows: Kravchuk's pro-Western discourse was easily displaced by the campaign during the presidential elections in 1994. Leonid Kuchma, who won the elections, used the neo-Soviet jargon linking Ukrainian economic development to its close partnership with Russia and blaming the West for its difficulties in reforming. Kuchma linked Ukraine's sovereignty to its economic well-being. Associating that with the need to work closely with Russia thereby appealed to those who wanted both economic stability and cooperation with

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<sup>47</sup> Georgiy Ruslanovich Gongadze was a Ukrainian journalist kidnapped and murdered in 2000. The circumstances of his death, which allegedly involved some high ranking officials close to Kuchma, became a national scandal and a focus for protests against the government of the then President, Leonid Kuchma. See: "Wiki: Georgiy Gongadze", *Web site of Wapedia, Mobile Encyclopedia*. Online at [http://wapedia.mobi/en/Georgiy\\_Gongadze](http://wapedia.mobi/en/Georgiy_Gongadze) (accessed on 21.07.2009)

<sup>48</sup> For further information see: Taras Kuzio, "Slavophiles versus Westernizers: Foreign Policy Orientations in Ukraine", in: *Between Russia and the West: Foreign and Security Policy of Independent Ukraine*, eds. Kurt R. Spillmann, Andreas Wenger and Derek Müller, Bern: Peter Lang, 1999

Russia. Nevertheless, the neo-Soviet pre-election discourse stands in sharp contrast to the discourse articulated by Kuchma in the years following his election. After 1995, and especially after 1996, the wish to join the West through membership of both the EU and NATO has become a focal point of the prevailing discourse propagating membership in the Euro-Atlantic community. But, as earlier stated, towards the end of his tenure, President Kuchma began again to pursue a more Kremlin-friendly policy. However, it should be added that Kuchma himself described the aim of his policy in his memoirs “as a strive to strengthen Ukrainian independence and sovereignty” in which he claimed he was successful.<sup>49</sup>

The Kuchma administration pursued (at least in a declaratory sense) a policy of EU integration but without concluding the necessary reforms. The meaning that Ukraine’s political leaders have attached to Europe has drastically changed in the Kravchuk-Kuchma era. In the early 1990s, President Kravchuk was embedded within the nationalist discourse, borrowing from the dissident tradition (despite the fact that most of the ruling elite had been members of the former communist government under the Soviet system). In the mid and end of the 1990s, the concept of Euro-Atlantic integration became the central point around which several issues, such as economic reform, national identity, security, the rule of law, political reform and others, were constructed. Although the concept of *Euro-Atlantic integration* generally came to signify integration with the EU and NATO, the central point was emptied of its meaning, thus becoming an empty slogan. This allowed the political actors in this era to adopt the European identity without fulfilling their promises to implement necessary reforms for Ukraine to reach the EU economic and political standards.

The notion that Ukraine is a European country in terms of its history, geography and culture became a myth and successfully transitioned to become a

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<sup>49</sup> Leonid Kuchma, *Posle Maydana/Zapiski Prezidenta 2005-2006* (After the Maidan/The President’s Notes, Moscow: Publishing House “Dovira” and “Vremya”, 2007, p.9

social imaginary. Most Ukrainians, both members of the elite and the general public, believed that Ukraine is a European country. In the late 1990s to early 2000s, and especially after the Orange Revolution, the Ukrainian elite began to articulate a myth that Ukraine is a European state in the political sense. The political identity has been articulated to mean an EU candidate country. However, several internal and external distortions have hampered this wish to become true. The lack of any signal from the EU on membership, consistent pressure from Russia, the West's fixation on Russia and also Russian foreign policy towards Ukraine, Ukraine's weak economy and inadequate political institutions, have all precluded (in the pre- as well as- post-Orange Revolution period) this myth from becoming a reality.<sup>50</sup>

To conclude with this chapter, I think some moments can be underscored. After gaining independence, Ukrainian politicians have made general references to Ukraine's place in Europe. Leonid Kravchuk, the first President of the post-Soviet Ukraine, can be characterized as pro-Western insofar as he articulated Ukraine's European vocation as a matter of its sovereignty. In large measure this was the result of the insecurity felt in ensuring the country's independence during tense negotiations with Russia. The talk about integration with Europe has been one of the continuing discourses. However, it was expressed only in general terms. It did not list the goal of integration with the European structures as an urgent priority (as was the case with some of the ex-Soviet satellite states in Central Europe), but rather included it among other foreign policy goals. Leonid Kuchma broadly continued this policy line.

The next chapter explains how Ukraine's foreign policy has changed after the shift of power in Kyiv, and demonstrates especially the resolve of the new

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<sup>50</sup> For further information see: Elena Kropacheva, "Ukraine as a bone of contention between Russia and the West", Paper presented at the 1st ECPR Graduate Conference on Contentious Politics at the University of Essex on 7-9 September 2006. Online at <http://www.essex.ac.uk/ecpr/events/graduateconference/papers/9/74/kropacheva.pdf> (accessed on 23.07.2009)

Administration in its pro-Western approach, and the resulting Russian reaction to this. For this purpose, the post-Orange Revolution era Ukrainian foreign policy is explored in four separate parts consisting of Ukraine's foreign policy priorities and the Russian and Western factors in this policy, and a last topic on the evaluation of this period.

## CHAPTER 3

### CHARACTERISTICS OF UKRAINIAN FOREIGN POLICY IN THE POST-ORANGE REVOLUTION ERA

This chapter covers the period after the fall of the Kuchma regime and is divided into four parts: The first is on foreign policy priorities of the country, the second and third parts analyze the Western and Russian factors in Ukrainian foreign policy respectively. Taking up the Russian factor separately is necessary because Russia remains the main issue in Ukrainian foreign policy<sup>51</sup> and Kyiv (and also foreign countries with regard to Ukrainian affairs) is tuning its policy chiefly in reaction or in view of Russia. By this way, it is also possible to explain Kyiv's stance on some foreign policy issues which are important for the current Ukrainian foreign policy administration. In the final and fourth part of this chapter the foreign policy of this period is evaluated.

#### 3.1 Foreign Policy Priorities in the Post-Revolution Era

Right after assuming power, the Orange leadership showed that it intended to pursue a pro-Western foreign policy. The most immediate priorities of the Orange Government, or if better formulated, of President Yushchenko may be summarized as follows: Integration into the EU, membership in NATO and WTO<sup>52</sup>; obtaining political recognition of Ukraine's status as a market

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<sup>51</sup> Russia is also the main issue in Ukrainian foreign policy literature. See "Foreign Policy of Ukraine in 2008: Regional leadership, assistance or virtual game?" (Vneshnaya Politika Ukraini v 2008 godu: Regional'noe liderstvo, assistentsvo ili virtual'naya igra?), *Center for Studies on Civil Society* (Tsentr Isledevoniy Problem Grazhdanskogo Obschestvo), Kyiv, 04 December 2008. Online at <http://www.eurasianhome.org/xml/t/expert.xml?lang=ru&nic=expert&pid=1831> (accessed on 27.07.2009)

<sup>52</sup> Ukraine began adopting legislation required by the WTO in June 2005 and became finally a member in 2008.

economy (a status Russia received in 2002)<sup>53</sup>, improving US-Ukrainian relations and by this way graduating from the Soviet-era Jackson-Vanick amendment that restricted the ability of the US to trade with Ukraine.<sup>54</sup> Almost all efforts were oriented towards the achievement of these goals. Opponents called such foreign policy strategies “idealistic” and said that no one in Europe was waiting for Ukraine. Indeed, Ukrainian accession to the EU is not expected to occur within the next few years. However, when speaking about Ukraine’s foreign policy, Minister of Defense Anatoly Grytsenko proclaimed that “sometimes the process is more important than the result”.<sup>55</sup> To put it in other words, Ukraine had to pass through the process of reform according to the standards demanded by the WTO, NATO and EU, a process necessary for its development as a modern country.

In this context, if explained in more detail, foreign policy priorities<sup>56</sup> of the Orange leadership are, first of all, European and Euro-Atlantic integration of Ukraine as a gradual process of strengthening national defense, consistent economic development and support of democracy, human rights and freedom; second, development of strategic partnership with the United States, Russia and Poland and the enhancement of bilateral economic relations with other countries; third, efficient external regional policy aimed at strengthening security in the Black Sea region; fourth, active participation in resolution of the “frozen” conflicts in Moldova and the South Caucasus, which is a specific direction of Ukrainian foreign

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<sup>53</sup> The EU and US granted Ukraine market economic status in December 2005 and February 2006 respectively.

<sup>54</sup> The Soviet era legislation tied US trade to the USSR’s willingness to permit the emigration of Jews. Ukraine graduated from the amendment on the eve of the March 2006 parliamentary elections.

<sup>55</sup> Anatoly Grytsenko, “The difficult way of Ukraine into European and Euroatlantic structures: Developments and perspectives”, Kiev: Konrad Adenauer Club, February 24, 2006. Online at [http://www.kas.de/proj/home/home/47/2/webseite\\_id-2787/index.html](http://www.kas.de/proj/home/home/47/2/webseite_id-2787/index.html) (accessed on 27.07.2009)

<sup>56</sup> For further information see: “Ukraine’s Foreign Policy: from the Orange revolution through the parliamentary elections and beyond”, *Remarks by Ukraine’s Foreign Minister Borys Tarasyuk, Press Release*, 10.03.2006. Online at [http://www.brama.com/news/press/2006/03/060310brookings\\_tarasyuk.html](http://www.brama.com/news/press/2006/03/060310brookings_tarasyuk.html) (accessed on 27.07.2009)

policy; fifth, the activation of GUAM (Georgia, Ukraine, Azerbaijan, Moldova) and of the relations with the Visegrád Group, the Organization of the Black Sea Economic Cooperation (BSEC), the Central European Initiative (CEI) and the Stability Pact for South Eastern Europe; sixth, participation in the work of the UN, the OSCE and the EU; seventh, protection and support of Ukrainian citizens abroad; eighth, entry into the WTO and initiation of international scientific, cultural and educational cooperation. To realize these goals, Ukraine has significantly upgraded its international activity. In order to understand how Ukrainian foreign policy acted to achieve these goals and which challenges it faced, I have chosen to begin with the Western factor in its foreign policy.

### **3.2 The Western Factor in Ukraine's Foreign Policy**

In terms of foreign policy Yushchenko and Ukrainian nationalists wanted to take their country in a clear Western direction. However, their agenda was and is still opposed by a strong counter-lobby which argues that it is more natural for Ukraine to promote its interests in the world in alliance with Russia rather than in opposition to its influence. Moreover, if Ukraine were to attempt to define its independence in a manner that too obviously excluded Russian interests, then the political reaction in Russia might well further politicize Ukraine's Russian or Russophone population in opposition to the nationalist view. This was the case during President Yushchenko's tenure. But although most analysts see the Russophones as a homogenous block, whose interests are tied to Moscow, Taras Kuzio argued that,

Clearly the situation in Ukraine is far more complicated than a simplistic division of the country into two linguistic groups, one oriented toward Europe (Ukrainophones) and the other toward Eurasia (Russophones). If Ukraine's elites wish to maintain an independent state, they have no alternative but to continue with a policy of "Integration into Europe, cooperation with the CIS."<sup>57</sup>

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<sup>57</sup> Taras Kuzio, "Russophone Unity in Ukraine", RFE/RL Newline Vol. 4, No. 129, Part II, July 7, 2000



From this statement of Taras Kuzio it may be concluded that, in fact “integration into Europe and cooperation with the CIS” was the main direction of Ukrainian foreign policy until the Orange Revolution. By and large, this foreign (and security) policy did not change its strategic goals under President Viktor Yushchenko, too. Ukraine under Kuchma had already outlined a desire for EU and NATO membership, but these goals had never been backed by domestic policies and both NATO and the EU had refused to consider Ukraine as a candidate for membership. What has fundamentally changed under Yushchenko has been a shift towards an ideological commitment to Ukraine’s domestic policies to meet NATO and EU requirements.<sup>58</sup> Since Yushchenko’s election, NATO has evolved towards accepting in principle Ukraine’s candidacy for membership while the EU has continued to remain passive. In other words, little has changed from the Kuchma era when NATO had an open-door policy and the EU a closed-door policy. Under Yushchenko, Ukraine no longer pursued a vacuous and constantly shifting ‘multi-vector’ foreign policy that served the interests of the President and a narrow group of the ruling elites, as was the case during Leonid Kuchma’s decade in power”.<sup>59</sup> The foreign policy discourse became clear, indisputable and pro-Western.

The victory of Yushchenko in the Orange Revolution and his assuming of the presidency was heralded by the West and by Ukrainian nationalists as a democratic victory. The Orange Revolution was significant for several reasons. First, it marked the emergence of a civil society in Ukraine. Second, the elections were free (it was the first free election in Ukraine since 1994). Third, the Orange revolution opened the door for more democratic reform, and by

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<sup>58</sup> “External affairs (Ukraine)”, Jane’s Intelligence and Insight. Online at <http://www.janes.com/extracts/extract/cissu/ukras080.html> (accessed on 28.07.2009)

<sup>59</sup> Tor Bukkvoll, “Private Interests, Public Policy. Ukraine and the Common Economic Space Agreement”, *Problems of Post-Communism*, Vol.51, No.5, September-October 2004, pp.11-22

that went against the prevailing trend towards authoritarianism in CIS countries.<sup>60</sup>

In April 2005 NATO granted Ukraine “Intensified Dialogue Status” which is generally regarded as an important preparatory step towards obtaining a Membership Action Plan (MAP). Yushchenko reinstated the goals of NATO and EU membership in Ukraine’s military doctrine<sup>61</sup>, goals that had been removed by Kuchma in July 2004.<sup>62</sup> However, Ukraine’s request for MAP in 2006 led to a backlash by anti-NATO parliamentary opponents of the Orange Government. Meanwhile, after the failure to form a new Orange Government (Tymoshenko was already ousted in September 2005) and following the March 2006 parliamentary elections, plans to join MAP in 2006 were frozen. A coalition of political forces who were against Ukrainian NATO membership formed the government (the “anti-crisis coalition” of the Party of Regions headed by Victor Yanukovich, the Communist Party and the Socialist Party). The issue of MAP accession was practically withdrawn from the agenda. In September 2006, Prime Minister Yanukovich said in Brussels that it was necessary to “pause” Ukraine’s Euro-Atlantic integration and to separate the issue of NATO membership from cooperation with NATO.<sup>63</sup> Yanukovich based his view on polls that showed a majority of Ukrainians opposing NATO. Indeed, at the public level, decades of Soviet propaganda against NATO, coupled with NATO’s intervention in Kosovo

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<sup>60</sup> Derek Fraser, *Taking Ukraine Seriously: Western and Russian Responses to the Orange Revolution*, in: *Europe’s Last Frontier? Belarus, Moldova, and Ukraine between Russia and the European Union*, eds. O.Schmidtke and S.Yekelchuk, New York: Palgrave Macmillan, 2008

<sup>61</sup> “Joint News Conference by the NATO Secretary General and the Foreign Minister of Ukraine”, April 21, 2005. Online at <http://www.nato.int/docu/speech/2005/s050421g.htm> (accessed on 28.07.2009)

<sup>62</sup> “Ukraine Rephrases Nato Goal”, *The Jamestown Foundation*, July 29, 2004. Online at [http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews%5Btt\\_news%5D=26685](http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=26685) (accessed on 28.07.2009)

<sup>63</sup> “Ukraine 'not ready' to join Nato”, *BBC News*, September 14, 2006. Online at <http://news.bbc.co.uk/2/hi/europe/5345406.stm> (accessed on 28.07.2009)

in 1999 and the US-led invasion of Iraq, continue to cause regional divisions over attitudes towards NATO membership. The best-case scenario is that in case of a referendum on NATO membership around 1/3 of Ukrainians would vote in favour of membership.<sup>64</sup>

In the summer of 2008, President Yushchenko tried to use the Georgia-Russia conflict for accelerating the NATO membership process.<sup>65</sup> In Yushchenko's words,

This conflict has proved once again that the best means of ensuring the national security of Ukraine and other countries is to participate in the collective security system of free democratic nations, exemplified today by NATO. In accordance with national legislation and its foreign policy priorities, Ukraine will continue following the path of Euro-Atlantic integration. This is the path of democracy, freedom and independence.<sup>66</sup>

This statement shows Yushchenko's clear goal of achieving NATO membership, but also is proof of his risky approach, with regard to domestic as well as foreign policy, to get to this goal. Indeed, the Georgia-Russia conflict further deteriorated relations between President Yushchenko and Prime Minister Tymoshenko and events led to the break-up of the pro-Western ruling coalition in September 2008. Portraying Russia as a threat did not sit well with Prime Minister Yulia Tymoshenko, especially when available economic data suggests that Russians control a considerable part of the Ukrainian economy and Ukraine receives ¾ of its natural gas consumption from Russia.<sup>67</sup> President Yushchenko even accused

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<sup>64</sup> "Ukraine moves closer to NATO Membership", *The Jamestown Foundation*, April 28, 2005. Online at [http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews%5Btt\\_news%5D=30336](http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=30336) (accessed on 28.07.2009)

<sup>65</sup> Yanukovich was already ousted from power in late 2007 and Yushchenko's Orange rival Tymoshenko formed the Government

<sup>66</sup> Viktor Yushchenko, "Georgia and the Stakes for Ukraine", *The Washington Post*, August 25, 2008. Online at <http://www.president.gov.ua/en/news/11072.html> (accessed on 28.07.2009)

<sup>67</sup> However, before coming to power in December 2007, in an article on Russia, Tymoshenko accused the Kremlin of imperial ambitions towards ex-Soviet countries including Ukraine. In this

Tymoshenko of “treason and corruption” over her failure to back him in his support for Georgia and condemnation of Russia’s actions during the conflict.<sup>68</sup> I want to underline in this context that although President Yushchenko stands out as the most decisive Ukrainian President for moving Ukraine towards integration into the two main Western institutions, NATO and EU, his very low approval ratings and his personal conflict with Tymoshenko have undermined his influence and credibility in the West.

When taking up relations with the USA, I want to note that the departure of US President Bush and the Republican Administration from power in early 2009, and the arrival of a Democratic President in Washington was closely followed by Ukrainian diplomacy. Talk about the “reset of US-Russia relations”<sup>69</sup> led to fears in Kyiv that US support for Ukraine’s Euro-Atlantic aspirations will weaken in order to improve US-Russia relations. However, during a visit to Kyiv in July 2009, U.S. Vice-President Joe Biden reaffirmed US support for Ukraine’s pro-Western line and said,

The United States ... supports Ukraine's deepening ties to NATO and to the European Union. But again, we recognize they are your decisions, your choices, not ours whether you choose the EU or seek to, or NATO. We recognize that how far and how fast to proceed on your choices is, again, a uniquely Ukrainian choice - it is not ours.<sup>70</sup>

Biden’s emphasis on “Ukraine’s choice” on the pace and scope of integration with EU and NATO may be commented as awareness of Washington of the difficult

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context see her article titled “Containing Russia” which was published in the Foreign Affairs May/June 2007 issue.

<sup>68</sup> “Tymoshenko dismisses president's state treason claims”, *Ria Novosti*, August 8, 2008. Online at <http://www.globalsecurity.org/military/library/news/2008/10/mil-081009-rianovosti01.htm> 15 (accessed on 28.07.2009)

<sup>69</sup> Craig Whitlock, “Reset’ Sought on Relations With Russia, Biden Says”, *Washington Post*, February 8, 2009

<sup>70</sup> Remarks by Vice President Biden in Ukraine”, *The White House*, July 22, 2009. Online at [http://www.whitehouse.gov/the\\_press\\_office/Remarks-By-Vice-President-Biden-In-Ukraine/](http://www.whitehouse.gov/the_press_office/Remarks-By-Vice-President-Biden-In-Ukraine/) (accessed on 28.07.2009)

domestic policy situation in Ukraine and fierce opposition by some political groups to such an integration. This awareness is remarkable when remembering the Bush-era US policy which was strongly in favour of Ukraine's membership to NATO and was not using any language which took in some way into account the domestic and foreign (the Russian Federation) opposition to Ukraine's NATO membership.

On the EU issue, the political elite of Ukraine has reached a consensus and this assured some progress in Ukraine-EU relations. Even the pro-Russian Regions Party and its leader Yanukovich supports EU membership. The problem here is that the EU is not especially keen on accepting Ukraine as a member in the foreseeable future. Instead, without giving a prospective of EU membership to Ukraine, the EU has offered some alternative mechanisms for Ukraine like the establishment of a deep and comprehensive Free Trade Area (FTA) and signing of a new enhanced agreement with Ukraine which will be the successor agreement to the 1998 Partnership and Cooperation Agreement (PCA). Negotiations on FTA and enhanced PCA are continuing.<sup>71</sup>

Still, the Yushchenko-era diplomacy was able to achieve some concrete results in Ukraine-EU relations. The Visa Facilitation and Readmission Agreement with the EU entered into force in January 2008<sup>72</sup>; the EU Eastern Partnership Programme which also engages Ukraine was launched in May 2009, and the EU decided to support the modernization of the Ukrainian gas transit system.<sup>73</sup> On Ukraine's NATO membership the state of affairs has already been explained.

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<sup>71</sup> "Seventh round of EU-Ukraine FTA negotiations takes place in Kyiv", *Web site of the Delegation of the European Commission to Ukraine*. Online at [http://ec.europa.eu/delegations/ukraine/press\\_corner/all\\_news/news/20090706\\_02\\_en.htm](http://ec.europa.eu/delegations/ukraine/press_corner/all_news/news/20090706_02_en.htm) (accessed on 28.07.2009)

<sup>72</sup> Florian Trauner and Imke Kruse, "EC Visa Facilitation and Readmission Agreements:

A new Standard EU Foreign Policy Tool ?", pp.18-19. Online at <http://www.jhubc.it/ecpr-riga/virtualpaperroom/058.pdf> (accessed on 28.07.2009)

<sup>73</sup> Web site of the Delegation of the European Commission to Ukraine. Online at [http://www.ec.europa.eu/delegations/ukraine/eu\\_ukraine](http://www.ec.europa.eu/delegations/ukraine/eu_ukraine) (accessed on 29.07.2009)

Another rare foreign policy success of Yushchenko was WTO membership of Ukraine which was achieved after a long negotiating process in May 2008.<sup>74</sup> WTO membership is hoped to provide the country with a sustainable and predictable trade environment and give growth impetus to multilateral trade and investments. From the moment of accession to the WTO, Ukraine began to enjoy improved terms of trade with 153 countries, which account for almost 97% of global trade.<sup>75</sup> WTO membership is also expected to facilitate Ukraine's European integration, as WTO entry was the main prerequisite for a free trade area agreement with the EU.

### **3.3 Russian Factor in Ukraine's Foreign Policy**

At the end of 2008 Ukraine-Russia relations were at their lowest point since the collapse of the Soviet Union. Russian President Medvedev told the press on 24 December 2008 that bilateral relations "have never been as low as they are now".<sup>76</sup> President Medvedev reiterated this view in August 2009 and blamed President Yushchenko for pursuing an anti-Russian course. He also postponed the new Russian ambassador's arrival in Ukraine because of Kyiv's "anti-Russian" policy. Medvedev's remarks can be commented as an indicator that Moscow did not have any intention to work with President Yushchenko and his Administration and was waiting for a new Ukrainian President to be elected in early 2010.<sup>77</sup>

It is clear that a "low point" in relations between Kyiv and Moscow have been reached in 2008-2009. In this context, some problematic issues are dominating

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<sup>74</sup>Web site of the World Trade Organization. Online at <http://wto.in.ua/index.php?lang=en&get=4> (accessed on 29.07.2009)

<sup>75</sup> Web site of the World Trade Organization. Online at <http://wto.in.ua/index.php?lang=en&get=14> (accessed on 29.07.2009)

<sup>76</sup> "Medvedev Says Russia-Ukraine Relations at their Lowest Level", *RIA Novosti*, December 24, 2008. Online at <http://www.en.rian.ru/russia/20081224/119160157.html> (accessed on 29.07.2009)

<sup>77</sup> "Medvedev: Russian ambassador's arrival in Kyiv put off over Ukraine's anti-Russian course", *Kyiv Post*, August 11, 2009

the agenda between Kyiv and Moscow. These are, first of all, Ukraine's goal of NATO membership; second, the situation of the Russian Black Sea Fleet stationed in Sevastopol and the Crimea's unique position in Ukraine-Russia relations; third, Ukraine-Russia gas relations; fourth, the influence of the August 2008 Russia-Georgia war on Kiev-Moscow relations; fifth, the promotion of some international organizations by Orange Ukraine against the will of the Kremlin; and further issues like the status of the Russian language in Ukraine, border demarcation problems, recognition of Holodomor as a genocide of Ukrainian people to which Moscow is opposed, the status of Orthodox churches in Ukraine and diplomatic rows on denying the entry of or expelling some politicians and diplomats.

The most important issue for Orange Ukraine is its relations with NATO. Moscow has made clear its unhappiness with Yushchenko's push to secure a NATO-MAP (Membership Action Plan). The possibility that Ukraine might someday join NATO clashes directly with the Kremlin's assertion of a sphere of privileged interests for Russia. The Russians have chosen to see little difference between a MAP and an invitation to join the alliance, even though the two are quite different (Albania took nine years to go from a MAP to an invitation). Like Tymoshenko and Yanukovich, Yushchenko also finally agreed that there will be a referendum before the Ukrainian Government submits any request to join.<sup>78</sup> Russian officials nevertheless have defined NATO membership for Ukraine as an existential issue for Moscow. Standing by Yushchenko's side at a joint press conference on 12 February 2008, President Putin threatened to target nuclear missiles on Ukraine were it to enter the alliance. And at his April 2008 meeting with NATO leaders in Bucharest, Putin suggested that, if Ukraine tried to enter NATO, its territorial integrity could come under doubt,<sup>79</sup> and said that NATO's

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<sup>78</sup> "Ukraine: The Offer of a Referendum on NATO Membership", Stratfor, April 1, 2008. Online at [http://www.stratfor.com/memberships/113861/analysis/ukraine\\_offer\\_referendum\\_nato\\_membership](http://www.stratfor.com/memberships/113861/analysis/ukraine_offer_referendum_nato_membership) (accessed on 29.07.2009)

<sup>79</sup> Text of Putin's speech at NATO Summit in Bucharest. Online at <http://unian.net/eng/news/news-247251.html> (accessed on 29.07.2009)

expansion eastwards was a direct threat to Russia's security.<sup>80</sup> Shortly thereafter, Lavrov stated that Russia would do "everything possible" to block Ukraine's integration into the alliance.<sup>81</sup>

Another delicate issue affecting Ukraine-Russia relations could be put under the title of Sevastopol and the Crimea. Many in Russia regard Sevastopol and the Crimea as Russian. The influence of some individuals is particularly harmful. Before being barred by the Ukrainian Government, Moscow mayor Luzhkov regularly visited Sevastopol and proclaimed the city to be Russian. When he made such claims in the 1990s, the Russian Foreign Ministry regularly reiterated that Russia respected Ukraine's territorial integrity. Putin, however, appeared to challenge the Crimea's transfer to Ukraine in remarks to NATO leaders at the April 2008 NATO Bucharest summit, reportedly saying,

The Crimea was merely received by Ukraine with the decision of the Communist Party of the Soviet Union Political Bureau. There were not any state procedures on transferring this territory.<sup>82</sup>

And during a 12 May 2008 visit to Sevastopol, Yuri Luzhkov stated,

Sevastopol, as a city with its boundaries, has to belong to Russia, because it was never handed over to Ukraine.... Sevastopol is a Soviet naval base that has to be returned to the Russian Federation.<sup>83</sup>

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<sup>80</sup> "NATO expansion a 'direct threat to Russia' – Putin", *Russia Today*, April 4, 2008. Online at [http://www.russiatoday.ru/Top\\_News/2008-04-04/NATO\\_expansion\\_a\\_direct\\_threat\\_to\\_Russia\\_-\\_Putin.html](http://www.russiatoday.ru/Top_News/2008-04-04/NATO_expansion_a_direct_threat_to_Russia_-_Putin.html) (accessed on 29.07.2009)

<sup>81</sup> "Moscow to prevent Ukraine, Georgia's NATO admission–Lavrov", *Ria Novosti*, April 8, 2008. Online at <http://en.rian.ru/russia/20080408/104105506.html> (accessed on 29.07.2009)

<sup>82</sup> Text of Putin's speech at NATO Summit in Bucharest. Online at <http://unian.net/eng/news/news-247251.html> (accessed on 29.07.2009)

<sup>83</sup> Vladimir Socor, "Moscow Mayor, Russian Defense Minister Question Russia-Ukraine Agreements on Sevastopol", *Eurasia Daily Monitor*, Vol. 5, Issue 9, May 13, 2008



When responding to these remarks the Russian Foreign Ministry stated that Luzhkov's remarks "only expressed a view reflecting that of most Russians, who feel pained by the fall of the Soviet Union" and criticized the Ukrainian decision to bar Luzhkov from future travel to the Crimea.<sup>84</sup> The above statements of Putin and Luzhkov are very important in the sense that they show that the Crimea issue is yet not closed forever in the mind of the Kremlin, and may be used at any time as an argument against the West and any pro-Western Ukrainian Government not taking into account Russian sensitivities on the peninsula.

In relation to the topic of Sevastopol and the Crimea, I want to explain the situation around the Russian Black Sea Fleet (BSF) stationed in Sevastopol (Crimea) separately. Russia wants to keep its BSF ships based in Sevastopol beyond May 2017, when the lease for port facilities expires. The Russian navy lacks the installations on the Russian Black Sea coast to accommodate BSF vessels now based in Ukraine. Novorossysk, the principal naval port on Russia's Black Sea coast, lacks space. Weather conditions, moreover, make it difficult to use in January and February. Russian Foreign Minister Lavrov has proposed discussions at an indefinite time in the future on extending the lease. Moscow may seek to delay talks on withdrawal to a point when it can assert that withdrawal by 2017 is impossible and request extension of the lease. For its part, President Yushchenko and Orange officials have repeatedly stated that the fleet must depart by 2017, that there will be no extension, and that negotiations should begin as soon as possible to ensure an orderly withdrawal. Moscow has rejected such talks and is hoping for a more cooperative government in Kyiv. Remarks from some key Kyiv politicians have given the Russians hope that an extension of the lease is possible.<sup>85</sup>

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<sup>84</sup> Vladimir Socor, "Moscow Mayor, Russian Defense Minister Question Russia-Ukraine Agreements on Sevastopol", *Eurasia Daily Monitor*, Vol. 5, Issue 9, May 13, 2008

<sup>85</sup> As recently as October 2009 Verkhovna Rada Speaker Volodymyr Litvin said that the Russian BSF should remain in Sevastopol after 2017. "The Rada speaker decided to extend presence of Russian BSF", *Russian Navy News*, 22.10.2009. Online at [http://rusnavy.com/news/navy/index.php?ELEMENT\\_ID=7964](http://rusnavy.com/news/navy/index.php?ELEMENT_ID=7964) (accessed on 09.11.2009)

Russia's use of BSF warships to blockade the Georgian coast in August 2008 focused attention anew on the fleet and its activities. Kyiv threatened not to allow those ships to return to Sevastopol. Russian naval commanders and other senior officials, on the other hand, said that the ships would return to port following completion of their mission and that Ukraine had no grounds on which to bar their return. Lavrov stated that the basing agreement said "nothing about us needing to explain to someone why, where to, and for how long the Black Sea Fleet ships are leaving their facilities".<sup>86</sup> The Ukrainians did not implement their threat and the Russian naval vessels returned without incident. Kyiv, however, has demanded notification procedures for departing and returning ships, with the objective of gaining some influence over Russian ships operating from its ports.<sup>87</sup> I think the Russians will resist any infringement on BSF operational freedom, and with Kyiv and Moscow digging in, the future of the Black Sea Fleet has the potential to be a major point of domestic contention within Ukraine and also in Ukraine-Russia relations.

Another contentious subject in Ukraine-Russia relations is natural gas imports from Russia. Ukraine normally imports some 50 to 55 billion cubic meters (BCMs) or 3/4 of its gas consumption every year from Russia or through Russia from Central Asia.<sup>88</sup> This gas is purchased under opaque arrangements that many analysts believe to be corrupt. But Russia is also dependent on

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<sup>86</sup> "Russia Warns Ukraine not to Interfere at Navy Base", *Unian news agency*, August 20, 2008. Online at <http://www.unian.net/eng/news/news-268161.html> (accessed on 29.07.2009)

<sup>87</sup> "O.Shlapak: President approves procedure of crossing Ukrainian border for Russian Black Sea fleet units", *Official Web Site of the President of Ukraine, Press office of President Viktor Yushchenko*, August 13, 2008. Online at <http://www.president.gov.ua/en/news/10933.html> (accessed on 29.07.2009)

<sup>88</sup> Ukraine can no longer import gas from Turkmenistan since the January 2009 agreement between Russia and Ukraine. For further information see: Pirani, Simon; Stern, Jonathan and Yafimava, Katja, "The Russo-Ukrainian gas dispute of January 2009: a comprehensive assessment", *Oxford Institute for Energy Studies*, February 2009, p.9. Online at <http://www.oxfordenergy.org/pdfs/NG27.pdf> (accessed on 12.11.2009)

Ukrainian pipelines to transport its energy resources to Europe.<sup>89</sup> 80 percent of Russian gas is transported through Ukraine, a figure which will only decrease to 60 percent after the northern gas pipeline via the Baltic Sea is built from Russia to Germany. Repeated gas crises in recent years showed that it is not possible for Russia to close supplies to Ukraine without also closing them to Europe. Political tensions appeared to cloud over this fundamental commercial reality. It is realistic to expect that this situation will not change for several years to come. After the most recent gas crisis and cut-off of Russian gas to Ukraine (and Europe), with both countries' reputations suffering in Europe, an agreement was reached 19 January 2009 on a ten-year contract. Among other things, the contract provided that Ukraine will pay 80 percent of the "European price" for gas in 2009 and move to the full European price in 2010. Gas flows resumed shortly thereafter.<sup>90</sup> However, after a meeting between the Ukrainian and Russian Prime Ministers the conditions of this "ten-year contract" have been changed as recently as November 2009, and according to news reports Russia accepted to offer more favourable conditions for Ukraine.<sup>91</sup>

Georgia occurred to be an additional contentious issue in Ukraine-Russia relations. Yushchenko sided publicly with Georgia during the August 2008 conflict. The Ukrainian President travelled to Tbilisi on 12 August 2008, four days after the conflict began, to demonstrate support for Georgian President Mikheil Saakashvili and, in the process, further angered Moscow. Immediately following the conflict, Russian officials charged that Ukraine had provided arms to Georgia while hostilities were under way and asserted that Ukrainian personnel had manned some

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<sup>89</sup> Roman Kupchinsky, "Ukraine: An Unrepentant Gas Junkie", *RFERL News Feature*, January 17, 2006. Online at <http://www.rferl.org/featuresarticle/2006/1/713D3DF6-BB10-4C3B-8630-2096AAB3F5B0.html> (accessed on 29.07.2009)

<sup>90</sup> For a detailed account on the January 2009 Ukrainian-Russian gas crisis see: Simon Pirani, Jonathan Stern and Katja Yafimava, "The Russo-Ukrainian gas dispute of January 2009: a comprehensive assessment", *Oxford Institute for Energy Studies*, February 2009. Online at <http://www.oxfordenergy.org/pdfs/NG27.pdf> (accessed on 12.11.2009)

<sup>91</sup> "Russia, Ukraine reach gas compromise deal: Putin", *ZeeNews.Com*, November 20, 2009. Online at <http://www.zeenews.com/news580575.html> (accessed on 30.11.2009)

of the weapons, which Medvedev termed “a crime against Russian-Ukrainian relations”.<sup>92</sup>

Some international organizations advocated and promoted by Orange Ukraine were also a cause for tensions in Ukraine-Russia relations. In this context, the GUAM Organization for Democracy and Economic Development (GUAM)<sup>93</sup> and Community of Democratic Choice (CDC)<sup>94</sup> are international organizations whose members are mainly ex-Soviet countries critical in their attitude against Russia. Ukraine is a member to both organizations which are supported by the West and especially by the USA. In view of the existence of the Russian-led Commonwealth of Independent States (CIS), GUAM and CDC are regarded by the Kremlin as a way of countering Russian influence in the former Soviet area, and as part of a strategy backed by the EU and the US. However, GUAM and CDC leaders repeatedly and officially dismiss such claims and declare their strong willingness to develop close and friendly relations with Russia. Apart from some meetings held and declarations issued GUAM and CDC have failed expectations, have not developed their organizational structure and are surely not in the forefront of international politics in their area. Orange governments have not been able to enhance the relevance of GUAM and CDC in the CIS area. The failure is not only Ukraine’s. The other member states have not shown great interest to these organizations, too.

Some other troublesome issues between Kyiv and Moscow do also exist. In early November 2008, Lavrov reacted to Kyiv’s decision to limit Russian television channels by asserting that the decision was political and stating that

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<sup>92</sup> “Medvedev Says Russia-Ukraine Relations at their Lowest Level”, *RIA Novosti*, December 24, 2008. Online at <http://www.en.rian.ru/russia/20081224/119160157.html> (accessed on 29.07.2009)

<sup>93</sup> GUAM members are as follows: Georgia, Ukraine, Azerbaijan and Moldova.

<sup>94</sup> CGC members are as follows: Estonia, Lithuania, Latvia, Macedonia, Romania, Slovenia, Georgia, Ukraine and Moldova

Russia would “protect the broadcasting rights of our TV companies . . . and insist on respecting the rights of Ukraine’s Russian-speaking population”.<sup>95</sup> End of 2008, the Ukrainian Foreign Ministry charged that the Russians were trying to change the maritime border in the Kerch Strait to Ukraine’s disadvantage.<sup>96</sup> The Russian Foreign Ministry rejected the assertions and charged the Ukrainian spokesman with “making disrespectful statements with regard to Russia”.<sup>97</sup> Kyiv’s quest for recognition and condemnation of the Holodomor (the 1930s famine during Stalin’s Administration that killed millions of Soviet citizens of various ethnic origins and among them 4-7 million Ukrainians) as an act of genocide became increasingly contentious. In declining an invitation to attend a November 2008 Holodomor commemoration, Medvedev sent Yushchenko a lengthy, publicly released letter asserting that “Ukraine has been using the tragic events of the early 1930s to achieve its political ends”.<sup>98</sup> The status of the Orthodox churches in Ukraine is another problem in relations between Kyiv and Moscow. Yushchenko’s active policy of promoting Metropolitan Philaretos’ Ukrainian Orthodox Church-Kyivan Patriarchate (UOC-KP) and his aim of unifying Ukrainian churches and parting them from Moscow has resulted in fierce Russian reaction.<sup>99</sup> Kyiv and Moscow have periodically blacklisted each other’s politicians from entry to each others countries and also expelled several times each others diplomats.

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<sup>95</sup> “Lavrov Seeks End to Ukraine Ban on Russian TV Channels”, *Ria Novosti*, November 1, 2008. Online at <http://en.rian.ru/world/20081101/118083940.html> (accessed on 29.07.2009)

<sup>96</sup> Russia’s unilateral decision in 2003 to build a causeway from the Russian mainland to Tuzla Island, legally and administratively a part of Ukraine, quickly became a minicrisis between Kyiv and Moscow. The Russians stopped building the causeway, but the border between Ukraine and Russia in this area remains unresolved.

<sup>97</sup> “Moscow denies Kiev’s accusation on Kerch Strait border”, *Ria Novosti*, November 8, 2008. Online at <http://en.rian.ru/world/20081108/118202938.html> (accessed on 29.07.2009)

<sup>98</sup> President of Russia-Official web site, 14 November 2008. Online at <http://www.kremlin.ru/eng/text/docs/209178.shtml> (accessed on 29.07.2009)

<sup>99</sup> “Yushchenko: The State does not interfere with church affairs, but...” (Yushchenko: Gosudarstvo ni vmeshivaetya v tserkovnie voprosi, no...), July 26, 2009. Online at <http://mignews.com.ua/articles/362949.html> (accessed on 29.07.2009)

The issues above remained on the Ukrainian-Russian agenda in 2009, at a time when there is clear distaste between Yushchenko and the Kremlin, and the communication channels between the Ukrainian and Russian elites have largely broken down. I think that any of these issues can easily escalate into a diplomatic crisis. NATO and the Black Sea Fleet are the most sensitive questions because of the significant Russian interests involved.

When speaking about Russia's role in Ukraine's domestic affairs it is often argued that Moscow has an array of diplomatic, economic, intelligence, and other tools on which to draw if it wishes to exasperate domestic Ukrainian tensions to elicit a more Russia-friendly policy or simply make things more difficult for Kyiv.<sup>100</sup> However, such argument appears weak when asking, given "huge" Russian influence in Ukraine, "How does it come that official Kyiv has conducted such anti-Russian foreign policy, especially since the Orange Revolution?" It should be added that the pre-Revolution era cannot be described as a Ukrainian-Russian diplomatic romance, too.

Ukrainians believe the Russians are using various means to maintain influence in the Crimea and elsewhere and that Russian special services are active in Ukraine. Indeed, the Russians fund pro-Russian NGOs and media in the Crimea, as well as offer scholarships to Russian universities. Pro-Russian organizations, such as the Russian Community of Crimea, the People's Front Sevastopol-Crimea-Russia, the National Front Sevastopol-Crimea-Russia and the Crimea office of the Institute of CIS States have strong financial and other links to Russia.<sup>101</sup> The Moscow city government has channeled funding to Sevastopol,

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<sup>100</sup> For further information see: Moshes, Arkady, "Ukraine after Kuchma", *Russia in Global Affairs Journal*, No.4, October-December 2004.

<sup>101</sup> Merle Maigre, "Crimea—The Achilles Heel of Ukraine", *International Centre for Defense Studies of Estonia*, November 10, 2008. Online at [http://www.icds.ee/index.php?id=73&L=1&tx\\_ttnews%5Btt\\_news%5D=298&tx\\_ttnews%5BbackPid%5D=141&cHash=c4039d4087](http://www.icds.ee/index.php?id=73&L=1&tx_ttnews%5Btt_news%5D=298&tx_ttnews%5BbackPid%5D=141&cHash=c4039d4087) (accessed on 29.07.2009)

for example, for housing construction.<sup>102</sup> Kyiv is monitoring Russian issuance of passports to Ukrainian citizens who are ethnic Russians, particularly in the Crimea, in part because one of Moscow's justifications for its intervention in South Ossetia was the need to protect Russian citizens there. The number of passports issued so far appears to be relatively low (Ukrainian law bans dual citizenship).

### **3.4 Evaluation of Post-Revolution Era Ukrainian Foreign Policy**

Ukraine's declared strategic goals of EU and NATO membership have been in place since the 1990s and Yushchenko has continued these membership goals set out by his predecessor Kuchma. At the same time, this continuation in the strategic goals of Ukrainian foreign and security policy masks a break between the Kravchuk-Kuchma and Yushchenko periods that influences the domestic content and degree of the energy driving overall Ukrainian foreign and security policy. The Kravchuk and Kuchma periods adopted a so-called "multi-vector foreign policy" that was confusing, contradictory and ideologically empty. Especially Kuchma's multi-vector foreign policy was not driven mainly by domestic influences or public opinion but more by foreign and security policy changing to accommodate itself to the objectives and personal interests of Kuchma himself and his oligarch allies. Ukraine's multi-vector security policy was vague because of the ideological amorphousness of the centrist camp. Both presidents Krawchuk and Kuchma were disinterested in either Euro-Atlantic or Russian-CIS integration, regardless of their rhetoric in favour of either direction.<sup>103</sup>

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<sup>102</sup> Oleg Alexandrov, *The City of Moscow in Russia's Foreign and Security Policy: Role, Aim and Motivations*, Working Paper No. 7, Zurich: Center for Security Studies and Conflict Research, April 2001, pp.27-28

<sup>103</sup> Taras Kuzio, "Neither East nor West: Ukraine's Security Policy", *Problems of Post-Communism*, Vol.52, No.5, September-October 2005

The election of Yushchenko moved Ukraine to a more ideologically driven foreign and security policy that was focused on adopting the domestic reforms that would move Ukraine beyond the empty rhetoric of Euro-Atlantic integration that existed under his two predecessors. Under President Yushchenko, even at the expense of souring Ukrainian-Russian relations to a low point as explained under the previous topic, Ukraine has aimed at the country's full integration into the full range of Western institutions: WTO, NATO and the EU. Yushchenko has gone further than his predecessors in describing NATO as an institution, membership of which would provide Ukraine with security guarantees. Speaking at the October 2005 Ukraine-NATO commission, Yushchenko said that NATO membership would give Ukraine many advantages to internationally ensure Ukraine's security and enhance Ukraine's geopolitical role to join the European Union.<sup>104</sup> This position is supported by many political analysts in the West, too.<sup>105</sup>

In reply, NATO reiterated its open door policy, a policy that has always distinguished it from that of the EU. Both NATO and the EU advised Ukraine that they wanted the pro-Euro-Atlantic integration rhetoric of the Kuchma era to be backed up by "action". But, only NATO has backed this call for action with the "carrot" of membership. In former NATO Secretary General Scheffer's words,

NATO supports strongly the ambition shown and the line shown by the Ukrainian government. But it's the Prime Minister and the Ukrainian government who decide about the pace.<sup>106</sup>

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<sup>104</sup> "NATO membership will give Ukraine many advantages—Yushchenko", *Official Web Site of the President of Ukraine, Press office of President Viktor Yushchenko*, October 19, 2005. Online at <http://www.president.gov.ua/en/news/1486.html> (accessed on 01.08.2009)

<sup>105</sup> Ronald D. Asmus, "Europe's Eastern Promise", *Foreign Affairs*, January/February 2008, pp. 95-106

<sup>106</sup> "Presspoint with the Secretary General, Mr. Jaap de Hoop Scheffer and H.E. Mr. Yuriy Yekhanurov, Prime Minister", *NATO Online Library*, October 7, 2005. Online available at <http://www.nato.int/docu/speech/2005/s051007b.htm> (accessed on 01.08.2009)



This statement of a NATO official, made in the first Orange year, should be read in the context of the post-Orange Revolution euphoria atmosphere. As of late 2009, there is no serious talk of an immediate Ukrainian membership to NATO anymore.

The EU has continued to remain rather indifferent and passive towards Ukraine's membership objective and Ukraine under Yushchenko has seen little progress in its attempt to be taken by the EU as a potential candidate for membership. The EU's closed door policy under Kuchma has only slightly opened, if at all. The EU has not made it clear how long Ukraine should prove her commitment to democratization ("action") before obtaining a clear signal of membership prospects. However, the new EU Eastern Partnership initiative which was launched in May 2009 and included Ukraine, aimed at encouraging Eastern European governments for further reforms and give new life to the European Union's policy towards the region. Nevertheless, it did not envisage membership to these countries.<sup>107</sup>

The holding of free and fair elections in 2006 and 2007 showed the gradual consolidation of Ukraine's democratic progress after the Orange Revolution. At the same time, there was little evidence of a cross-elite consensus on Ukraine's foreign and security policy within parliament. The leftist factions opposed WTO and NATO membership. The greatest contradictions however were inside parliament's largest faction the Party of Regions (which is supported by ethnic Russian dominated eastern and southern Ukrainian provinces) between businessmen and Slavophile, former Communist voters. Overall, they showed no opposition to WTO and EU, but were against NATO membership. On the other hand, this party favoured also integration into CIS structures which contradicted with the above mentioned goals.

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<sup>107</sup> For further information see: "Eastern Partnership", *EU European Commission, External Relations*. Online at [http://ec.europa.eu/external\\_relations/eastern/index\\_en.htm](http://ec.europa.eu/external_relations/eastern/index_en.htm) (accessed on 09.11.2009)

In order for Ukraine's progress towards NATO membership to be successful the Party of Regions needs to adopt a more neutral or supportive position. Party of Regions business and economic elites could move in this direction if they were convinced that NATO membership is a stepping stone to EU membership (as it has traditionally been). Our Ukraine and the Tymoshenko Bloc (Orange parties which are supported by central and western Ukrainian provinces mainly) could become the bedrock of Ukraine's pro-NATO orientation. But they alone cannot push Ukraine into NATO and their only possible partner in this goal is the Party of Regions. It should be remembered that Yushchenko's policy of trying to impose certain foreign policy goals on the entire Ukrainian political spectrum has largely backfired.

Ukraine's membership of WTO was achieved in 2008. Successful entry into the WTO and progress towards NATO may grudgingly force the EU to change its passivity towards Ukraine, assuming democratization continues to proceed inside Ukraine. But this is clearly not taking place. The election of Yushchenko seems to have led Ukraine being considered by the West (in the early Orange years) only for WTO and NATO, but not EU membership.<sup>108</sup> NATO membership could become a stepping stone for future EU membership, as in the case of Spain and Poland. But, it could also be indefinitely postponed, as in the case of NATO member Turkey which applied for EU membership in 1987. Some Western European EU members are in favour of the EU's borders being defined after the last round of enlargement to south-eastern Europe, effectively excluding Ukraine and the CIS from the EU. This is surely not the right signal to the Ukrainian public. A clear perspective for NATO and EU membership is required in order to motivate further economic and political reforms in Ukraine. Without doubt,

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<sup>108</sup> As already said the situation has changed as of late 2009 and there seems to be no real perspective of Ukrainian membership of NATO in the short and medium term. For further information see: Jeremy Shapiro and Nick Witney, *Towards a Post-American Europe: A power audit of EU-US relations*, European Council on Foreign Relations, October 2009, pp.54-55

Moscow will keep an eye on all these developments relating to Ukraine. In this context, Moscow has had its supporters in the West, which shared the view that Kremlin has special rights with regard to Ukraine. This understanding was voiced by the German Chancellor Merkel as recently as February 2009 as follows:

Ukraine's long-term perspective depends on building partnership and strategic relations with Russia... and due to geographic position, Ukraine is forced to be situated between the EU and Russia.<sup>109</sup>

Furthermore, in Western media, periodically, articles appear in support of the special interest of Russia towards Ukraine. As Marcus Papadopoulos put it,

The West must appreciate Ukraine's historic closeness to Russia and realise that many Ukrainians consider themselves members of the East Slavic group, composed of Russians, Ukrainians and Belarusians. A refusal by the West, in particular Washington, to accept this while pressing ahead with plans for Ukraine joining NATO will cause deep resentment among the Ukrainian population and, more importantly, provoke the ire of a rejuvenated Russia which will, under no circumstances, countenance NATO on its southern border.<sup>110</sup>

Merkel's and Papadopoulos' comments are mirroring a common thinking in the West regarding the place of Ukraine in Europe. And this place seems surely not being within the West, but is more in the East, under the influence of Russia. This way of thinking in the West surely encourages the Kremlin to further interfere in Ukrainian affairs and reassert its interests.

Domestic political infighting between Orange and Blue (pro-Russian) leaders, but also among Orange leaders<sup>111</sup> (Yushchenko and Tymoshenko), and

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<sup>109</sup> "Merkel: Ukraine forced to be between EU and Russia", February 27, 2009. Online at <http://forua.wordpress.com/2009/02/27/merkel-ukraine-forced-to-be-between-eu-and-russia/> (accessed on 01.08.2009)

<sup>110</sup> Marcus Papadopoulos, "Analysis: Russia steps up pressure on Ukraine", *Religious Intelligence Ltd.*, June 16, 2008. Online at <http://www.religiousintelligence.co.uk/news/?NewsID=2169> (accessed on 01.08.2009)

<sup>111</sup> Paul Johnson, "Moscow summit proves anti-climatic", *Business Ukraine (weekly)*, Vol.2, No.7, February 25, 2008

insufficient reform efforts have impeded a clear, undisputed and -most important of them- convincing Ukrainian foreign policy line. This has often been used by some Western capitals as an excuse not to offer the much desired concrete EU and NATO membership perspectives to Kyiv. In this context, it should be noted that much of the blame for the stalemate and disillusionment in Ukraine is put on Yushchenko. As a one time ally and friend of Yushchenko, Oleh Rybachuk stated,

After assuming the presidency, Yushchenko put more energy into destroying or containing political enemies than keeping his team together and making good on his promises to clean-up Kuchma-era corruption...It seems to me that he lost touch with reality...<sup>112</sup>

Such comments on the once-celebrated leader of a democratic revolution are especially sad and reflect the mood in Ukrainian society to some degree. Yushchenko's insistence, even in the midst of the ongoing economic crisis, on greater use of the Ukrainian language, his efforts to unify the Ukrainian Orthodox Church and trying to achieve international recognition of Holodomor have been counter-productive for his popularity and were assessed by many in Ukraine as misplacement of priorities.<sup>113</sup> Furthermore, it should also be borne into mind that the euphoria right after the Orange Revolution has greatly faded after 2005. As Bruce P. Jackson observed,

The optimistic and sentimental view of the Maidan generation from 2005 has given way to a certain cynicism and thinly disguised frustration in Europe and the United States at the beginning of 2008.<sup>114</sup>

Further, Peter Dickinson stated in June 2008 that,

(The Ukrainian public) has been overfed on a diet of political transparency without accountability...no matter how large and damaging

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<sup>112</sup> Alina Pastukhova, "The Rise and Fall of Yushchenko", *Kyiv Post*, February 4, 2009

<sup>113</sup> Alina Pastukhova, "The Rise and Fall of Yushchenko", *Kyiv Post*, February 4, 2009

<sup>114</sup> Bruce P. Jackson, "Ukraine's choices and Europe", *The Den/The Day*, January 15, 2008

the accusation is, somebody is never punished or made to face justice... there has not been a single conviction of a high-ranking government official from any of the (political) parties.<sup>115</sup>

I can verify these views from my personal experience during my diplomatic assignment in Ukraine and further can add that many ordinary Ukrainians expressed the opinion that they are afraid that a historic opportunity to transform Ukraine and firmly anchor it into the West has probably been squandered mainly due to inept Orange politicians. I think that there is a real risk that after the coming presidential elections in January 2010 the achievements of the Orange Revolution may be reversed.

Finally, in view of Moscow's open rejection of Yushchenko's pro-Western foreign policy and even conditioning the dispatch of a new Russian ambassador to Kyiv to "actual developments in Russian-Ukrainian relations"<sup>116</sup>, the next presidential elections due to be held in January 2010 will demonstrate the remaining strength of the Orange leaders and show if the dedicated pro-Western policy of Kyiv will continue after these elections.

This chapter has shown that in spite of a vigorous pro-Western foreign policy, domestic constraints and the insufficient pace of reform efforts in Ukraine has led to the lessening of the enthusiasm in support of Kyiv's Orange leaders by the West as well as the Ukrainian electorate. The next four chapters examine these domestic constraints (political, economic and cultural factors, and additionally the Crimean question) in detail.

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<sup>115</sup> Peter Dickinson, "Ukrainian chaos theory", *Business Ukraine* (weekly), Vol.2, No.23, June 23, 2008

<sup>116</sup> "Medvedev: Russian ambassador's arrival in Kyiv put off over Ukraine's anti-Russian course", *Kyiv Post*, August 11, 2009

## CHAPTER 4

### IMPACT OF POLITICAL FACTORS ON UKRAINIAN FOREIGN POLICY

Independent Ukraine's experience has demonstrated that the administrative-political structure of the country (and its deficiencies) has had considerable effect on foreign policy choices. This was true in the pre-, as well as the post-Orange Revolution period. As Paul D'Anieri has extensively explained in his book "Understanding Ukrainian Politics"<sup>117</sup>, limitations to the execution of power, the exhausting process of decision-making, and implementing and the slow pace of reform convinced internal and external actors for the need to create a strong office of President. President Leonid Kuchma misused this political atmosphere and gradually concentrated power in his hands. But the unchecked nature of this power and a weak and corrupt judicial system led to protests from the opposition. This in turn resulted in anti-democratic steps by Kuchma to quell the opposition. The Orange Revolution which brought down the Kuchma regime tried to change some aspects of the Kuchma-era administrative-political structure in order to establish a democratic order.

This background information in mind, an account and evaluation on the current administrative structure of Ukraine with comparison to the pre-Revolution era and reasons for the failure of the Orange leaders to rectify the deficiencies of this structure is presented below. For this purpose and also, in order to examine the political factors affecting Ukrainian foreign policy, this chapter is divided into three parts. The first part explores the administrative structure of the country, the

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<sup>117</sup> Paul D'Anieri, *Understanding Ukrainian Politics*, New York: M.E. Sharpe Inc., 2007

second analyzes the executive and legislative branches of power, and the last part examines the political reform efforts in Ukraine and reasons for its failure.

#### 4.1 Administrative Structure

Ukraine consists of following administrative-territorial units: One autonomous republic (Crimea), 24 *oblasts* (provinces), and two cities (Kyiv and Sevastopol) with special status. The system of Ukrainian administrative subdivisions reflects the country's status as a unitary state, as stated in the country's constitution, with unified legal and administrative regime for each unit.<sup>118</sup> However, the autonomy of the Crimea and its strategic importance for the whole area surrounding Ukraine and its implications regarding relations with Russia; the cultural and historical differences between regions, combined with lack of clarity in separation of powers between the levels of government diminish the formal unity of Ukraine significantly. This has the effect of slowing national integration and causing local under-development.

I think, the political leadership in Kyiv has chosen a unitary state administration in order to maintain control over the regions. Federalism is anathema to the Ukrainian nationalist elite because it may lead to a process which may result with the breakup of Ukraine. How effective Kyiv is able to restrain some separatist-minded regions (ethnically Russian dominated eastern and southern regions) is another question. But so far Ukraine's territorial integrity is intact.

When discussing the administrative structure of Ukraine, the role of the President within the overall administration of the country has a special importance. In this vein, Ukraine's 1996 Constitution gave the President the greatest powers and

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<sup>118</sup> Constitution of Ukraine, 2004 version. Online at <http://www.unhcr.org/refworld/type,LEGISLATION,,UKR,44a280124,0.html> (accessed on 15.08.2009)

the least accountability compared with other government bodies.<sup>119</sup> Therefore the prerogatives and influence of the President and the talk of how to limit the President's powers was a focal point of the domestic political discourse in the Kuchma-era among opposition (Orange) circles. The political reform emanating from the Orange Revolution was intended to increase both the accountability and responsibility of the Government to voters and bring Ukraine closer to European standards. A law amending the Constitution was adopted on 8 December 2004 and came into force in January 2006.<sup>120</sup> However, instead of optimizing the system of checks and balances this political reform complicated relations among and within the various branches of government as explained in the next part of this chapter.

## 4.2 Executive and Legislative Branches of Power

Before the 2004 reforms, the President was able to appoint and dismiss the majority of top government officials and was de-facto the Head of Government, holding the majority of political powers that normally would be held by the Prime Minister. By not signing into law the bills adopted by the Verkhovna Rada, the President could actually block the adoption of any law. At the same time, the President took no responsibility for actions of the Government.<sup>121</sup> After the Constitutional reforms, the right to form a Government was largely transferred to the Verkhovna Rada. A close political relationship was established between the legislature and the Cabinet. The parliamentary majority now had to form a coalition, which, in turn, formed a Government. Thus, the Government became the main executive body. The President continued to be the guarantor of the Constitution and to be responsible for foreign and security policy.

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<sup>119</sup> Constitution of Ukraine, 1996 version. Online at <http://infoukes.com/history/constitution/index-en.html> (accessed on 15.08.2009)

<sup>120</sup> Amendments to the Constitution of Ukraine, *European Commission for Democracy through law (Venice Commission)*, Strasbourg, April 25, 2005. Online at [http://www.venice.coe.int/docs/2005/CDL\(2005\)036-e.pdf](http://www.venice.coe.int/docs/2005/CDL(2005)036-e.pdf) (accessed on 15.08.2009)

<sup>121</sup> Constitution of Ukraine 1996 and 2004 versions



Previously, the President could cancel resolutions issued by the Cabinet or by the Crimean Council of Ministers. The President could also veto bills adopted by the Verkhovna Rada. In fact, the President frequently did not sign into law those bills whose veto the Verkhovna Rada had even overridden which made these laws null and void. Now, if he thinks it is unconstitutional, the President can only suspend the enactment of a Government resolution. Moreover, the President must simultaneously submit the specific resolution to the Constitutional Court for a ruling. The President can still overrule resolutions issued by the Crimean Council of Ministers. The President can also veto bills adopted by the Verkhovna Rada. However, if the President refuses to sign into law a bill whose veto has been overturned by a two-thirds vote, that bill can be signed and published by the Verkhovna Rada Speaker instead.

Before, the President had no specific power to dissolve the Verkhovna Rada. Now, the President has the right to dissolve the Verkhovna Rada, if a coalition has not been set up after 30 days of the formation of parliament or if a new Cabinet has not been formed within 60 days of the dismissal of the previous Government. Consequently, before the reform, the Constitution did not require that there be a standing majority in the legislature. And indeed, the Rada often operated on the basis of a strictly situational majority. Since 2006, the Verkhovna Rada is obligated to establish a majority that forms the Government, supports its activity and is responsible for its actions.<sup>122</sup>

Before, the Premier was appointed by the President, for which the President needed the rubber stamp of a Verkhovna Rada majority. The Prime Minister could also be dismissed at any time by the President,

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<sup>122</sup> Amendments to the Constitution of Ukraine, *European Commission for Democracy through law (Venice Commission)*, Strasbourg, April 25, 2005. Online at [http://www.venice.coe.int/docs/2005/CDL\(2005\)036-e.pdf](http://www.venice.coe.int/docs/2005/CDL(2005)036-e.pdf) (accessed on 15.08.2009)

which happened with great frequency, or by the Verkhovna Rada, but only if it failed to approve that Government's yearly Program. In practice, the President was the main figure in assigning and dismissing of the Prime Minister.<sup>123</sup> Now, the Verkhovna Rada must establish a coalition of factions that nominates a candidate for Prime Minister and submits this nomination to the President. The President must return this nomination to the Verkhovna Rada for final approval within 15 days. Only the Verkhovna Rada can dismiss the Prime Minister. The President can now only submit a proposal to the Verkhovna Rada calling for the Prime Minister to be dismissed.<sup>124</sup>

Previously, the President appointed and dismissed Ministers at suggestion of the Prime Minister. However, because the Head of Government himself could always be dismissed by the President, these nominations were largely a formality.<sup>125</sup> Now, the Prime Minister proposes appointments and dismissals that are approved by the Verkhovna Rada coalition. There are two exceptions. The nominations of the Minister of Foreign Affairs and the Minister of Defense are submitted to the Verkhovna Rada by the President.<sup>126</sup> Although there are no articles in the constitution explaining how to dismiss these two ministers, developments after 2006 established the generally accepted rule that these ministers can be dismissed by simple majority vote of the Parliament.

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<sup>123</sup> Amendments to the Constitution of Ukraine, *European Commission for Democracy through law (Venice Commission)*, Strasbourg, April 25, 2005. Online at [http://www.venice.coe.int/docs/2005/CDL\(2005\)036-e.pdf](http://www.venice.coe.int/docs/2005/CDL(2005)036-e.pdf) (accessed on 15.08.2009)

<sup>124</sup> Amendments to the Constitution of Ukraine, *European Commission for Democracy through law (Venice Commission)*, Strasbourg, April 25, 2005. Online at [http://www.venice.coe.int/docs/2005/CDL\(2005\)036-e.pdf](http://www.venice.coe.int/docs/2005/CDL(2005)036-e.pdf) (accessed on 15.08.2009)

<sup>125</sup> Constitution of Ukraine, 1996 version. Online at <http://infoukes.com/history/constitution/index-en.html> (accessed on 15.08.2009)

<sup>126</sup> Constitution of Ukraine, 2004 version. Online at <http://www.unhcr.org/refworld/type,LEGISLATION,,UKR,44a280124,0.html> (accessed on 15.08.2009)

Before, the President appointed and dismissed governors of local state administrations and the majority of top officials of central government bodies at the request of the Prime Minister. But this was frequently a mere formality, too. To appoint and dismiss chairs of the Anti-Monopoly Committee, State Property Fund and State Radio and Television Committee, the President needed the consent of the Verkhovna Rada.<sup>127</sup> The procedure for appointing and dismissing governors of local state administrations has not changed. The President does this at the request of the Cabinet. But the chairs of the Anti-Monopoly Committee, State Property Fund and State Radio and Television Committee are appointed by the Verkhovna Rada at the request of the Prime Minister.

In this context, according to the Ukrainian Constitution, foreign policy is chiefly under the jurisdiction of the President. It is the President who submits a candidate for Foreign Minister to the Parliament and “manages the foreign political activity of the state”.<sup>128</sup> This constitutional article has in practice led to various crises especially when Yanukovich was Prime Minister under President Yushchenko. But also during the second Tymoshenko Government it led to crisis.<sup>129</sup> These crises showed that the most Foreign Ministers felt allegiance only to the President and ignored the foreign policy stance of the Prime Minister wholly. This is of course a rather awkward situation which should be redressed in the constitution in the future.

The above data and later application in Ukrainian domestic politics showed that the political reform performed in late 2004 and enacted in 2006 was incomplete and contradictory, and led to a situation in which the President and Government/Parliament have had considerable power and were able to block

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<sup>127</sup> Constitution of Ukraine, 1996 and 2004 versions

<sup>128</sup> Constitution of Ukraine, Article 106/3.

<sup>129</sup> In March 2009, Foreign Minister Ohryzko, without consulting with Prime Minister Tymoshenko ordered the Russian Ambassador in Kyiv, Viktor Chernomirdin to the MFA and threatened to expel him from Ukraine because of “unfriendly and very undiplomatic comments and remarks about Ukraine and its leadership.”

mutually their policies. This was the case particularly during Victor Yanukovich's premiership between August 2006 and December 2007, but also afterwards. The Foreign and Defense Ministers in the Yanukovich Government, and especially the Foreign Minister Boris Tarasyuk acted more like opposition politicians within the Government than Ministers under the supervision of the Prime Minister. One of the most striking moments in this period was the case in which the Ukrainian Foreign Ministry (upon instruction of Foreign Minister Tarasyuk) sent a Note Verbal to the US Embassy in Kyiv (without the consent of Prime Minister Yanukovich) and informed the latter that the visit of the Prime Minister to the USA was postponed.<sup>130</sup> This resulted in a political scandal and the eventual firing of Minister Tarasyuk and further souring of relations between President Yushchenko and Prime Minister Yanukovich.

### **4.3 Political Reform and the Reasons for its Failure**

The initiators of political reform had as their main objective expanding powers of the Verkhovna Rada and the Cabinet at the expense of the President. They took as their example the model of a parliamentary republic, where the Government is formed by the legislature, while the President plays a secondary role and is actually appointed by the legislature. However, fierce political competition prevented that initial plan from being implemented. The President has remained a strong political figure. The Head of State is still elected through a national election and has considerable power over both the Cabinet and the Verkhovna Rada.

The model of government that Ukraine has as a result of political reform in 2004 does not resemble most of its European counterparts. It has more in common with a fairly eccentric semi-presidential model. Among developed European democracies, only France has

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<sup>130</sup> "Ukraine's Restored PM Makes First US Visit", *Kiev Ukraine News Blog*, 09.12.2006. Online at <http://blog.kievukraine.info/2006/12/ukraines-restored-pm-makes-first-us.html> (accessed on 16.08.2009)

established somewhat similar relations among the Government, the President and the legislature.

To illustrate more clearly, some aspects of the pre-Orange Revolution era with regard to administrative-political structure and practices in Ukraine can be compared with the current situation. Firstly, not much changed in the area of selective law enforcement. Yushchenko (like Kuchma) also freely makes use (i.e. abuses) his powers, and also uses some “implied powers” to his own liking and interpretation. The same is also true for the Prime Minister, although he/she has not that much power to wield compared to the President. This can surely be said for lower officials in the central and provincial administrations, too. They may effectively strangle businesses if they are not cooperative (i.e. not pay bribes, provide advantages etc.) with them. Secondly, media freedom was and remained the most obvious achievement of the Orange Revolution. Pro-and anti-Orange views are freely expressed in the media and it is possible to criticize politicians openly. Thirdly, control over the election process is also an area which can be seen as an improvement to the pre-2004 period. Post-2004 elections were substantially more democratic and free than previous ones.<sup>131</sup> Fourthly, due to the absence of an independent judiciary, control by the executive over law and administrative enforcement, over large sectors of the economy and control over government jobs remained broadly the same. But with the emergence of a more powerful Government, apart from the office of President the Prime Minister began also to exert considerable influence in this respect. Fifthly, the pre-Orange Revolution situation in which the constitution gave extensive legislative power to the executive has changed somewhat in the aftermath of the Orange Revolution. One reason is that the executive has now two influential heads (President and Prime Minister) who are most of the time at odds with each other and compete for more “power”. But if a political leader controls both branches of the executive effectively again, the situation may resemble the

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<sup>131</sup> “Ukraine's elections open and competitive but amendments to law of some concern, international observers say”, *OSCE press release*, October 1, 2007. Online at <http://www.osce.org/item/26824.html> (accessed on 16.08.2009)

Kuchma era. Sixthly, due to the fact that the internal parliamentary procedures were not set properly, and in the absence of a democratic political atmosphere and strong civil society, parliament remained weak and fragmented. Seventhly, the judicial branch remained weak or put in other words, there was an absence of an independent judicial branch distinct from the executive branch. Unfortunately almost nothing changed on this issue. Wide-spread corruption and openness to pressure from the executive (especially from President but also from the Government) continued to be a problem. In fact, open interference with the court system even by “democratic” President Yushchenko disappointed many in the West. The weak and fragmented legislative and the current state of affairs in the judiciary resulted in maintaining of the executive of its key position among the branches of government.

In light of the above discussion, the reasons of the failure of administrative-political reforms after the Orange Revolution can be summarized as the lack of institutions that guarantee democratic rights and freedoms in Ukraine; insufficient constitutional reform and flawed legislation; undemocratic, un-transparent and weak political parties.

In this regard, the government machine is used as an administrative resource in political competition, the Constitutional Court has proved ineffective and politicized, the judicial system does not offer proper justice, the rights of the opposition are not enshrined in law, the organization of political parties fails to meet democratic standards, and the instruments for civil society to influence government exist only on paper. In short, there is no entrenched democratic culture yet in Ukraine and therefore influential politicians can still go away with illegal and undemocratic actions.

The amended Constitution still has many holes that various political players interpret to their own liking. Other legislation is also flawed and often implemented selectively according to the preferences of those who have “power”. The court

system is not capable to redress this situation. The hastily adopted constitutional amendments proved not to be practical and not being a factor contributing to domestic stability when the President and Prime Minister represented different political camps. Yushchenko-Yanukovich and Yushchenko-Tymoshenko were such. Yet, in a parliamentary-presidential system the President and Prime Minister are forced to cooperate, even to cohabit, when the President and Government represent political forces that are in opposition to each other.

The elimination of the single-member district part of the ballot has erased the human face of individually elected representatives behind a party name. Now parties enter with candidate lists for parliamentary seats. All 450 seats are now allotted through proportional representation. However, the threshold for entering parliament is 3 percent.<sup>132</sup> In voting for a party list, voters essentially choose a "black box" and after an election they may soon be disappointed with their own choice. The personal responsibility of every elected official to a specific electorate has disappeared. Moreover young and innovative candidates have little chance against the old and entrenched political figures who are generally first on party lists.

In short, Ukraine's political forces should have begun to work on fixing the Constitution of Ukraine in order to establish an effective system of checks and balances. But they failed to do this. Individual political interests gained the upper hand. This has influenced domestic and foreign policy alike. It became extremely difficult for Ukrainian leaders to govern the country and pursue a coherent foreign (and also domestic) policy.

To conclude, by exposing political factors effective in Ukraine, this chapter has demonstrated that despite declared good intentions of Orange leaders to

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<sup>132</sup> Before 2004, half of parliamentary seats were elected according to single-member districts and the other half according to proportional representation. The threshold for entering parliament was 4 percent.

transform Ukraine into a pro-Western democratic country, this goal has failed to a large extent. The reasons for this lie in the domestic fault lines within the Ukrainian state and society which are explained further. This failure has led to a situation in which the durability and depth of western vocation of Ukraine came under doubt in some Western capitals and support for Orange leaders weakened considerably. The next chapter takes up another issue which is amongst the internal constraints affecting Ukrainian foreign policy: the economy.



## CHAPTER 5

### IMPACT OF ECONOMIC FACTORS ON UKRAINIAN FOREIGN POLICY

Economic factors are surely influencing Ukrainian foreign policy. In this chapter I have attempted to explain this influence. In this context, the chapter is divided into four parts: First, characteristics of Ukrainian economy are exposed, then the role of international institutions is explained. The last two parts are on the role of Russia and oligarchs in the economy.

#### 5.1 Characteristics of Ukrainian Economy

Ukraine used to be the most important economic component of the former Soviet Union after Russia. It had a fairly well-developed industrial base, highly trained labour and a good education system. Its fertile black soil generated more than one-fourth of Soviet agricultural output and its farms provided substantial quantities of meat, milk, grain and vegetables to other republics.<sup>133</sup> Ukraine is still relatively rich in natural resources, particularly in mineral deposits. Although oil reserves in the country are largely exhausted, it has other important energy resources such as coal, natural gas, hydro-electricity and nuclear fuel raw materials. Ukraine has a major ferrous metal industry, producing cast iron, steel and pipes. As of 2008, Ukraine was the world's eighth largest steel producer and received half of its export revenues from steel exports.<sup>134</sup> Another important branch is the country's chemical industry which includes the production of coke, mineral fertilizers and sulfuric acid. Manufactured goods

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<sup>133</sup>Encyclopedia Britannica. Online at <http://www.britannica.com/EBchecked/topic/612921/Ukraine/30104/Economy> (accessed on 19.08.2009)

<sup>134</sup> David Hofmann, "Metal Fatigue", *Finance and Development* (Quarterly Magazine of IMF), Vol.46, No.1, March 2009, p.14

include metallurgical equipment, diesel locomotives, tractors, automobiles. The country possesses a massive high-tech industrial base, including much of the former USSR's electronics, arms industry and space program. However, these fields are state-owned and under-developed in terms of business practices. Its diversified heavy industry supplied the unique equipment and raw materials to industrial and mining sites in other regions of the former USSR. These links still help Ukraine to maintain and develop ties with CIS countries. Most of Ukrainian trade is conducted with CIS countries (mainly Russia) and the European Union. In 2008 total trade with CIS countries was 57.3 billion dollars (export: 23.8; import: 33.5) and that with EU countries 47 billion dollars (export: 18.1; import: 28.9).<sup>135</sup>

The industrial base of Ukraine is located in the east and south of the country, i.e. mainly in regions with strong ethnic-cultural links with Russia. Regarding those and other regions Roy Medvedev put it as follows:

Ukrainian economy was built as an element of the overall Russian imperial or Soviet economic system, and that is why horizontal links between Ukrainian regions were rather weak. The bulk of resources and heavy industries were located in the country's east... These regions make up the Industrialized East. Ukrainian national capitalism, represented by the Donetsk clan and the Dnepropetrovsk clan, took shape there after the disintegration of the Soviet Union. The capital Kyiv and the central regions around it do not have a precise economic specialization, boasting a variety of industries and a developed agricultural sector. The economy of the Black Sea littoral zone has always been determined by its closeness to the sea. It is a very good area for developing seaside resorts and international tourism. The western zone is the most economically backward part of the country. Even the agricultural sector there is less productive than in central or eastern Ukraine. Six western regions – Volyn, Lvov, Transcarpathia, Chernovtsy, Ternopol and Rovno – only accounted for six percent of the nation's total industrial output in the period from 2000-2005. Foreign investment has practically bypassed western Ukraine.<sup>136</sup>

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<sup>135</sup> Web site of the State Statistics Committee of Ukraine. Online at <http://www.ukrstat.gov.ua/> (accessed on 19.08.2009)

<sup>136</sup> Roy Medvedev, "A Splintered Ukraine", *Russia in Global Affairs*, No.2, July-September 2007, p.4

This account of the general features of the Ukrainian economic structure is right and is also proof that this economic structure is supporting political and ethno-linguistic divisions within Ukraine, which in turn influence/determine foreign policy decisions.

Shortly after independence was ratified in December 1991, the Ukrainian Government liberalized most prices and erected a legal framework for privatization, but widespread resistance to reform within the government and the legislature soon stalled reform efforts and led to some backtracking. By 1999, output had fallen to less than 40% of the 1991 level and the standard of living for most citizens had declined sharply beginning with the early 1990s, leading to relatively high poverty rates. While Ukraine registered positive economic growth starting from 2000, this came on the heels of eight straight years of sharp economic decline.<sup>137</sup> Meanwhile the hyperinflation of earlier in the decade had been tamed. As stated in a IMF press-release,

“The economy has grown very rapidly since 2000, expanding by more than 7 percent on average. Initially, this reflected the utilization of large excess capacity and increased productivity supported by a series of structural reforms. Since 2005, growth has been propelled by real domestic demand, namely a credit boom driven by strong capital inflows as well as incomes policies that redistributed large terms-of-trade gains to the population. By mid-2008, the economy was overheating.”<sup>138</sup>

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<sup>137</sup> “Statistics of Ukraine’s Economy”, *Institute for Economic Research and Policy Consulting*. Online at [http://www.ier.kiev.ua/English/data/data\\_eng.cgi](http://www.ier.kiev.ua/English/data/data_eng.cgi) (accessed on 10.11.2009)

<sup>138</sup> “IMF Approves US\$16.4 Billion Stand-By Arrangement for Ukraine”, *IMF Press Release*, No.08/271, November 05, 2008. Online at <http://www.imf.org/external/np/sec/pr/2008/pr08271.htm> (accessed on 19.08.2009)

But this growth was still not enough to reach the GDP level of 1990. End of 2008 GDP level of Ukraine was around  $\frac{3}{4}$  of 1990 level.<sup>139</sup>

Since the late 1990s, the government has pledged to reduce the number of government agencies, streamline the regulatory process, create a legal environment to encourage entrepreneurs, and enact a comprehensive tax overhaul. Outside institutions, particularly the IMF, have encouraged Ukraine to quicken the pace and scope of reforms and have threatened to withdraw financial support if Ukraine did not comply. However, reforms in some politically sensitive areas such as structural reform and land privatizations are still lagging.<sup>140</sup>

Ukraine encourages foreign trade and investment. Even before the Orange Revolution in 1996 the Parliament of Ukraine has approved a foreign investment law allowing foreigners to purchase businesses and property, to repatriate revenue and profits, and to receive compensation if the property is nationalized by a future government.<sup>141</sup> However, complex laws and regulations, poor corporate governance, weak enforcement of contract law by courts, and wide-spread corruption all continue to stymie large-scale direct foreign investment in Ukraine. While there is a more or less functioning stock market, the lack of protection for shareholders' rights severely restricts portfolio investment activities. Total foreign direct investment in Ukraine is still low in comparison with East European EU member states (at around cumulatively \$ 800 per capita since

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<sup>139</sup> Web site of the State Statistics Committee of Ukraine. Online at <http://www.ukrstat.gov.ua/> (accessed on 19.08.2009)

<sup>140</sup> "Moratorium Contradicts International Obligations of Ukraine", *Center for Land Reform Policy in Ukraine*. Online at <http://www.myland.org.ua/index.php?id=1394&lang=en&razd=INFO> (accessed on 10.11.2009)

<sup>141</sup> Law of Ukraine "On the Regime of Foreign Investment" was officially published on 25 April 1996. Online at <http://www.kac.com.ua/ukrtax/ukr01.htm> (accessed on 19.08.2009)

independence).<sup>142</sup> Much reform is still needed in order to stabilize the investment climate.

Ukraine has been one of the worst-affected of all emerging economies by the intensification of the global financial crisis since September 2008. Although the economy grew remarkably until 2008, due to the economy's high vulnerability to political and external shocks, stemming from increasing macro-economic imbalances, the economy began to contract in the last quarter of 2008. Real GDP is estimated to have shrunk considerably in the first months of 2009.<sup>143</sup> The local currency depreciated against the US dollar by around 50 percent from mid-2008 to mid-2009. Unemployment has risen. The IMF has agreed in October 2008 to extend a credit worth around 16.5 billion US dollars to Ukraine in order to avert a financial collapse.<sup>144</sup> As of December 2009 the overall economic-financial stability was not restored yet and domestic political tensions continued to negatively influence the economy. In this context, several government ministers were either ousted or resigned in 2009 and their posts could not be filled. Among them were the Finance and Transport ministers.<sup>145</sup> However, even under these circumstances political bickering between political leaders and especially among President

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<sup>142</sup> "Foreign direct investment in Ukraine in first quarter plunges by four times", *Kyiv Post*, May 16, 2009. Online at <http://www.kyivpost.com/business/41498> (accessed on 19.08.2009)

<sup>143</sup> "Ukraine: economy shrank 25-30% in first two months". Online at <http://www.creditwritedowns.com/2009/03/ukraine-economy-shrank-25-30-in-first-two-months.html> (accessed on 12.11.2009)

<sup>144</sup> "Ukraine and Hungary To Receive IMF Loans, While Belarus Joins the Line", *Web site of Global Economy Matters*, October 27, 2008. Online at <http://globaleconomydoesmatter.blogspot.com/2008/10/ukraine-and-hungary-to-receive-imf.html> (accessed on 10.11.2009)

<sup>145</sup> "Ukraine Minister Resigns Over Euro-2012 Preparations", *RFE/RL*, June 17, 2009. Online at [http://www.rferl.org/content/Ukraine\\_minister\\_resigns\\_over\\_Euro2012\\_preparations/1756691.html](http://www.rferl.org/content/Ukraine_minister_resigns_over_Euro2012_preparations/1756691.html) (accessed on 10.11.2009)

Yushchenko and Prime Minister Tymoshenko went on<sup>146</sup> and more trouble was expected.<sup>147</sup>

## 5.2 Role of International Institutions

International financial institutions and particularly the IMF have encouraged Ukraine to quicken the pace and scope of reforms. Due to largely this encouragement or if being put straightly “pressure” the Ukrainian Government eliminated most tax and customs privileges in a March 2005 budget law, bringing more economic activity out of Ukraine's large shadow economy. But more improvements are still needed, including fighting corruption, developing capital markets and improving the legislative framework. Ukraine's economy was buoyant despite political turmoil between the Prime Minister and President until the third quarter of 2008. Real GDP growth reached roughly 7 percent in 2006-2007.

As previously mentioned, Ukraine reached an agreement with the IMF for a \$16.5 billion standby arrangement in October 2008 to deal with the economic crisis. However, political turmoil in Ukraine as well as deteriorating external conditions were expected to hamper efforts for economic recovery.<sup>148</sup> Most recently the IMF has announced that the last and fourth tranche of the 16.5 billion dollar IMF credit to Ukraine, worth 3.8 billion dollars will not be extended because of the failure of the Ukrainian Government to stick to previously agreed conditions for the credit to curb expenses.<sup>149</sup>

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<sup>146</sup> “Default options”, *The Economist*, February 21, 2009 printed issue

<sup>147</sup> Andrew Wilson, “More trouble ahead”, *International Herald Tribune*, March 3, 2009

<sup>148</sup> Data accessed from Ukrainian National Bank, IMF and World Bank web sites, and as well as “Ukraine macroeconomic situation, January 2009”, *Unian news agency*, January 26, 2009. Online at <http://unian.net/eng/news/news-297043.html> (accessed on 19.08.2009)

<sup>149</sup> “Ukrainian politicians not to give IMF chance – expert opinion”, 12.11.2009. Online at [http://politics.finchannel.com/Main\\_News/Ukraine/51694\\_Ukrainian\\_politicians\\_not\\_to\\_give\\_IMF\\_chance\\_%E2%80%93\\_expert\\_opinion/](http://politics.finchannel.com/Main_News/Ukraine/51694_Ukrainian_politicians_not_to_give_IMF_chance_%E2%80%93_expert_opinion/) (accessed on 14.11.2009)

Nonetheless, the fact that, despite unconvincing promises from the unstable government coalition led by Yulia Tymoshenko, the IMF agreed to allocate this credit to Ukraine can be seen as proof to the continuing hope in Western capitals that things will turn to the better in Kyiv and the pro-Western government will retain power. If assessed in political terms and given the Kremlin's stakes in Ukrainian affairs, and in view of the period leading to the presidential elections, this strategic approach of the West makes sense.

### **5.3 Role of Russia in the Economy**

Ukraine's dependence on Russia for cheap energy supplies and the lack of significant structural reform have made the Ukrainian economy vulnerable to external shocks. Ukraine depends on imports from Russia to meet most of its annual oil and natural gas requirements. The country's dependence on Russian gas and oil supplies dramatically affects its economy and foreign policy, especially in view of recent major gas disputes with Russia. Ukraine concluded several deals with Russia in recent years which more than doubled the price Ukraine pays for Russian gas. Disputes with Russia over pricing have led to periodic gas cut-offs and hurt the economy.<sup>150</sup> Ukraine is transporting Russian gas to the EU through its gas pipelines system, being Europe's vitally important energy export route. The EU gets 80 percent of its Russian gas imports through Ukraine.<sup>151</sup> In previous chapters some information has already been given on energy issues with Russia.

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<sup>150</sup> For further information see: "Economic relations between Ukraine and Russia". Online at <http://www.vk-partners.com/site/pdf/Economic%20relations%20between%20Ukraine%20and%20Russia.pdf> (accessed on 14.11.2009)

<sup>151</sup> Valentina Pop, "EU concerned as Russia cuts off Ukraine gas", 02.02.2009. Online at <http://euobserver.com/863/27338> (accessed on 19.08.2009)

However, Ukraine is independent in its electricity supply, moreover is exporting it to Russia and other countries of Eastern Europe. This is achieved through a wide use of atomic energy and hydro-electricity. The recent energy strategy intends gradual decreasing of gas- and oil-based generation in favour of nuclear power, as well as energy saving measures, and thereby shortening of industrial gas consuming. Reform of the still inefficient and opaque energy sector is a major objective of the International Monetary Fund and World Bank programs with Ukraine.<sup>152</sup>

Meanwhile, most of Ukraine's military production still depends on Russian orders, all of Ukraine's nuclear reactors depend on Russian fuel rods, and Russian firms control four of Ukraine's six oil refineries, all of which depend on Russian oil imports.<sup>153</sup> Russian investments are strong in the industrial-energy and tourism sectors and financial-banking networks.<sup>154</sup> Most tourists visiting Ukraine are predominantly from Russia and contribute much to the local economy especially in the Crimea. Russians directly or indirectly own a considerable part of Ukraine's economy. The exact figure is difficult to determine, in part because some Russian capital flows into Ukraine through third countries such as Cyprus. Unlike Western firms Russian corporations control extracting and processing directly as monopoly suppliers. What makes Russian ownership abroad unique is that many Russian companies are not independent of their government and their business policies are entangled with foreign policy. As it is known, some executives of energy companies like Gazprom and Rosneft are at the same time high-

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<sup>152</sup> "Ukraine and the IMF". Online at <http://www.imf.org/external/country/ukr/index.htm> (accessed on 19.08.2009)

<sup>153</sup> For further information see: *Between Russia and the West: Foreign and Security Policy of Independent Ukraine*, eds. Spillmann, Kurt R., Wenger, Andreas and Müller, Derek, Bern: Peter Lang, 1999

<sup>154</sup> Nataliya Blyakha, "Russian foreign direct investment in Ukraine", *Turku School of Economics Publications, Pan-European Institute* 7/2009. Online at <http://www.tse.fi/FI/yksikot/erillislaitokset/pei/Documents/Julkaisut/Blyakha%200709%20web.pdf> (accessed on 20.08.2009)



ranking government officials. This leads to investment decisions and business practices which are sometimes politically motivated. Furthermore there are some reports that some Russian private and government companies are financing pro-Russian politicians.<sup>155</sup>

The insight presented in this part makes it clearer to understand the stake which Russians have in Ukraine, and the same is in fact true vice-versa, too. Indeed, if compared in relative terms –trade, investments and tourism- Ukraine is a far more important country for Russia than for the EU and the USA.

#### **5.4 Role of Oligarchs in the Economy**

Ukrainian oligarchs (very wealthy businessmen with close ties to politics) emerged right after independence and continue to exist and wield influence since then. They even consolidated their position in recent years and some Ukrainian oligarchs were listed among the richest people in the world and in Europe.<sup>156</sup> The Orange Revolution changed practically nothing in this area. In fact every political party and leader, including the President has oligarchs as allies. Many oligarchs are influential members of parties. The leader him/herself may be called an oligarch (like Prime Minister Tymoshenko), too. Many among Ukraine's wealthiest people hold seats in parliament, control television channels and move easily between business and politics. They support various political factions and there is no difference in this regard between pro-Western Orange parties and pro-Russian Blue parties. However, there is a big difference between being rich in Russia, an autocracy with a state-run system of capitalism, versus Ukraine, an oligarchy with aspirations to be a market-oriented democracy. In Ukraine, the top 50 richest citizens in 2008 had a net worth equal

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<sup>155</sup> This is a wide-spread belief especially among Ukrainian nationalist circles.

<sup>156</sup> "Forbes list: The world's richest people", 08.03.2007. Online at [http://www.seattlepi.com/business/306732\\_forbeslist09.html](http://www.seattlepi.com/business/306732_forbeslist09.html) (accessed on 14.11.2009)

to 85 percent of the nation's GDP, compared to 35 percent in Russia, according to Korrespondent magazine's ratings.<sup>157</sup>

The current legal practices in Ukraine appear just about normal for this stage of legal development. Poor governance by the political leadership in Kyiv led to poor corporate governance. Thereby it has impeded the evolution of proper capitalist institutions like financial markets. As a consequence, businessmen with concentrated ownership are more likely to be more successful than those having to deal with many minority shareholders. Moreover, due to the corrupt judicial system, businessmen prefer vertical integration to avoid the risks involved in depending on largely arbitrary court judgments. They prefer corporate hierarchies over markets. Hence, the combination of poor legal systems, large economies of scale and fast structural change naturally leads to the concentration of fortunes of the kind we have seen in oil, metals and railways in the United States in the 19th century as well as in Russia and Ukraine today. Therefore, it is difficult to see how a market economy could be established under these conditions without generating super-rich businessmen. The impact of oligarchs is an obstacle to build a truly market-oriented and democratic state and society because oligarchs prefer opaque and legally doubtful business practices. The separation of business and politics remains a long way off in Ukraine, even though it was one of the main aims of the Orange Revolution.<sup>158</sup> Therefore, the influence of the oligarchs can be regarded as an obstacle to free-market economy and to democracy, in the sense that anti-democratic practices are much more comfortably being enforced in such an economic structure. Ukrainian oligarchs are broadly more inclined to be allies of such dubious practices and it can also be concluded that for the current Russian leadership it is much easier to do business

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<sup>157</sup> "Still Calling The Shots", *Kyiv Post*, April 16, 2009. Online at <http://www.kyivpost.com/nation/39756> (accessed on 19.08.2009)

<sup>158</sup> For further information see: Anders Aslund, *Comparative Oligarchy: Russia, Ukraine and the United States*, Warsaw: Center for Social and Economic Research, April 2005

with this kind of businessmen who in turn may lobby in Kyiv for Russian interests. In short, without dismantling the oligarchic structure of the economy, it will be much more difficult for the “democrats” in Ukraine to build a viable democracy and thereby base their pro-Western foreign policy on broader public support within Ukraine.

To conclude, I think this part of the thesis has illustrated in detail the economic structure of the country and has also shown to what extent this structure is intertwined with domestic and foreign policy. This chapter has proved that the economic structure of Ukraine has acted as an additional constraint to Kyiv’s foreign policy and also limited a too ambitious pro-Western foreign policy, and that without taking into account this economic structure, assessment of Ukraine’s relations with various countries would have definitely been incomplete. The next chapter explores one of the most weighty issues among the internal divisions Ukraine faces and which has considerable effect on its foreign policy decision-making process: cultural factors.

## CHAPTER 6

### IMPACT OF CULTURAL FACTORS ON UKRAINIAN FOREIGN POLICY

In this chapter cultural factors affecting Ukrainian foreign policy are analyzed. In the first part the ethno-linguistic diversity of Ukraine is examined, the ensuing part explores religious diversity of the country. The focus here is on Orthodox and Catholic churches. The last part is devoted to the assessment on the impact of ethno-linguistic and religious diversity on Ukrainian foreign policy.

#### 6.1 Ethno-Linguistic Diversity of Ukraine

According to the 2001 census 77.8 percent of the population of Ukraine consists of ethnic Ukrainians, 17.3 percent of Russians and 4.9 percent of other nationalities (among them Moldovans/Romanians, Belarusians, Crimean Tatars, Bulgarians, Hungarians and Poles).<sup>159</sup> As stated in the Constitution, the state language of Ukraine is Ukrainian. Ukrainian is mainly spoken in western and central Ukraine. In western Ukraine, Ukrainian is also the dominant language in cities (such as Lviv). In central Ukraine, Ukrainian and Russian are both equally used in cities, with Russian being more common in Kyiv, while Ukrainian is the dominant language in rural communities. In eastern and southern Ukraine, Russian is the dominant language in urban as well as rural areas.

Ukraine's ethnic, linguistic, regional and political divisions have probably received more attention than any other aspect of contemporary Ukraine.

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<sup>159</sup> Web site of the State Statistics Committee of Ukraine. Online at [http://www.ukrcensus.gov.ua/eng/results/nationality\\_population/nationality\\_1/](http://www.ukrcensus.gov.ua/eng/results/nationality_population/nationality_1/) (accessed on 30.08.2009)

To simplify, we can view Ukraine as having partly overlapping regional, linguistic and ethnic divisions. “Partly overlapping” because there tends to be a strong, but not complete, correlation between region, ethnic identification and language use. In western Ukraine people are more likely to speak Ukrainian and to identify themselves as ethnic Ukrainians than are people in eastern and southern Ukraine, who are more likely to identify themselves as ethnic Russians and as Russian speakers. However, this generalization may not reflect the exact picture. Large numbers of people especially in central and eastern Ukraine, who identify themselves as ethnic Ukrainians, tend to speak Russian. The 2001 census showed that 67.5 percent of the population declared Ukrainian as their native language and 29.6 percent declared Russian. Furthermore, practically all native Ukrainian speakers know Russian as a second language.<sup>160</sup> Having said the above, I regard that some additional aspects of the ethnic Russian question and the Russian language issue should be dealt with below in more detail.

According to the 2001 Ukrainian census, the eastern oblasts of Donetsk and Luhansk, home to much of Ukraine’s heavy industry, have populations that are 38 and 39 percent ethnic Russian. No oblast to the east of the Ukrainian domestic divide contained fewer than 10 percent ethnic Russians and no oblast to the west contained more than 10 percent ethnic Russians.<sup>161</sup> Furthermore, Russian speakers constitute an overwhelming majority of the Crimean population (77 percent), with Ukrainian speakers comprising just 10.1 percent, and Crimean Tatar speakers 11.4 percent.<sup>162</sup> But in everyday life the majority of Crimean

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<sup>160</sup> For detailed statistics on identity issues in Ukraine see “Formation of a common identity of the citizens of Ukraine: Prospects and Challenges”, *National Security and Defence Journal*, Ukrainian Centre For Economic and Political Studies, No.9, 2007

<sup>161</sup> For detailed statistics on identity issues in Ukraine see “Formation of a common identity of the citizens of Ukraine: Prospects and Challenges”, *National Security and Defence Journal*, Ukrainian Centre For Economic and Political Studies, No.9, 2007

<sup>162</sup> For detailed statistics on identity issues in Ukraine see “Formation of a common identity of the citizens of Ukraine: Prospects and Challenges”, *National Security and Defence Journal*, Ukrainian Centre For Economic and Political Studies, No.9, 2007

Tatars and Ukrainians in the Crimea also use Russian as their main language of communication with other ethnic groups and often among themselves. That said, the Crimean issue will be left to the next chapter where it will be taken on thoroughly.

The number of Ukrainians who self-identified as ethnic Russians fell by some three million between the 1989 Soviet and 2001 Ukrainian censuses. Mortality and migration to Russia cannot account for this decline, suggesting a significant number of ethnic Russians (or Ukrainians of mixed parentage) came to regard themselves as Ukrainian. It is unknown whether there has been further change, though those ethnic Russians who, after ten years of living in independent Ukraine, still saw themselves as Russian in 2001 likely continue to regard themselves as ethnic Russian today.<sup>163</sup>

The possibility of ethnic tensions lingers, in part because of the regional concentration of ethnic Russians. As a group, they tend to favor conferring official status to the Russian language, support strong relations with Russia and oppose drawing Ukraine closer to NATO. Moscow regularly reaches out to this group. To the extent that ethnic Russians advocate actively for Russian causes, they have an opposite and unintended impact: Ukrainian nationalist groups, largely in western Ukraine are becoming more active in response. This risks an unhealthy polarization between ethnic Russians and Ukrainian nationalists that could be misused in several issues like the Russian language, geopolitical orientation of Ukraine, the Russian Black Sea Fleet in Sevastopol and the Crimea.

For a large part of the Soviet era, the number of Ukrainian speakers was declining from generation to generation and by the mid-1980s the usage of the Ukrainian language in public life had decreased significantly. Following

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<sup>163</sup> Scott Romaniuk, "The Russian Minority in Post-Communist Politics: a Case Study of Ukraine, Moldova and Chechnya", *Central European Journal of International and Security Studies*, November 2008. Online at <http://www.cejiss.org/articles/vol2-2/romaniuk/> (accessed on 15.11.2009)

independence the government of Ukraine began following a policy of Ukrainisation to increase the use of Ukrainian while discouraging Russian.<sup>164</sup> Russian language has been banned or restricted in the media and films. This means that Russian-language programmes need a Ukrainian translation or subtitles, but this excludes Russian language press. However, Ukraine wisely decided in 1991 not to make knowledge of the Ukrainian language a prerequisite for citizenship. Between 1991 and 1999, the government gradually changed the language of instruction in many of the country's general education schools. In 1991, 50 percent of Ukrainian school children were taught in Russian and 49.3 percent in Ukrainian. By contrast, in 1999, 65 percent were taught in Ukrainian and 34 percent in Russian.<sup>165</sup>

In spite of official Kyiv, some regions remain reluctant to change. In the Crimea 555 of 576 school teach in Russian only.<sup>166</sup> In November 2008 the Sevastopol city council voted not to contribute funding to what would be the city's first Ukrainian-language school.<sup>167</sup>

Although most Ukrainians are pragmatic about language,<sup>168</sup> the status of Russian remains a recurring political issue. The Regions and Communist parties have regularly raised the question to win votes among Ukraine's Russian-speakers,

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<sup>164</sup> Scott Romaniuk, "The Russian Minority in Post-Communist Politics: a Case Study of Ukraine, Moldova and Chechnya", *Central European Journal of International and Security Studies*, November 2008. Online at <http://www.cejiss.org/articles/vol2-2/romaniuk/> (accessed on 15.11.2009)

<sup>165</sup> Roman Solchanyk, *Ukraine and Russia: The Post-Soviet Transition*, Lanham: MD:Rowman & Littlefield, 2001, p.149

<sup>166</sup> Ksenia Pasechnik, "Talking Past Each Other", *Transitions Online*. Online at <http://www.tol.cz/look/TOL/article.tpl?IdLanguage=1&IdPublication=4&NrIssue=341&NrSection=3&NrArticle=20861> (accessed on 03.10.2009)

<sup>167</sup> "Sevastopol Refuses to Help Finance First Ukrainian-Language School", *Radio Free Europe/Radio Liberty*, November 21, 2008. Online at [http://www.rferl.org/content/Sevastopol\\_Refuses\\_To\\_Help\\_Finance\\_First\\_UkrainianLanguage\\_School/1351484.html](http://www.rferl.org/content/Sevastopol_Refuses_To_Help_Finance_First_UkrainianLanguage_School/1351484.html) (accessed on 30.08.2009)

<sup>168</sup> "Formation of a common identity of the citizens of Ukraine: Prospects and Challenges", *National Security and Defence Journal*, Ukrainian Centre For Economic and Political Studies, No.9, 2007

promising to confer official status on the language. Yushchenko and Ukrainian nationalists have adamantly resisted. There is strong support for conferring official status on Russian in the south and east of the country.

The language issue acquired new prominence in autumn 2008. In late October, Ukraine's National Council on Television and Radio Broadcasting issued an order banning transmission of television channels from Russia on Ukrainian cable networks until the content was brought into compliance with Ukrainian regulations. Kyiv attributed this order, which took effect on 1 November 2008 to regulations regarding advertising (e.g., limits on smoking ads), copyright protection and so forth.<sup>169</sup> Some local cable service providers protested the order. Other providers, particularly in the Crimea, ignored it and continued to transmit Russian channels. Local authorities in the east and south sided with their cable service providers. For example, the Secretary of the Donetsk City Council charged that the decision to ban the Russian channels was driven "by the nationalist positions of the President and his people" and amounted to "the destruction of the Russian culture and the Russian language".<sup>170</sup> This shows how delicate the language issue is in domestic politics and has a great potential for the Kremlin to use whenever it thinks as opportune. Tensions over the language question may rise towards the presidential elections in January 2010 as the issue is politicized by Ukrainian politicians seeking to draw votes.

To sum up this topic I want to draw attention to the fact that the ethnic and language question, if misplayed, has the potential to provoke a rift between ethnic Russians and their Ukrainian-speaking ethnic Ukrainian counterparts. In this

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<sup>169</sup> "National TV Council: local councils have no right to order cable operators to continue broadcasting Russian TV channels", *Kyiv Post*, November 19, 2008. Online at <http://www.kyivpost.com/nation/31028/> (accessed on 30.08.2009)

<sup>170</sup> "Donetsk Blames Yushchenko for Cultural Genocide", *Forum Ukraine*, November 18, 2008. Online at <http://en.for-ua.com/news/2008/11/18/100042.html> (accessed on 30.08.2009)



context I would like to add that ethnic Russians might find that some Russian-speaking ethnic Ukrainians, especially in the east, may side with the position of the Russian ethnic minority.

## **6.2 Religious Diversity of Ukraine**

Two thirds of Ukrainians define themselves as believers to any religion, but the number of believers who actually hold to church canons and live correspondingly is not higher than 15-20 percent of Ukraine's adult population today. More than 97 percent of the religious communities registered in Ukraine are Christian. Most of these communities are of the Orthodox tradition. But a significant number of Catholic and Protestant communities do also exist.<sup>171</sup>

There are three major Orthodox jurisdictions in Ukraine: Ukrainian Orthodox Church-Moscow Patriarchate (UOC-MP); Ukrainian Orthodox Church-Kyivan Patriarchate (UOC-KP) and Ukrainian Autocephalous Orthodox Church (UAOC).

There is a paradoxical situation in that the number of registered churches of the Moscow Patriarchate (UOC-MP) is much larger than the number of churches of the Kyivan Patriarchate (UOC-KP), yet only 12 percent of the Ukrainian people identify themselves with the Moscow Patriarchate, whereas 22 percent identify with the Kyivan Patriarchate. Meanwhile only one percent identify with UAOC. Furthermore, 26 percent of the people define themselves as Orthodox believers, but do not belong to any denomination.<sup>172</sup>

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<sup>171</sup> Web site of RISU - Religious Information Service of Ukraine. Online at <http://www.risu.org.ua/eng/major.religions/> (accessed on 30.08.2009)

<sup>172</sup> Web site of RISU - Religious Information Service of Ukraine. Online at <http://www.risu.org.ua/eng/major.religions/> (accessed on 30.08.2009)

There are three Catholic churches represented in Ukraine: Ukrainian Greek Catholic Church (UGCC); Roman Catholic Church (RCC) and Armenian Catholic Church (ACC). RCC and ACC have a limited following. Around one percent of the population identify with these churches. But the UGCC has a bigger following among Ukrainians (8 percent).<sup>173</sup>

In 1991, Ukraine had only one canonical denomination of Eastern Orthodoxy – the Ukrainian Orthodox Church (UOC-MP) which reported to the Moscow Patriarchate. A non-canonical denomination, the Ukrainian Autocephalous Orthodox Church (UAOC) that was set up in 1927, but which was outlawed in the Soviet Union, re-emerged in 1989-1990. It has parishes in western Ukraine and in Belarus today.<sup>174</sup>

A new split in Ukrainian Orthodoxy occurred at the very end of 1991 under pressure from Leonid Kravchuk, the first President of independent Ukraine and at the initiative of Metropolitan Philaretos, as a non-canonical Ukrainian Orthodox Church (UOC-KP) reporting to the Kyiv Patriarchate.<sup>175</sup> It took away most Orthodox parishes primarily in western and central Ukraine.<sup>176</sup> Philaretos was declared a tabu personality by Russia and was excommunicated from the Church, but he was declared a Patriarch in Kyiv. President Yushchenko did a lot in order to achieve the recognition of UOC-KP as an autocephalous church by the Patriarchate of Constantinople (which is recognized as

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<sup>173</sup> Web site of RISU - Religious Information Service of Ukraine. Online at <http://www.risu.org.ua/eng/major.religions/> (accessed on 30.08.2009)

<sup>174</sup> Web site of RISU - Religious Information Service of Ukraine. Online at <http://www.risu.org.ua/eng/major.religions/> (accessed on 30.08.2009)

<sup>175</sup> “Church split in Ukraine over Russian loyalties”. Online at <http://www.speroforum.com/site/article.asp?idarticle=16816&t=Church+split+in+Ukraine+over+Russian+loyalties> (accessed on 30.08.2009)

<sup>176</sup> “Orthodox Church divisions in newly independent Ukraine, 1991-1995”. Online at [http://goliath.ecnext.com/coms2/gi\\_0199-7265990/Orthodox-Church-divisions-in-newly.html](http://goliath.ecnext.com/coms2/gi_0199-7265990/Orthodox-Church-divisions-in-newly.html) (accessed on 30.08.2009)

first among equals between in the Eastern Orthodox Churches). But Patriarch Bartholomew I declined mainly because of his goal of improving relations with the Russian Orthodox Church.<sup>177</sup> However, the contentious issue of the status of Orthodox churches is continuing to be one of the many subjects souring relations between official Kyiv and Moscow.

The Greek Catholic Church (its disciples are otherwise known as Catholics of the Eastern Rite) is dominant in the western regions of the country. This Church was established in 1596 under strong pressure from the Vatican and the Polish authorities.<sup>178</sup> It kept the Eastern Orthodox rites and the Old Church Slavonic language, customary for believers in Eastern Europe, but assimilated Catholic dogmas and defected to the jurisdiction of the Holy See. Following the Soviet-era ban on its activity, it rose up in the early 1990s and demanded a return of all the church buildings that had been taken away from it.<sup>179</sup> The same was true for the UOC-KP under the leadership of Philaretos and his supporters. Leonid Kuchma, then the newly-elected President, seemed lost and did not know what to do about it. He wrote later that,

The summaries of incidents that I found on my desk every morning resembled battlefield reports. This battle involved more than a thousand parishes. Priests' houses were set ablaze, and crowds assaulted and seized church buildings and even whole villages. I got an impression at times that this was a war where everyone fought against everyone else, although each fighter knew perfectly well who his foes were. The continuing struggle for churches and parishes turned into a big stumbling block in relations between Kyiv and Moscow.<sup>180</sup>

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<sup>177</sup> John Couretas, "Bartholomew, Kirill Hold Patriarchal 'Summit' in Istanbul", *The American Orthodox Institute*. Online at <http://www.aoiusa.org/blog/2009/07/bartholomew-kirill-hold-patriarchal-summit-in-istanbul/> (accessed on 30.07.2009)

<sup>178</sup> "Basic Christian Catechism", *Web site of Slavic Christian Society*. Online at <http://slavxrist.org/catechism.htm> (accessed on 30.08.2009)

<sup>179</sup> Web site of RISU- Religious Information Service of Ukraine. Online at <http://www.risu.org.ua/eng/major.religions/> (accessed on 30.08.2009)

<sup>180</sup> Leonid Kuchma, *Ukraina-Ne Rossiya* (Ukraine Is Not Russia: A Return Into History), Moscow: Publishing House "Vremya", 2003, p.481

This statement of a former President of Ukraine demonstrates the seriousness of the religion issue within Ukraine and in its relations with Russia. This issue is surely still not solved and may create tensions in future.

To sum up this topic, I think it can be said that the religious structure of Ukraine parallels to a great extent the ethnic and language divide. Orthodox communities linked to the Russian Orthodox Church are concentrated heavily in eastern and southern Ukraine where mostly Russian language is spoken. Orthodox churches linked to the Kyivan Patriarchate and Catholic communities are located mainly in western and central regions where predominantly Ukrainian is spoken.

### **6.3 Impact of Ethno-Linguistic and Religious Diversity on Ukrainian Foreign Policy**

The above information and figures gives reason to conclude that first of all, ethno-linguistic and religious structures of Ukraine are among the most significant, probably the most weighted reasons for the internal societal divisions within the country. The division along the ethno-linguistic and religious lines within Ukrainian society is all too clear. There exists a political-cultural rift between the East and South in the one hand, and the West and Center of the country on the other hand. Political party affiliations break largely along this line. These domestic frictions could intensify and undermine state coherence. In the extreme, escalating frictions -perhaps with Kremlin interference- could provoke rifts that would threaten the country's territorial integrity. As referred to in the context of previous chapters, this situation has to be taken into account in foreign policy formulation by the holders of power in Kyiv. A too ambitious pro-Western or pro-Russian line will be (as had been earlier) limited, hampered or modified in the course of the ensuing reaction by the opposite side of the divide. Recent history of Ukraine is proof that this has happened all too often in Ukraine regarding foreign (and also domestic) policy decisions. The NATO membership issue, recognition of Holodomor as

genocide against Ukrainian people, giving official status to Russian language, the status of the Ukrainian Orthodox churches, the August 2008 Russian-Georgian conflict are only a few examples which could be mentioned.

The second conclusion of this chapter dealing on ethnicity, language and religion in Ukraine can be stated as additional confirmation of Russian cultural influence in Ukraine which undoubtedly facilitates Russian political influence in Ukraine. Mykola Ryabchuk has put this issue very clearly by stating that,

Ukrainian culture is challenged primarily by Russian culture - the culture of the former metropolis which has largely preserved its superior position in Ukraine and, what is even more harmful, held on to its role as a mediator between world culture and native Ukrainian recipients. As long as Western mass culture is spread in Ukraine in Russian translation (video, magazines, pulp fiction, TV shows, etc.), it cannot be considered as a separate player, or 'another threat', but merely as an integral part of the Russian cultural invasion and neocolonial domination.<sup>181</sup>

This view is widely expressed by patriotic circles in Ukraine and the Orange Administration under President Yushchenko has done much to curb the role and status of Russian language. But as earlier explained, this has resulted in reactions from Russian-friendly sections of the society and the domestic political spectrum, and also from the Kremlin. The familiar dilemma Ukraine faces comes again and again to the fore: The nation building process requires a promotion of everything which is Ukrainian, but this leads to reactions from everyone aligned to, and sympathetic with Russia. This has again the logical consequence of Ukrainian nationalists' preference (in fact obligation) to seek support (against Russia) in western capitals. In short, the national identity problem of Ukraine is yet not

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<sup>181</sup> Mykola Ryabchuk, "In Bed with an Elephant: Cultural Wars and Rival Identities in Contemporary Ukraine". Online at [http://www.postcolonial-europe.eu/index.php?option=com\\_content&view=article&id=63%3A-in-bed-with-an-elephant-cultural-wars-and-rival-identities-in-contemporary-ukraine&catid=35%3Aessays&Itemid=54&lang=uk](http://www.postcolonial-europe.eu/index.php?option=com_content&view=article&id=63%3A-in-bed-with-an-elephant-cultural-wars-and-rival-identities-in-contemporary-ukraine&catid=35%3Aessays&Itemid=54&lang=uk) (accessed on 30.08.2009)

solved and will remain in the foreseeable future as one of the contentious issues in domestic politics and will also affect Ukraine's relations with Russia.<sup>182</sup>

My third conclusion on this chapter is that internal frictions seem predominant at different levels. At the level of elections, regional factors have a strong influence. This holds for both presidential and parliamentary elections. Consequently, pro-Western Orange parties (parties allied with Yushchenko and Tymoshenko) get a much higher share of the vote in Western and Central Ukraine than in the East and South. The same is valid vice-versa for pro-Russian "Blue" parties (Yanukovich's Regions Party and the Communist Party). Within the parliament, however, left-right differences outweigh regional factors. Therefore, it was possible, although not for a long period, to build a coalition between Yushchenko and Yanukovich in 2006, and there were several attempts to build a coalition government by Tymoshenko and Yanukovich against President Yushchenko in 2009. Furthermore, Tymoshenko and Yanukovich cooperated several times in recent years in the Verkhovna Rada against Yushchenko.<sup>183</sup> There is a powerful incentive for all political parties to try to overcome their regional boundaries, because those that do will have the potential to increase their support among the electorate considerably.

My fourth and last conclusion is that another effect of Ukraine's mentioned internal frictions is on institutional arrangements. Electoral laws seem to have different effects in a divided society like Ukraine as compared with homogeneous ones. Ukraine is almost certainly destined to have a multiparty system because of its internal and regionally divisions. A two-party system is highly improbable. Ukraine therefore should perhaps create appropriate rules to

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<sup>182</sup> Diana Dutsyk, "National identity as a problem of political Ukraine", *Ukrainian Center for Independent Political Research*, Research Update, Vol. 15, No. 17/577, June 1, 2009

<sup>183</sup> Roland Oliphant, "A Loose-Loose Situation", 07.10.2008. Online at <http://expat.ru/analytics.php?item=576> (accessed on 30.08.2009)

adopt to this reality. This might include not only electoral laws, but rules for forming and ending coalitions within parliament. The history of Ukraine after independence has demonstrated that multipartism and presidentialism are not compatible with each other in Ukrainian circumstances and did not lead to stability in domestic politics. As a consequence, I think that Ukraine should adopt a parliamentary system. The partial shift towards parliamentarism following the Orange Revolution evidently did not suffice. A clearer break with presidentialism seems to be an appropriate solution to the current constitutional stalemate.

In the next chapter the Crimea, a special case when dealing with internal divisions of Ukraine is examined. It is a unique region which has to be examined separately due to its extraordinary position within Ukraine and in the region. For this purpose this subject has been analyzed under three topics consisting of the Crimea and its autonomy in Ukraine; the Russian factor and the future of the Russian Black Sea Fleet; and the Crimean Tatar factor and its role in Ukrainian foreign policy.

## **CHAPTER 7**

### **THE CRIMEAN QUESTION IN UKRAINIAN FOREIGN POLICY**

This chapter examines the Crimean question in Ukrainian foreign policy. For this purpose, in the first part headed “The Crimea and its autonomy in Ukraine” the history, population, languages, politics and economy of the peninsula is explored. In the second part headed “Russian Factor and the Future of the Russian Black Sea Fleet” the role played in the Crimea by Russia and the BSF stationed in the port city of Sevastopol is examined. The last part deals rather extensively with the Crimean Tatars. The Crimean Tatars’ re-emergence in Ukrainian and Crimean politics and developments related to this ethnic group, until and after the Orange Revolution are explored. The topic on Crimean Tatars ends with an evaluation of the situation of the Crimean Tatars.

#### **7.1 The Crimea and its Autonomy in Ukraine**

To begin to examine the Crimean question some background information on its history is necessary. After a war against the Ottoman Empire, Russia annexed the Crimean peninsula in 1783, and Sevastopol—situated on the best natural harbor on the Black Sea—was founded as a naval port to host the Russian Black Sea Fleet. The histories of the Crimea, the fleet, and Sevastopol are thus closely intertwined. During early Soviet times, the Crimea was treated administratively as part of the Russian Federation of Soviet Socialist Republics (RFSSR). That changed in 1954, when Communist Party General Secretary Nikita



Khrushchev transferred the Crimea from the RFSSR to the Ukrainian Soviet Socialist Republic.<sup>184</sup>

The Crimeans were far less enthusiastic than their countrymen about the breakup of the Soviet Union. Whereas 90 percent of the Ukrainian population voted in favour of independence in a 1 December 1991 referendum, support in the Crimea proved dramatically lower (54 percent). Although that level of support may have been impressive for the Crimea, even in the east of Ukraine, no other region had a yes vote below 85 percent.<sup>185</sup> Crimean separatism posed a major challenge for Kyiv in 1992–94. The Crimean Parliament passed a resolution in March 1992 declaring the Crimea independent and twice enacted a constitution inconsistent with Ukraine's. In 1994 the Crimean President Yuriy Meshkov openly called for independence. 78 percent of the peninsula's population voted in favour of greater autonomy in a March 1994 referendum.<sup>186</sup> Russian politicians—including Moscow mayor Yuri Luzhkov—fueled the tensions by asserting that the Crimea remained Russian and challenging the legality of the 1954 transfer to Ukraine.<sup>187</sup> The Russian Duma in July 1993 unanimously passed a resolution confirming Sevastopol's Russian federal status.<sup>188</sup> The Ukrainian Government and Rada responded harshly and Western countries criticized the Kremlin, too. In part due to the disbanding of the Russian Duma in October 1993 by Russian President Yeltsin and the election of a more conciliatory Crimean Parliament in 1995 the dispute

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<sup>184</sup> "1954: The Gift of Crimea", *Seventeen Moments in Soviet History*. Online at <http://www.soviethistory.org/index.php?page=subject&SubjectID=1954crimea&Year=1954> (accessed on 05.09.2009)

<sup>185</sup> Maria Drohobycky, *Crimea: Dynamics, challenges and prospects*, London and Lanham: Rowman & Littlefield Publishers, 1995, p.108

<sup>186</sup> "Chronology for Crimean Tatars in Ukraine", *Web site of UNHCR*. Online at <http://www.unhcr.org/refworld/type,CHRON,,UKR,469f38ec14,0.html> (accessed on 05.09.2009)

<sup>187</sup> Maria Drohobycky, *Crimea: Dynamics, challenges and prospects*, London and Lanham: Rowman & Littlefield Publishers, 1995, p.11

<sup>188</sup> Maria Drohobycky, *Crimea: Dynamics, challenges and prospects*, London and Lanham: Rowman & Littlefield Publishers, 1995, p.10

subsided.<sup>189</sup> For its part, the Russian Government, dealing from early 1995 on with its own separatist issue in Chechnya, distanced itself from Crimean separatism. Kyiv was also aided by the influence of the Crimean Tatars, who began returning to the peninsula in 1989 following a 40 year exile. The Tatars, who now amount to about 12 percent of Crimea's population, prefer to remain Ukrainian citizens.

With the "Treaty on Friendship, Cooperation and Partnership" (also called Basic Treaty with Russia) and three agreements regarding the division of the Black Sea Fleet, which were all signed in May 1997 and the treaty on state borders signed in 2004, and all relevant documents ratified by both countries, the status of the Crimea and Sevastopol was finally settled. Russia recognized Ukraine's sovereignty over the Crimea and Sevastopol, while Russia's Black Sea Fleet (80% of the Soviet one) was to stay in the Crimea until May 28, 2017.<sup>190</sup> But as it is explained below, problems still remain.

At this stage I would like briefly give some information on the population and geography of the peninsula in order to be able to further explain the subject. The Crimea is located on the northern coast of the Black Sea, occupying a peninsula of the same name. Administratively it consists of the Autonomous Republic of Crimea (ARC) and the municipality of Sevastopol. ARC is the only autonomous region in Ukraine and Sevastopol is one of two municipalities (the other one is Kyiv, the capital city) in Ukraine which have special legal status. According to the latest data (April 2009), ARC has a population of 1.966.000 and Sevastopol 380.000. Altogether, the Crimea as a geographical region has a population of 2.346.000.<sup>191</sup> Ethnic Russians in the Crimea make up a significantly greater percentage of the population than the national average. More

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<sup>189</sup> Maria Drohobycky, *Crimea: Dynamics, challenges and prospects*, London and Lanham: Rowman & Littlefield Publishers, 1995, p.10

<sup>190</sup> Yuriy Dubinin, "Historical Struggle for the Black Sea Fleet", *Russia in Global Affairs*, January-March 2007, pp.177-195

<sup>191</sup> Web site of the State Statistics Committee of Ukraine. Online at <http://www.ukrstat.gov.ua/> (accessed on 05.09.2009)

than 58 percent of the population of the ARC and 71 percent of the inhabitants of Sevastopol are ethnic Russians. This pushes the share of Russians in the Crimea to 60 percent of the population. Ukrainians constitute less than a quarter of the Crimean population.<sup>192</sup>

According to the Constitution of the ARC, Ukrainian is the only state language of the republic. However, the republic's constitution specifically recognizes Russian as the language of the majority of its population and guarantees its usage “in all spheres of public life”. Similarly, the Crimean Tatar language is given special state protection as well as the “languages of other ethnicities”.<sup>193</sup> As stated in the previous chapter in another context, Russian speakers constitute an overwhelming majority of the Crimean population (77 percent - this means that more than the percentage of ethnic Russians in the Crimea), with Ukrainian speakers comprising just 10.1 percent and Crimean Tatar speakers 11.4 percent.<sup>194</sup> But in everyday life the majority of the Crimean Tatars and Ukrainians in the Crimea prefer to speak Russian. These figures prove to a large extent that, apart from ethnic Russians, many ethnic Ukrainians living in the Crimea are under considerable Russian influence. As it is explained further, this is also seen in their voting behavior. Any visitor to ARC and Sevastopol may be a witness of the unique situation of the Crimea within Ukraine.<sup>195</sup>

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<sup>192</sup> Web site of the State Statistics Committee of Ukraine. Online at <http://www.ukrstat.gov.ua/> (accessed on 05.09.2009)

<sup>193</sup> Constitution of the Autonomous Republic of Crimea (in Russian). Online at <http://www.rada.crimea.ua/> (accessed on 05.09.2009)

<sup>194</sup> Online at [http://209.85.129.132/search?q=cache:Jc5vYlFstdcJ:www.cvitana.com/index.php%3Foption%3Dcom\\_content%26task%3Dview%26id%3D1+Russian+speakers+percent+Crimea+11.4+percent&cd=1&hl=tr&ct=clnk&gl=tr](http://209.85.129.132/search?q=cache:Jc5vYlFstdcJ:www.cvitana.com/index.php%3Foption%3Dcom_content%26task%3Dview%26id%3D1+Russian+speakers+percent+Crimea+11.4+percent&cd=1&hl=tr&ct=clnk&gl=tr) (accessed on 05.09.2009)

<sup>195</sup> Information gathered from Crimean Tatar representatives during my visits (9-11 October 2006 and 14-18 March 2008) to the Crimea.

Taking into account the above data, I would like to explain some features of Crimean politics, too. Since the independence of Ukraine, the Crimea (ARC and Sevastopol) is overwhelmingly voting in favour of political parties which are more positively tuned towards Russia than some other Ukrainian parties. In the latest parliamentary elections around 80 percent of ARC and 90 percent of Sevastopol population voted in such direction. ARC and Sevastopol legislative and executive power is controlled by Russia-friendly parties. The ARC has a 100 member local parliament.<sup>196</sup>

The Crimea is the region most likely to challenge Ukraine's territorial integrity. Central authorities in Kyiv, knowing this and the affection of the Crimean local administration towards Russia, anchored some articles in the Ukrainian constitution which ensure that resolutions and decisions by the ARC Parliament and Government which contravene the Ukrainian Constitution would not be enacted or cancelled. In this context, the President of Ukraine can cancel acts of the ARC Government (Article 106/16) and the court system of the ARC is not independent from Kyiv. This gives central authorities additional levers to control the ARC administration.<sup>197</sup>

Anti-Western feelings run high in the Crimea. In 2006, protests broke out on the peninsula after U.S. Marines arrived at the Crimean city of Feodosiya to take part in the Sea Breeze 2006 Ukraine-NATO military exercise. Protesters greeted the marines with barricades and slogans bearing "Occupiers go home!" and a couple of days later, the Crimean Parliament declared the Crimea a "NATO-free territory".

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<sup>196</sup> Information Portal Autonomous Republic Crimea. Online at <http://www.crimea-portal.gov.ua/index.php?v=2&tek=13&par=2> (accessed on 05.09.2009)

<sup>197</sup> "Justice in the ARC is administered by courts which belong to the single court system of Ukraine" (Article 136/5 of the Constitution of Ukraine)

After several days of protest the U.S. Marines withdrew from the peninsula.<sup>198</sup> Similar protests occurred in 2007 and 2008 when these military exercises were planned in the Odessa region and were actually held there.<sup>199</sup> In 2009, due to the absence of a relevant vote in the Verkhovna Rada, the exercises in the Crimea were canceled.

When taking up the economy of the peninsula, it can be said that the Crimea is relatively poor compared with other regions of Ukraine. Per capita disposable income is below Ukrainian average.<sup>200</sup> Fast economic development especially between 2000-2008 and relative wealth in Russia compared to Ukraine were additional factors in favour of Russia to maintain and boost its image among the Crimean people. The Crimea is since Soviet times the main destination for tourists from the area encompassing the former USSR. Most of the approximately 5 million tourists which are visiting the Crimea every year are citizens of the Russian Federation. This factor is important in cultural as well as economic terms for the Crimea.<sup>201</sup>

Due to Russian investments in various sectors of the Crimean economy, and also the presence of the Russian Black Sea Fleet stationed in Sevastopol which is providing work for several thousands people in this city, the role of Russia in the economy of the island is crucial. Therefore, it can be stated that there exists an economic fundament for the “affection” of the Crimeans towards Russia.

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<sup>198</sup> “Protest actions against holding “Sea Breeze-2006” exercises keep on in Crimea”, *Ukrainian radio web site*. Online at <http://www.nrcu.gov.ua/index.php?id=148&listid=29483> (accessed on 05.09.2009)

<sup>199</sup> “Ukraine to host NATO-led Sea Breeze drills despite protests”, *Ria Novosti*, July 9, 2008. Online at <http://en.rian.ru/world/20080709/113599104.html> (accessed on 05.09.2009)

<sup>200</sup> “Household income in regions of Ukraine in 2008”, *Web site of the State Statistics Committee of Ukraine*. Online at <http://www.ukrstat.gov.ua/> (accessed on 05.09.2009)

<sup>201</sup> “Crimea”, *Web site of Wikipedia*. Online at <http://en.wikipedia.org/wiki/Crimea#Economy> (accessed on 06.09.2009)

## 7.2 The Russian Factor and the Future of the Russian Black Sea Fleet

In the preceding part when analyzing the Crimea and its autonomy, I had to time and again touch upon Russia and its role in the Crimea, and also mentioned the Black Sea Fleet of the Russian Federation (BSF) based in Sevastopol. However, due to its significance in Ukrainian domestic as well as international politics, I want to explore the Russian factor regarding the future of the Russian BSF separately.

In the aftermath of the Russia-Georgia conflict and particularly following Moscow's unilateral decision to recognize the independence of South Ossetia and Abkhazia, concern has risen about Russian intentions regarding the Crimea. The Crimeans did not support President Yushchenko's pro-Georgian stance. Moreover, on 18 September 2008, the Crimean Parliament voted overwhelmingly for the Ukrainian Parliament to "recognize the independence of Abkhazia and South Ossetia" (although without any legal effect in international politics).<sup>202</sup> And on 30 September 2008 the Ukrainian Foreign Ministry denounced the fact that the Russian representative to the Organization on Security and Cooperation in Europe (OSCE) had circulated an address from a Crimean group protesting Kyiv's alleged infringement of Crimea's constitutional powers.<sup>203</sup> On 12 November 2008 a Ukrainian navy press spokesman disclosed that Ukraine would increase its military presence in Sevastopol by deploying 1500 naval infantry personnel and three air defense units. He added that 80 percent of the naval infantry would come from Ukraine's west, implying that they will be "genuine patriots".<sup>204</sup>

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<sup>202</sup> "Crimea urges Ukraine to recognize Georgian separatists", *Forum Ukraine*, September 18, 2008. Online at <http://en.for-ua.com/news/2008/09/18/155553.html> (accessed on 06.09.2009)

<sup>203</sup> "Ukraine accuses Russia of interference into internal affairs", *UNIAN news agency*, September 30, 2008. Online at <http://www.unian.net/eng/news/news-275817.html> (accessed on 06.09.2009)

<sup>204</sup> "Ukraine Set to Beef Up Military Presence in Sevastopol", *Ria Novosti*, November 12, 2008. Online at <http://en.rian.ru/world/20081112/118271230.html> (accessed on 06.09.2009)

After the Soviet Union's collapse, Kyiv and Moscow sorted out the division of BSF warships between the Russian and Ukrainian navies, though implementation took several years. Working out basing arrangements for the BSF proved far more complicated. Moscow originally proposed arrangements that would in effect grant Russia sovereignty over Sevastopol, the city, not just the port facilities for an indefinite or lengthy period. Kyiv refused. The Ukrainians and Russians finally agreed in 1997 on a lease arrangement granting Russia extensive use of port and other facilities in Sevastopol and the Crimea but preserving Ukrainian sovereignty.<sup>205</sup>

Implementation of the leasing agreement has not always proceeded smoothly.<sup>206</sup> Kyiv and Moscow dispute whether certain facilities, such as lighthouses and navigational beacons along the Crimean coast are included under the lease. Ukrainian nationalist youth groups have tried to "liberate" some beacons, prompting the BSF to dispatch Russian naval infantry to guard them.

The lease expires in 2017. President Yushchenko has ruled out an extension and called for negotiations to prepare for the BSF's departure.<sup>207</sup> Moscow would strongly prefer to remain. Russian Foreign Minister Sergey Lavrov has said on several occasions that Russia will seek to extend the basing agreement, despite repeated statements by Kyiv that the fleet must depart.<sup>208</sup>

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<sup>205</sup> "Russia's Black Sea Fleet Clinging to Sevastopol While it can", *Eurasia Daily Monitor*. Online at [http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews%5Btt\\_news%5D=32924](http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=32924) (accessed on 06.09.2009)

<sup>206</sup> "Will Sevastopol Survive ?", *Eurasian Strategy Project*. Online at <http://ceres.georgetown.edu/esp/ponarsmemos/page/63386.html> (accessed on 06.09.2009)

<sup>207</sup> "Q&A: Yushchenko balances Russian, EU relations", *The Washington Times*, September 22, 2008. Online at <http://www.washingtontimes.com/news/2008/sep/22/yushchenko-balances-russian-eu-relations/> (accessed on 06.09.2009)

<sup>208</sup> "Russia wants to extend Black Sea navy base lease", *Kyiv Post*, October 22, 2008. Online at <http://www.kyivpost.com/nation/30502> (accessed on 06.09.2008)

The local population in the Crimea strongly favours keeping the Black Sea Fleet in Sevastopol. In May 2008, a petition collected more than one million signatures in favour of the fleet remaining in Sevastopol and the Crimea beyond the 2017 expiration of the lease.<sup>209</sup> A December 2008 poll showed that 69.9 percent of the Crimeans favoured extending the lease beyond 2017 and only 8.3 percent supported the fleet's departure in 2017 or earlier. The same poll showed 32.4 percent leaning toward separatism for the Crimea.<sup>210</sup> This issue has a practical aspect beyond the emotional shared history of Sevastopol and the Black Sea Fleet. The fleet is the largest employer in Sevastopol, providing work directly or indirectly for 40,000 people in this town of 380,000 people.<sup>211</sup> By this way, the Black Sea Fleet accounts for a considerable share of all economic activity in Sevastopol. The BSF's departure would leave a significant hole in the local economy. The much smaller Ukrainian navy, which maintains its headquarters and a relatively small presence in Sevastopol, cannot fill the void. There was talk in Kyiv about development projects for Sevastopol, but little has been done to date.

Kyiv must carefully manage the BSF issue. The push for withdrawal could inflame passions in Sevastopol and the Crimea, given the long historical relationship and concern about the economic consequences, as well as antagonize Moscow. In view of the characteristics of the Crimea and the BSF explained in the first two parts of this chapter, Russia will continue in the short to medium term to have enough tools to influence Crimean politics.

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<sup>209</sup> Judy Dempsey, "NATO tests Ukraine's readiness to join", *International Herald Tribune*, June 16, 2008

<sup>210</sup> "Over two-thirds of Crimean residents support longer stay of Black Sea Fleet", *Kyiv Post*, December 18, 2008

<sup>211</sup> Merle Maigre, "Crimea—The Achilles Heel of Ukraine", *International Centre for Defense Studies of Estonia*, November 10, 2008. Online at [http://www.icds.ee/index.php?id=73&L=1&tx\\_ttnews%5Btt\\_news%5D=298&tx\\_ttnews%5BbackPid%5D=141&cHash=c4039d4087](http://www.icds.ee/index.php?id=73&L=1&tx_ttnews%5Btt_news%5D=298&tx_ttnews%5BbackPid%5D=141&cHash=c4039d4087) (accessed on 06.09.2009)



### **7.3 The Crimean Tatar Factor and its Role in Ukrainian Foreign Policy**

The Crimean Khanate, a part of the Ottoman Empire, was originally predominantly inhabited by the Crimean Tatars until the late 18<sup>th</sup> century when it was annexed by the Russian Empire. They made up the majority of the population of the Crimea until the second half of the 19<sup>th</sup> century but in 1939 their proportion in the Crimean population had already shrunk to 20 percent. Accused of having collaborated with German occupation forces, they were forcibly expelled in 1944 to Central Asia (particularly Uzbekistan) upon Stalin's orders. After the fall of the Soviet Union, Crimean Tatars began returning to the region. In this context, I want to underscore the role of Mustafa Cemilev, member of Ukrainian parliament in Kyiv and President of the non-official Crimean Tatar National Assembly (CTNA) in organizing the return of Crimean Tatars to their ancestral lands. As of 2009, the Crimean Tatars, an ethnic Sunni Muslim minority, make up about 12 percent (265.000) of the Crimean population.<sup>212</sup>

Ukraine has dragged its feet for almost 18 years on passing a law designating the Crimean Tatars as an indigenous people of Ukraine and awarding them the rights that come with that designation according to international guidelines. So tensions remain in place. The Crimean Tatar issue remains being a potential source of instability if not tackled with extreme care by related internal and external political actors in the region. For the time being radical circles among the Crimean Tatars are tamed by the charismatic leadership of Mustafa Cemilev. But Cemilev is old (he was born in 1943) and if the problems explained below will stay “freezed”, then, in the absence of a moderate leadership, the Crimean Tatars may also be a an additional source of instability in Ukraine. This may deteriorate

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<sup>212</sup> OSCE documents, Crimean Tatar web sites and the authors own personal information from his service time in Ukraine as Counsellor of the Turkish Embassy in Kyiv. Also see web site of Wikipedia, online at [http://en.wikipedia.org/wiki/Crimean\\_Tatars](http://en.wikipedia.org/wiki/Crimean_Tatars) (accessed on 22.08.2009)

Ukrainian-Turkish relations because the biggest Crimean Tatar diaspora in the world is in Turkey (5-7 million people).<sup>213</sup>

The topic of special rights for the Crimean Tatars, who were returning to the Crimea after their forcible mass deportation of 1944 and the almost half a century of living in exile, first surfaced as an important political issue during the debates in the national legislature of Ukraine on 12 February 1991 (before the independence of Ukraine). The vote on this day signified the emergence of a Crimean Autonomous Republic within the Ukrainian SSR.<sup>214</sup> The main stimulus behind this decision, though not so explicitly expressed, was a fear of fuelling, through a rejection of demands for autonomy, further separatist (ethnic Russian) passions in the Crimea, and the hope of appeasing local pro-Russian and pro-Soviet separatists, thereby weakening their positions. This benevolence of national authorities was meant to demonstrate their respect for "the voice of the people" in the Crimea. In this sense, ignoring the voice of the Crimean Tatar people was evidently perceived by the Ukrainian decision-makers as being much less dangerous for Ukraine's future, as well as for their own political prospects.

One of the most far-reaching reactions to the restoration of the Crimean ASSR was the decision by the Crimean Tatar National Movement Organization (OKND) to convene the Second Kurultay (National Assembly) of the Crimean Tatar people in June 1991.<sup>215</sup> The Kurultay adopted a number of resolutions,

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<sup>213</sup> "Türkiye'deki Qırım Tatarlar Milliy Areketinin Seyri", *Bahçesaray Dergisi*, 09.05.2009. Online at <http://www.vatankirim.net/bahcesaray/?cat=30> (accessed on 22.08.2009)

<sup>214</sup> The law of 12 February 1991 "On the Restoration of the Crimean Autonomous Soviet Socialist Republic" was condemned by the OKND statement of 8 March 1991 because "the determination of the statehood of national territories could not be done by a simple majority of a population that had been resettled from other territories" (i.e. the Russian community).

<sup>215</sup> The Kurultay of 1991 was named the Second in order to memorize the First Kurultay of November 1917 that had declared the establishment of the Crimean Republic, adopted a democratic Constitution that guaranteed the right for self-determination for all peoples populating Crimea, and elected a government. The Second Kurultay of 1991 was meant to stress symbolically the continuity of that democratic tradition.

statements and other documents.<sup>216</sup> Perhaps, the most significant of these was the "Declaration on the National Sovereignty of the Crimean Tatar People".<sup>217</sup> It announced the establishment of the Mejlis of Crimean Tatar people - the principal representative body of the whole people between the sessions of Kurultay. It also stated that the only subject of self-determination within the territory of the Crimea was the Crimean Tatar people, whose "political, economic, spiritual, and cultural rebirth is possible only in its national sovereign state" and that this sovereign state would be based on "mutual respect between Crimean Tatars and all other national and ethnic groups" and a strict observance of the rights of "all people irrespective of their ethnic origin". Such a state was defined as the main aim of the Crimean Tatar people to be pursued by "using all means provided by international law". In this and other documents, the hurried restoration of the Crimean ASSR without consulting with the Crimean Tatars was recognized as an attempt to affix by legal means the consequences of the deportation.<sup>218</sup> At the same time, these points of the Declaration have been widely quoted by all of the opponents and adversaries who have rejected any negotiations on special rights for the Crimean Tatars relating to their "indigenous status". Since then, the provisions of the Declaration, deliberately taken out of their historical context,<sup>219</sup> have been effectively used by anti-Crimean Tatar propaganda as confirmation of their sinister intentions to establish an ethno-centric Crimean Tatar state, threatening the Slavic population of the peninsula. Therefore, in retrospect, I think it could be assumed that not only the actual situation in the Crimea during the late 1980s and early 90s, but also the insensitive

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<sup>216</sup> Web site of Center of Information and Documentation of Crimean Tatars. Online at (in Russian) <http://www.cidct.org.ua/ru/publications/krimtat.mov.3/3.html> (accessed on 22.08.2009)

<sup>217</sup> Web site of Center of Information and Documentation of Crimean Tatars. Online at (in Russian) <http://www.cidct.org.ua/ru/publications/krimtat.mov.3/3.html> (accessed on 22.08.2009)

<sup>218</sup> In the appeals directed to the highest authorities of the USSR and Ukrainian SSR, the United Nations Organization (UN) and other international organizations, all of them were asked for understanding and support of the Crimean Tatars' peaceful, non-violent struggle for national self-determination by democratic means. There was no positive reaction from any of the entities addressed.

<sup>219</sup> It should be remembered that at that time, the situation in Crimea was so strained and complex that such scenarios as either the establishment of some form of a Crimean statehood within the USSR, or, most probably, joining the Russian FSSR were viewed as quite plausible.

attitude of the then highest Ukrainian authorities who had neglected the appeals and demands of the Crimean Tatars, provoked a quick and effective mobilization and self-organization of the community and promoted a certain radicalization of the Crimean Tatar political agenda.

Meanwhile, on 24 August 1991 the Verkhovna Rada proclaimed Ukraine's independence. This was later confirmed by the convincing results of the all-national referendum of 1 December 1991. This time, the Crimean Tatars, in contrast to their boycotting the Crimean referendum of 20 January 1991 and the USSR referendum of 17 March 1991, did participate, and it appears to be true that it was exactly their votes<sup>220</sup> that ensured the approval, if only by a slight majority (54 percent), of Ukrainian independence on the territory of the Crimea.<sup>221</sup> The Crimean Tatar political elite's position, evidently shared by the Crimean Tatar electorate, can be explained in several ways. First, they firmly believed that any attempt to redraw the borders of newly independent states would provoke a bloody conflict like those already incited in other post-Soviet regions and therefore dash any hopes for a peaceful resettlement in the Crimea. Second, the Crimean Tatars, as victims of the totalitarian Soviet Empire, naturally welcomed its collapse and hoped that an independent Ukraine would prove to be much more democratic than its Soviet predecessor.

From the very beginning, the fledgling Ukrainian state has shared the concerns of the Crimean Tatars about avoiding violent inter-ethnic conflict in the Crimea. Consequently, legal commitments securing minority rights seemed a pivotal issue. Nevertheless, special attention to the plight of the Crimean Tatar returnees was not among the priorities of newly independent Ukraine, nor was their situation recognized by the authorities as a factor crucial to enduring interethnic

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<sup>220</sup> Ulyana Glibchuk, "Refat Chubarov: There Is No-One Other Than Ukraine To Defend Us", *Zerkola Nedeli*, August 26, 2006

<sup>221</sup> Drohobycky, Maria, *Crimea: Dynamics, challenges and prospects*, London and Lanham: Rowman & Littlefield Publishers, 1995

peace in the Crimea, where the main problem remained rising Russian separatism. Therefore the peculiarity of the Crimean Tatar situation was ignored by the law "On National Minorities in Ukraine" that was quickly prepared and adopted on 25 June 1992 - much earlier than in most other post-Soviet republics and countries of Central and Eastern Europe.<sup>222</sup> The political demands of the Crimean Tatars did not attract any attention from the international community either, and the international community quickly appraised the law on national minorities as consistent with the traditions of European liberal democracy and as one of the best in the region.

The legal situation of the Crimean Tatars deteriorated after 23 December 1998, when the Constitution of the Autonomous Republic of Crimea, seemingly ending heated debates and power struggling between Kyiv and Simferopol that raged for almost a decade, was eventually adopted.<sup>223</sup> This remarkable event was pushed forward not only by the Crimean power holders, but also by international organizations, in particular by the OSCE, and was anticipated as an ultimate solution to a long-lasting crisis. However, it definitely aggravated the plight and dissatisfaction on the part of the Crimean Tatars whose aspirations were totally ignored. In terms of general ethno-politics in Ukraine, this Constitution can also be regarded as a backward step and as adding controversy to the national legislation in force. Unlike the Constitution of Ukraine, not only were "indigenous peoples" not referred to, but even "national minorities" were not mentioned. This is in stark contradiction to the law of Ukraine of June 1992.<sup>224</sup> In fact, the Constitution of the ARC is based on a totally different system of political and ideological approaches (denying, inter alia, the applicability of the status of a national minority to Russians

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<sup>222</sup> *Local Self-Government, Territorial Integrity and Protection of Minorities*, European Commission for Democracy through Law, Strasbourg: Council of Europe Publishing, 1996, p.149

<sup>223</sup> Natalya Belitser, "The Constitutional Process in the Autonomous Republic of Crimean in the Context of Interethnic Relations and Conflict Settlement", *Pylyp Orlyk Institute for Democracy*, Kyiv, February 20, 2000. Online at <http://www.iccrimea.org/scholarly/nbelitser.html> (accessed on 22.08.2009)

<sup>224</sup> Natalya Belitser, "Indigenous Status for the Crimean Tatars in Ukraine: A History of a Political Debate", *Pylyp Orlyk Institute for Democracy*, Kyiv, June 12, 2002. Online at <http://www.iccrimea.org/scholarly/indigenous.html> (accessed on 22.08.2009)

of the Crimea). Categories such as "citizens, foreigners, stateless persons, persons belonging to formerly deported groups" etc. can be found in this Constitution, thus emphasizing the exclusively individual dimension of human rights, and thoroughly avoiding even a hint of the possibility of providing for group rights. Whereas earlier adopted national legislative acts assume that, alongside with individual rights, those pertaining to (national) groups' rights shall be protected as well.

Not public discussions and parliamentary debates but, rather, protest actions of the Crimean Tatars resulted in certain moves towards satisfying their demands. For example, an acceptance of providing for the Crimean Tatars a quota to the parliament of Crimea in 1994 became possible only after the civic unrest of autumn 1993. The law on elections to the Supreme Council (*Verhovna Rada*) of Crimea that was adopted in October 1993 did not provide for any Crimean Tatar representation in parliament. After these elections, the Crimean Tatars undertook a campaign of civil disobedience in order to obtain representation, including closing down railways and blocking highways. As a result of this campaign, the law was amended to reserve 14 out of 98 seats for Crimean Tatars.<sup>225</sup> Turbulent events of the summer 1995 entailed the Resolution # 636 of the Cabinet of Ministers of Ukraine that contained, among many other important proposals, the recommendation on considering juridical measures in order to "include the Mejlis of the Crimean Tatar people into the legal space of Ukraine".<sup>226</sup> Realization of this recommendation was, however, delayed until 18 May 1999.<sup>227</sup> On this day the

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<sup>225</sup> But after the adoption of the new ARC constitution this quota was abolished. Now, after the 2007 ARC parliamentary elections, the Crimean Tatars have 7 deputies out of 100 in the ARC parliament. The revised 2004 Ukrainian election law provides for full proportional elections to local councils and the Crimean parliament. But it is difficult for Crimean Tatars to get their representatives elected, as local nationalists and pro-Russians are hostile to them.

<sup>226</sup> Official recognition of Mejlis and Kurultay remained, after the Second Kurultay of 1991, among the most acute of Crimean Tatars' problems. Although the necessity of this was already recognized by the first President of Ukraine Leonid Kravchuk no implementation of either President's or Cabinet of Ministers' intentions and recommendations occurred until May 1999.

<sup>227</sup> "Second Report Submitted by Ukraine pursuant to Article 25, Paragraph 1 of the Framework Convention For The Protection Of The National Minorities", Council of Europe documents, ACFC/SR/II(2006)003, Strasbourg, 8 June 2006

President of Ukraine, in the wake of a large-scale protest march of the Crimean Tatars, issued a Decree "On the Council of Representatives of Crimean Tatar People", thus establishing it as an advisory/consultative body under the President.<sup>228</sup> However, the establishment of the Council, though usually regarded as a de-facto recognition of the Mejlis, can in fact be viewed as only a palliative, still far from securing a genuine legal recognition of the representative bodies of the Crimean Tatar people. Nor has this step prevented further severe attacks on the Mejlis on the part of the Crimean leadership and local Russian nationalist organizations. They continue to condemn it as an illegal power structure, representing not the Crimean Tatar community but Crimean Tatar extremists only.<sup>229</sup>

One more important event addressing the Crimean Tatars needs and demands at the national level occurred on 5 April 2000. After parliamentary hearings in Kyiv, obtaining Ukrainian citizenship got easier but funds for assisting the returning Crimean Tatars remained very low and insufficient. Assistance came principally from donor countries (like Turkey<sup>230</sup> and Canada) and some international organizations (in particular the United Nations Development Program-UNDP).

A law concerning the status and rights of formerly deported people and hoped to establish clear and transparent rules and procedures for resolving some of the pressing problems in the Crimea, including the land disputes, was passed by the

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<sup>228</sup> Web site of the Center of Information and Documentation of Crimean Tatars. Online at <http://www.cidct.org.ua/en/studii/4/1.html> (accessed on 22.08.2009)

<sup>229</sup> Various Russian web sites in Crimea supporting Russia and Russian interests like Web site of the Russian people of the Crimea and links indicated in this web site.

<sup>230</sup> As of 2009, Turkish financial support and technical assistance in Crimea is estimated to have surpassed 20 million USD since independence of Ukraine.

Ukrainian parliament in 2004 but vetoed by former President Kuchma.<sup>231</sup> Until now there was no development regarding this law.

The Orange period after 2004 was in retrospect a disillusionment for the Crimean Tatars. Although the Crimean Tatars en-masse supported Victor Yushchenko and his allies in elections, their political support was not transformed into social, political and economic gains for them. Occasional political (and in some cases minor physical) clashes with ethnic Russians in the Crimea continued. Besides, Crimean Tatars organized demonstrations in the capital Kyiv to attract the Ukrainian Government's attention to their long-lasting problems.<sup>232</sup>

The First World Crimean Tatar Congress was held in May 2009 in Simferopol. Delegates from 162 national organizations from 12 countries of the world adopted a declaration on the establishment of the Congress having the status of an international organization and elected Refat Chubarov (Vice President of the Crimean Tatar National Assembly (CTNA) and former deputy of the Verkhovna Rada) the President of the Congress. Ukrainian MP and leader of the CTNA Mustafa Cemilev was nominated for the 2009 Nobel Peace Prize.<sup>233</sup> The World Congress adopted addresses to Ukrainian leaders and several international organizations and established its working bodies. However, the World Congress has added nothing new in political, economic and humanitarian demands of the Crimean Tatars because these demands are well-known for a long time. The difference lies only in one thing. The Congress has already confirmed them at the international level and will place their implementation under international

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<sup>231</sup> "Statement by the OSCE High Commissioner on National Minorities to the Permanent Council", Statement by Knut Vollebaek, 718th Plenary Meeting of the OSCE Permanent Council, June 26, 2008. Online at [http://www.osce.org/documents/html/pdftohtml/31874\\_en.pdf.html](http://www.osce.org/documents/html/pdftohtml/31874_en.pdf.html) (accessed on 22.08.2009)

<sup>232</sup> "Crimean Tatars continue protest, demand land", *Web site of The UN Refugee Agency*. May 20, 2009. Online at <http://www.unhcr.org/refworld/topic,463af2212,469f2ef92e,4a1d3e1528,0.html> (accessed on 22.08.2009)

<sup>233</sup> Nikita Kasyanenko, "Own homeland and own heroes", *The Den*, May 27, 2009



organizations' control after some time. Therefore, the Crimean Tatar people substantially strengthen external pressure at Ukrainian state authorities with the purpose of resolving the issue of accommodation and integration into the new society.<sup>234</sup>

Many Crimean Tatars, especially those engaged in active public life, firmly believe that "the whole world recognizes us as the indigenous people of Crimea, and only Ukraine denies this, and refuses to provide for us such a status".<sup>235</sup> The reality is, however, much more complicated than it can be assumed proceeding from this widespread perception. Although political participation and representation in both elective and executive governmental bodies, formal status of the Mejlis and Kurultay; land issues and other matters of legal-political nature have eventually been recognized by international community as urgent and topical, it has never been proposed to solve them all together in a package. Accordingly, the initiative to address these issues by a bill on indigenous status was never encouraged. Indeed, apart from some of the leaders of the Crimean Tatar diaspora and a few independent experts from abroad favouring this idea, no support has so far been provided for its implementation. Nor was the Ukrainian legislature ever recommended by any international intergovernmental organization to at least consider the "status law" drafts.<sup>236</sup> Nonetheless, attention should be paid to the already established fact that within Ukraine, in defiance of strong resistance of some pro-Russian parties, such terminology as "the Crimean Tatar people" - thus distinguishing it from national minorities - has already become firmly rooted in public and legal discourse and regarded as politically correct. Whereas in the relevant documents produced, for instance by the Council of Europe, the word "people" is thoroughly omitted and the target group is being named "the Crimean Tatars", or "the Crimean Tatar population" or, even less correctly, "the Tatars of

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<sup>234</sup> Nikita Kasyanenko, "Own homeland and own heroes", *The Den*, May 27, 2009

<sup>235</sup> A statement repeated by Crimean Tatars when I visited the Crimea

<sup>236</sup> However, Turkey expresses her desire for such a status law from Ukrainian officials.

Crimea".<sup>237</sup> Sometimes, different ethnic groups formerly deported from the Crimea are referred to, indiscriminately, as the "peoples of Crimea".<sup>238</sup>

Since their mass return, the political situation of Crimean Tatars has had three characteristics. First, although their numbers reached 12 percent of local population, there were too many Tatars to be ignored but too few seriously to challenge the power of the Russophone majority of Crimea. Second, there was a contradiction between the radical agenda about sovereignty and indigenous rights and the realities of the Crimean Tatars' minority position in the 1990s. Third, Crimean Tatars pragmatically and practically aligned themselves with Ukraine and Kyiv, but they often had little support in return. The Orange Revolution and the coming to power of Orange leaders have not changed the situation of the Crimean Tatar people for the better. Bitter infighting among Orange leaders and constant political crisis have resulted in preserving the status quo in relation with the Crimean Tatars. Whether there was no political will among Orange leaders to solve the problems of the Crimean Tatars or whether they hid behind the excuse of political crisis is difficult to answer. Pro-Russian political actors in the Crimea are surely content with this status quo. There remains a real risk that the discontent of the Crimean Tatars can turn to anger against the ARC Administration and Kyiv (some protest actions have already occurred). And this may of course, destabilize the situation in the Crimea and consequently in Ukraine further.

Finally, as of 2009, the problems of the Crimean Tatar people are vast.<sup>239</sup> As stated above, the legal status of the Crimean people in Ukraine as an indigenous

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<sup>237</sup> See the CoE Doc. 8655 from 18 February 2000, Recommendation 1455 (2000) from 5 April 2000, Order # 565 (2000) from April 2000, Mig\cdmg\docs\2000\33e from 15 November 2000, and Doc. 9121 from 14 June 2001. Web site of the Council of Europe. Online at <http://www.coe.int/> (accessed on 23.08.2009)

<sup>238</sup> For the concise explanation of why Crimean Tatars should not be equated with the Tatars, for example, from the Kazan, Astrakhan etc., see Greta Lynn Uehling, "The Crimean Tatars". Online at <http://www.iccrimea.org/scholarly/krimtatars.html>, accessed on 23.08.2009

<sup>239</sup> Regarding a rather comprehensive account of problems of Crimean Tatars see the report on "Repatriation and integration of the Tatars of Crimea", Parliamentary Assembly of the Council of

people of Ukraine has not been restored. Crimean Tatars want to be recognized as an indigenous national group and not as a national minority. The Crimean Tatar National Assembly is recognized de-facto but its legal status has still not been settled ultimately. The Crimean Tatars are discriminated when applying for jobs in the private as well as public sector. Over 60% the Crimean Tatars have no employment or permanent income. The average percentage of the Crimean Tatars in the government institutions of the Crimea is about 4 percent although the Crimean Tatars constitute almost 12% of the whole population of the Crimea.<sup>240</sup> As explained previously, the Crimean Tatars are under-represented in the ARC parliament, too. The Crimean Tatars are deprived of their property and land and are still not compensated accordingly. Before the deportation, the Crimean Tatars had about 1 million hectares of agricultural land. The land taken away from the Crimean Tatars is transferred into private property by mainly Russian and partly Ukrainian settlers. Council of Europe recommendations on this matter to redress the situation have not been fulfilled fully by the Ukrainian state.<sup>241</sup> According to incomplete data, the cost of the private property withdrawn from Crimean Tatars constitutes over 6 billion USD. The cost of the property belonged to collective farms and cooperatives founded by the Crimean Tatars constitutes 1.2 billion USD.<sup>242</sup> Besides,  $\frac{3}{4}$  of the Crimean Tatars live in rural areas but possess only half the land allocated to Russian and Ukrainian settlers.<sup>243</sup> Before 1944, Crimean Tatars accounted for 70 percent of the population along the south coast, an area that

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Europe, February 18, 2000 : Online at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc00/EDOC8655.htm> (accessed on 22.08.2009)

<sup>240</sup> Interview with Refat Chubarov, Vice President of the Crimean Tatar National Assembly on October 10, 2006 during my visit to the Crimea.

<sup>241</sup> PACE Recommendation 1455 (2000). Web site of the Council of Europe. Online at <http://www.coe.int/> (accessed on 23.08.2009)

<sup>242</sup> Ayder Mustafayev, “Appeal of Crimean Tatar People, OSCE Conference on Combating Discrimination and Promoting Mutual Respect and Understanding”, June 8, 2007. Online at [http://www.osce.org/documents/cio/2007/06/24962\\_en.pdf](http://www.osce.org/documents/cio/2007/06/24962_en.pdf) (accessed on 23.08.2009)

<sup>243</sup> Interview with Refat Chubarov, Vice President of the Crimean Tatar National Assembly on October 10, 2006 during my visit to the Crimea.

they are barred from, because tourism has made it highly valuable to developers.<sup>244</sup> The Crimean Tatar language is excluded from the public life of Ukraine and the Crimea. Before the deportation the Crimean Tatar language was one of the state languages of the Crimean Autonomous Soviet Socialist Republic. It was used in clerical work, in court, for official documents, announcements and official seals. Every day radio programs in the Crimean Tatar language were broadcasted for several hours, Crimean Tatar children received education in their native language, there were vocational schools and institutes. Ukrainian authorities boast that 14 Crimean Tatar schools have been opened. This is true. But they were opened by the Crimean Tatars without their help. Before the deportation there were over 300 schools.<sup>245</sup> The 1998 Crimean Constitution has excluded the Crimean Tatar language from the list of state and official languages, keeping only Ukrainian and Russian as such. Ratification by Ukraine of the “European Charter of Regional and Minority Languages” did not introduce any changes to the state policy with regard to the Crimean Tatar language.<sup>246</sup> Due to Russian Imperial and Soviet policies, large part of the cultural heritage of Crimean Tatars is destroyed or left to natural attrition. Ukrainian authorities are either not very keen or do not have the financial resources to revive this cultural heritage. The financial support and technical assistance of Turkey in this area has done a lot since independence of Ukraine.<sup>247</sup>

To conclude, as explained thoroughly in the first two parts of this chapter, the Crimean question is already loaded with real and potential risks involving the

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<sup>244</sup> Interview with Refat Chubarov, Vice President of the Crimean Tatar National Assembly on October 10, 2006 during my visit to the Crimea.

<sup>245</sup> Interview with Seyran Osmanov, former Honorary Consul of Turkey in Simferopol on March 17, 2008 during my visit to the Crimea.

<sup>246</sup> Interview with Refat Chubarov, Vice President of the Crimean Tatar National Assembly on October 10, 2006 during my visit to the Crimea.

<sup>247</sup> Interview with representatives of the Simferopol Office of the Turkish International Cooperation Agency on March 17, 2008 during my visit to the Crimea.

Russian factor. The Crimean Tatar factor in Crimean and Ukrainian politics, especially the many still unsolved problems of the Crimean Tatars adds to the delicacy of the Crimean question and complicates the situation further. This chapter on the Crimea has illustrated various aspects of the Crimean question and underscored its importance for Ukrainian foreign policy. Indeed, the complex ethnic composition of the peninsula, its strategic location in Europe (along the northern coast of the Black Sea; close to the Balkans, Caucasus and Turkey; and also on the southern flank of Eastern Europe), the Russian Black Sea Fleet in Sevastopol and on top of it, the presence and situation of the Crimean Tatars all have real and potential implications on domestic as well as the foreign policy of Ukraine and beyond. If not handled with due attention, the inherent tension within each of these issues, can tip the equilibrium towards instability and surely will complicate the already difficult Crimean (and also Ukrainian) question. Regional and international implications in this negative scenario are surely probable.

## **CHAPTER 8**

### **CONCLUSION**

This thesis sought to explain whether domestic or external factors have been more influential in the determination of Ukrainian foreign policy orientation. The thesis is based on the hypothesis that contrary to the view that exaggerates the role of external factors, in the final analysis, it is Ukraine's domestic factors which determines the direction of Ukrainian foreign policy in the post-Soviet era. Each of the conclusions of the previous chapters have demonstrated that domestic factors were the determinant factor to influence Ukrainian foreign policy.

In this respect, the second chapter on the interaction between domestic and external factors in Ukrainian foreign policy in the pre-Orange Revolution era concludes that after gaining independence, Ukrainian politicians have made general references to Ukraine's place in Europe and that Leonid Kravchuk, the first President of the post-Soviet Ukraine, can be characterized as pro-Western insofar as he articulated Ukraine's European vocation as a matter of its sovereignty. In large measure this was the result of the insecurity felt in ensuring the country's independence during tense negotiations with Russia. The talk about integration with Europe has been one of the continuing discourses. However, it was expressed only in general terms. It did not list the goal of integration with the European structures as an urgent priority (as was the case with some of the ex-Soviet satellite states in Central Europe), but rather included it among other foreign policy goals. Leonid Kuchma broadly continued this policy line.

The third chapter on the characteristics of Ukrainian foreign policy in the post-Orange Revolution era shows that in spite of a vigorous pro-Western foreign policy, domestic constraints and the insufficient pace of reform efforts in Ukraine

has led to the lessening of the enthusiasm in support of Kyiv's Orange leaders by the West and the Ukrainian electorate. The next four chapters have examined these domestic constraints (political, economic and cultural factors, and additionally the Crimean question) in detail.

In this context, by exposing political factors (i.e. administrative structure, executive and legislative branches of power; and political reform and the reasons for its failure) effective in Ukraine, the fourth chapter on the impact of political factors on Ukrainian foreign policy concludes that, this chapter had demonstrated that despite declared good intentions of Orange leaders to transform Ukraine into a pro-Western democratic country, this goal had failed to a large extent. It has further been argued that the reasons for this lie in the domestic fault lines within the Ukrainian state and society, and that this failure had led to a situation in which the durability and depth of Western vocation of Ukraine had come under doubt in some Western capitals and support to Orange leaders had weakened considerably.

The fifth chapter on the impact of economic factors on Ukrainian foreign policy concludes that this chapter had illustrated the economic structure of the country and important aspects of this structure which were intertwined with domestic and foreign policy. Further it has been stated that this chapter had proved that the economic structure of Ukraine acted as an additional constraint to Kyiv's foreign policy and also to a too ambitious pro-Western foreign policy and that without taking into account this economic structure, assessment of Ukraine's relations with various countries would had definitely been incomplete.

The sixth chapter on the impact of cultural factors on Ukrainian foreign policy has several conclusions: First, ethno-linguistic and religious structures of Ukraine are among the most significant, probably the most weighted reasons for the internal societal divisions within the country. Second, this ethno-linguistic and religious structure is additional confirmation of Russian cultural influence. Third, internal frictions seem predominant at different levels. This means that at the level of elections, regional factors have a strong influence but within the

national parliament, left-right differences outweigh regional factors. Fourth, another effect of Ukraine's internal frictions is on institutional arrangements. Electoral laws seem to have different effects in a divided society like Ukraine as compared with homogeneous ones. The cultural structure of Ukraine is perhaps the most important constraint to the foreign policy of the country, and in this respect a too ambitious pro-Western as well as pro-Russian foreign policy.

The seventh chapter on the Crimean question in Ukrainian foreign policy concludes that the Crimean question was loaded with real and potential risks involving the Russian factor; that the Crimean Tatar factor in Crimean and Ukrainian politics, especially the many still unsolved problems of the Crimean Tatars added to the delicacy of the Crimean question and complicated the situation further. Further it is argued that the chapter on the Crimea has illustrated various aspects of the Crimean question and underscored its importance for Ukrainian foreign policy and indeed, the complex ethnic composition of the peninsula, its strategic location in Europe, the Russian BSF in Sevastopol and on top of it, the presence and situation of the Crimean Tatars all has real and potential implications on domestic as well as the foreign policy of Ukraine, and beyond; and if not handled with due attention, the inherent tension within each of these issues, could tip the equilibrium towards instability and surely would complicate the already difficult Crimean (and also Ukrainian) question, and that regional and international implications in this negative scenario are surely probable. It is also stated that the Crimean question is yet another constraint to Ukrainian foreign policy.

Consequently, as it is shown in all the previous chapters of this thesis, domestic sources have an important and largely determinant impact on Ukrainian foreign policy. First, when formulating its foreign policy Kyiv must take into account the ethnic, language and religious disparities and political-economic features of the domestic Ukrainian landscape. And due to the fact that it is domestic politics which defines who will come to power in Kyiv and consequently define foreign policy, this domestic factor has an additional immense significance. Second, foreign countries and international organizations



have to take into consideration this domestic factor because of the country's geographical location and the size of the population, too. This country of 46 million people is a strategically placed capitalist (albeit fragile) democracy on the fault line between Russia and the Euro-Atlantic area. Complex and messy as Ukrainian politics may be, the country has been both peaceful and democratic since the Orange revolution in 2004. The media in Ukraine are freer than ever and the parliament is no rubber stamp for the executive branch (a big exception to Russia and most CIS countries). Ukraine is central to achieving the goal of a Europe that is free and at peace. But if the West turns away, gains from the past five "Orange" years could be lost. Another, third reason why domestic factors are more determinant in defining Ukrainian foreign policy than external factors can be found in the comparison between Ukraine and Russia. External actors seem to have much more influence on Russian foreign policy than domestic factors. The principal reason is Moscow's strive of preserving and extending its role as a global actor, or as some put it, its imperial ambitions in its vicinity and in the wider world. Consequently, external actors have to be taken very seriously by the Kremlin in order to formulate responses and also initiate some policies. On the other hand, Ukraine has never had imperial ambitions in its history, and did never pretend being a global actor. It did not even exist as an independent international actor until 18 years ago. Therefore, if seen from this perspective, external factors are not that much determinant for Kyiv in formulating her foreign policy than it is for Moscow.

Ukraine is in many ways still a transition country and after almost 20 years of independence still gives the impression that it has not ultimately made up its mind yet with regard to its place in Europe. As of 2009, some scholars and politicians alike continue to question its place in Europe and whether it could be seen as part of the so-called "more civilized part" of Europe or not. Although it should be underlined that this cannot be said with regard to President Yushchenko and his foreign policy team, who always stucked

to a firm pro-Western line. As a matter of fact, it is the overall political situation and prevailing public opinion in Ukraine which gives this impression. The internal divisions within the country, the “Russian factor” and the institutional setup of Ukraine make it very delicate for the Ukrainian leadership to hold on a coherent and stable policy line. This may be seen as the cause of the meandering foreign policy course particularly of President Kuchma.

The West and Russia seem not to have come to terms with an independent Ukraine in Europe, too, and did still not agree where to put it in the European architecture. If they do not agree on this issue, the tension between them may continue to affect domestic developments in Ukraine. A clearer signal from the West to Ukraine that if internal political divisions are transcended, EU and NATO membership will be granted, may motivate Western-oriented forces in Ukraine to consolidate and accelerate reforms towards integration with Europe. However, an economically strong and politically stable Russia with a coherent foreign policy with the aim of not “losing” Ukraine to the West may complicate the situation. In particular the situation on the Crimean peninsula and the future of the Russian Black Sea Fleet have the potential for instability in and around Ukraine.

One of Yushchenko's most important political goals was to gain Ukraine's membership in NATO and this immediately became a source of intense contention with Russia. Moreover, Yushchenko attempted to play the Ukrainian nationalism card, but this was not the most appropriate move in a country with so many different ethnicities and cultures, and especially in view of a strong Russian influence inside Ukrainian society.

As of late 2009, with practically no chance of joining the European Union in foreseeable future, Ukraine has been left without this significant goal. It is now difficult to take seriously the popular slogan of Ukraine's "European integration". According to polls held since 2008, Yushchenko's support among the

electorate has fallen to as low as 3 percent. In any event, the 2010 presidential election campaign promises to be heated and this could ultimately complicate relations with the country's neighbors, particularly Russia. The gas wars with Russia have shown that the Ukrainian President is willing to take risks and that he can adroitly provoke Moscow to make the Kremlin look bad. As already stated, the biggest risk would be for Yushchenko or future likeminded Orange politicians to provoke Moscow on the issue of the Russian Black Sea Fleet, based in Sevastopol, but this could lead to a conflict much more serious than the gas wars between Kyiv and Moscow in recent years. The Georgia-Russia war in August 2008 has proven that Russia does not hesitate to act when its interests are at stake.

Considering Ukraine's important geopolitical position, events in the country have ramifications for Russia and Europe. Politicians in Kyiv, however, seem not to be completely aware of this fact as they are mired in internal clashes and the fight for their own political survival. It seems that this shortsightedness will not change until a new, more pragmatic generation of politicians come to power.

The transition from a Soviet, eastern Slavic and autocratic country towards a western, modern, capitalist and democratic society is still going on. That this process is not without intervals should be remembered. In the past, fierce domestic political infighting and economic woes have too often halted the reform process in Kyiv. Declaratively "western" politicians have also frequently proved that they do not differ much from anti-Western politicians in relation to their approach towards the rule of law and independence of the judiciary. This has disillusioned the Orange electorate in Ukraine, too. The effect and size of this disillusionment of the Orange electorate will be seen in the forthcoming presidential elections. Parliamentary elections in 2006 and 2007 have shown the diminishing support for Yushchenko-friendly parties and led to the split of these parties in 2008. Many former Yushchenko allies have distanced themselves from him.

Without a compromise between elites in Kyiv regarding Ukraine's place in Europe, the enforcement of the wishes of one side against the other side will not be successful and may lead to the deepening of the existing domestic conflict. Yushchenko's over-zealous pro-Western policy is difficult to be regarded as having been successful, and led to a more careful approach even among leading Western countries who kept an eye on Moscow. The pro-Western foreign policy of President Yushchenko seems to be too ambitious than what some Western capitals desired and expected. From 2005 on, official Kyiv pursued a policy which often led to tensions with the Kremlin. The EU and to some extent US took always into consideration its relations with Moscow and were not prepared to support Kyiv on any occasion, and called for a less confrontational course towards Moscow.

President Yushchenko's foreign policy line which has disregarded in key domestic and foreign policy issues entirely the concerns of some sections of Ukrainian people proved not to be viable. Even "Orange" Tymoshenko is in favour of a more balanced pro-Western policy and is more careful in pursuing a foreign policy upsetting the Kremlin too much. The next Ukrainian President may revise some Yushchenko policies. This will perhaps reduce tensions across the fault lines in Ukrainian society and also in Ukraine-Russia relations.

Taking into consideration of the mentioned fault lines inside Ukraine, a more unhurried and gradual pro-Western policy line may be more preferable for both the West and Russia, and also for the Ukrainian people. The fact that there are more historical, ethnic, cultural, linguistic and religious bonds between Ukrainian and Russian people than those between Ukrainians and western European nations should be kept in mind, too. At the same time, it is the high standard of life, rule of law and level of democracy in the West which is making the West more attractive for Ukrainians than Russia. In a nutshell, it is

this dual influence which is complicating the whole issue around the “Ukrainian question”.

Nevertheless, although some journalists and scholars often emphasize the ethnic and linguistic divide of Ukraine and some Ukrainian politicians clearly exploit fault lines within Ukraine’s society to serve their personal interests, Ukrainian people are in the midst of a gradual process of developing a sense of a nation. A nation-building process is under the way since 1991 and a lot has been achieved until now. Orange administrations since 2004 have surely contributed greatly to the efforts in this direction and also for building a freer and more Western society.

With every year passing since independence, possibility of a unification of Ukraine with Russia becomes more irrelevant and losing its independence more unrealistic. The discussion among politicians of both colors (Orange and Blue) in Kyiv has shifted from a divisive question of “Europe or Russia” to a more rational standpoint that accepts Ukraine’s integration with Europe and is also aware of the importance and unique nature of Ukraine-Russia relations. Therefore, it is highly probable that Ukrainian foreign policy will be guided, at least for the short and medium term (10-15 years) by the role and influence of the West and Russia in Kyiv. When evaluating Ukraine’s foreign policy since independence, it can be said that Kyiv’s policy has been an attempt to balance its pro-Western ambitions with its historical, cultural and other deeply rooted ties with Slavic Eurasia, particularly with Russia. For the most part, Ukrainian policy makers have leaned more toward the West, meaning the United States, European Union, NATO and other key individual Western states, as well as international financial organizations such as the World Bank and the International Monetary Fund. The main motivation for focusing on the West was to obtain the economic and political support necessary to ensure Ukraine’s continued existence as an independent state.

I think *if* the nation building process in Ukraine reaches a particular point and elites in Kyiv somehow reach a compromise that Ukraine belongs into Europe then it will be more probable that Ukraine be accommodated into Europe. Integrating Russia into this equation, especially in order to maintain peace and stability in the Crimea is indispensable. The Crimea is the most vulnerable issue for the future territorial integrity and stability of Ukraine. Apart from the much publicized Russian factor in the Crimea, if not tackled soon with due seriousness by Kyiv, the Crimean Tatar issue may be an additional source of instability in the Crimea and Ukraine.

Anyway, skillful and rational diplomacy from Kyiv and relevant foreign policy actors regarding the geographical area encompassing Ukraine is required. The presidential elections in January 2010 and possible parliamentary elections the same year will determine the course of Kyiv and also the approach of the West and Russia regarding Ukraine for the near future. As of late 2009, in view of the global financial crisis in Ukraine, different levels of support from various Western countries to Ukraine and soured Ukrainian-Russian relations, the direction to be taken by official Kyiv after January 2010 is not possible to predict. In any case, Ukraine needs a period of domestic political stability to consolidate its democracy and finish economic-social and political reforms. Although recent history of Ukraine does not bode well in this vein, hope is the least which can be expressed.

The West has to define clearly its goals regarding Ukraine and determine if it puts good relations with Ukraine over good relations with the Kremlin. Or it has to find a middle-way in responding to this problem. Another aspect is the need for Russians and Westerners alike to clarify their overall approach in relation to developments in Ukraine and its future. There are still some who carry on believing in misleading stories. Some in the West like to believe the fiction that Ukraine is building a European democracy and some Russians are confident that Ukraine or at least its Russian-dominated provinces in the east of the

country and/or the Crimea will one day return to Russia. A categorical acceptance of any of the above myths on Ukraine is misplaced and can lead to wrong conclusions. As has been explained throughout this thesis, the Ukrainian question is much more complicated.

To conclude, in light of the above analysis, the findings of this thesis have demonstrated that domestic factors are much more influential in determining Ukrainian foreign policy. Besides, neo-realism is not adequate to explain Ukrainian foreign policy while neo-liberal institutionalism explains the role of domestic factors on Ukrainian foreign policy better.

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