

Ukraine's Elections: The Forces In Play (III)

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1. Ukraine's authorities are deploying all of their political resources to create pretexts, phantom issues and bogus compromises to recover the ground that they have lost over the past week. One of their key objectives is to enlist the EU as an accomplice in these efforts.¹ Success in this goal would, in their view, split the opposition, exhaust and demoralise their grass roots supporters and entrap Yushchenko in a 'process' that would be no less rigged than the elections themselves.

2. These new tactics stem from several adverse developments: the decision of the Ukrainian Supreme Court (25 November) to accept Yushchenko's appeal and adjudicate on the legality of the elections;² parliament's vote of no confidence in Yanukovich's government (1 December); the crumbling of Yanukovich's forces continued defections from the state apparatus³ and growing indications that power ministries will not carry out orders to suppress the opposition. (On 29 November, a major movement of Ministry of Interior (MVS) forces against Kyiv demonstrators was foiled by the insubordination of MVS officers.)

3. The first gambit was eastern secession (most prominently, the convening on 29 November 'Northern Donetsk All-Ukrainian Congress'). In Ukraine, this threat (and the spectre of 'civil war') rang hollow for at least two reasons. First, it was plainly a manoeuvre from the top which lacked grass roots support. Second, the Donetsk power structures themselves, who are in sharp competition with Russian business interests, understand that secession would make them almost entirely dependent upon Russia. Yanukovich's attendance at this Congress (alongside the Mayor of Moscow, Yuri Luzhkov)⁴ appeared to associate him with unconstitutional measures. For a would be president, this was a blunder of the first order, and he has not recovered from it. Yet some in the West accepted the manoeuvres at face value and, by defending the right of the authorities to 'hold the country together', may have unwittingly hacked a pretext for using force. Fortunately, the secessionist seems to be collapsing as quickly as it started.

4. The more recent gambit is President Kuchma's offer to hold 'new' elections. Off camera. Kuchma (and more recently President Putin) has made it clear that 'new elections' means starting the process *de novo*, with a new first and second round, a newly composed Central Electoral Commission and new candidates. In practice (and according to the constitution), this would keep the present authorities ill power and restore 'normality' (i.e., the *status quo ante*) for three months. Although there is nothing in common between this 'concession' and the opposition's demand for a *rerun* of elections (i.e., the second round) with the same two candidates, EU negotiators on 26 November did not appear to grasp the distinction.

5. The third gambit is accepting the opposition's demand for a rerun, but only in exchange for the immediate acceptance of 'political reform': code for the implementation of Kuchma's long tabled (and long rejected) package of proposals to render the presidency a largely symbolic office and transfer effective power to a prime minister, elected by parliament. The authorities' leverage over parliament might be considerable under this scenario. Even if parliament did not elect Kuchma himself to this post (an outcome he appears to seek), there is a good possibility that the successful candidate would render Yushchenko impotent.

6. Kuchma's surprise visit to Moscow on 2 December demonstrates that Putin remains a pivotal player. Thus far, his policy has been based upon a combination of deliberation, delusion and guile, all underpinned by compelling geopolitical interest. Putin's greatest delusion, endemic to the circles who advise him, is the underestimation of Ukrainian national consciousness and civil society. Deliberation, reflected in the intimate involvement of Russian 'political technologists' in Ukraine's electoral fraud, has run into the buffers of these delusions.⁵ These blunders are exposing Putin to an unprecedented degree of criticism in Russia itself. Yet his response has been to strengthen Kuchma's hand and intensify his own intervention, whilst decrying the 'interference' of others.⁶

7. The determination of Ukraine's authorities to remain in power overrides any need to be honest with honest brokers. To these authorities 'compromise' is a means of struggle. Given this fact, there could be adverse consequences in Ukraine if the EU pursues it as an end in itself. For Ukrainians, the issue is legitimacy, not stability. Any stability achieved at the expense of legitimacy would be fraught, short-lived, deeply damaging to the EU's standing and, sooner rather than later, its interests.

ENDNOTES

¹ The first EU led mission took place on 26 November. It comprised Javier Solana (EU High Representative for the Common Foreign & Security Policy), Jan Kubis (Secretary General of the OSCE), Alexander Kwasniewski (President of Poland), Valdas Adamkus (President of Lithuania) and Boris Gryzlov (Chairman of the Russian State Duma and Putin's Special Representative). The Ukrainian participants comprised President Kuchma, Prime Minister Yanukovich, Viktor Yushchenko and Volodymyr Lytvyn (Chairman of the Ukrainian Parliament). A second visit occurred on 1 December.

² Of course, the court's decision, which is likely to be announced on 3 December, cannot be predicted. But the fact that the hearings, which began on 29 November, are being conducted by the civil branch of the court, which consists of judges known for their independence, has caused unease to the authorities.

³ By now, these include a large number of officials of the Ministry of Foreign Affairs. By 2 December, some 450 diplomats and officials recognised Yushchenko as Ukraine's rightful president. Defections have also taken place within the Ministry of Interior and SBU, Ukraine's Security Service. The latter include General Skybynets'kiy adviser to SBU Chairman Ihor Smeshko (but now without line responsibilities), General Skypal'skiy (adviser and a former Deputy SBU Chairman) and four other unnamed general officers. Whether these are serving officers, advisers or retired officers is not indicated. For his part, General Smeshko has stated: 'I rule out any use of force against our own people. The SBU states again that it will not interfere in political processes'. This posture of studied neutrality has made it possible for SBU officers sympathetic to the opposition to provide it with some timely intelligence. Yet there is no open source indication thus far that the SBU has withdrawn intelligence, security and communications support from the President, Presidential Administration and government. Thus far, there is no sign that the Armed Forces have been drawn into the political struggle. For background, see James Sherr, [Into](#)

Reverse? The Dismissal of Ukraine's Minister of Defence, (CSRC, Occasional Brief, 04/26, 29 September 2004).

⁴ Mayor Luzhkov, a strong supporter of Crimean separatism (and a major investor there), has long been associated with a hard, 'chauvinistic' policy towards Ukraine.

⁵ Alexei Makarkin, Deputy General Director of the Political Techniques Centre, Moscow, recently stated that 'we have dropped out of the circle of active players' (*gazeta.ru*, 29 November). Other Russian analysts convey an atmosphere of confusion, setbacks, redeployment of forces, rethinking of tactics and a determination to fight from new positions. According to the respected geopolitician Aleksandr Dugin, whose views are regarded sympathetically by the Kremlin, 'a war must be avoided to the last possible moment. If this becomes impossible, the war must be won' (*RIA Novosti*, 29 November).

⁶ It is still unclear what role, if any, Russian *spetsnaz* might play in events. Earlier reports of their presence are given credence by a carefully detailed compilation of eyewitness accounts in the respected Russian newspaper, *Kommersant*, on 29 November ('Russian Spetsnaz have been in Ukraine since 23 November' [*Rossiyskiy spetsnaz nakhoditsya v Ukraine s 23^{go} noyabrya*], *kommersant.net*, 29 November 2004). The paper reiterates earlier reports that one mission of an estimated 800 troops is to exfiltrate presidential, governmental and SBU documents to Russia. For President Putin, RF security and intelligence services, and energy structures, it would be vital to ensure that documents revealing the extent and methods of Russian intervention in Ukraine not fall into opposition (or Western) hands. The *Kommersant* article contains highly specific but sporadic accounts of landings and surface movements of detachments and 'vestiges' [*sledy*] of 'Vityaz' special purpose MVD forces at Gosmotel' aerodrome (near Irpin). Vasil'kov military aerodrome near Kyiv and Kyiv Boryspil International Airport.



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