

The Ukrainian Week

International edition

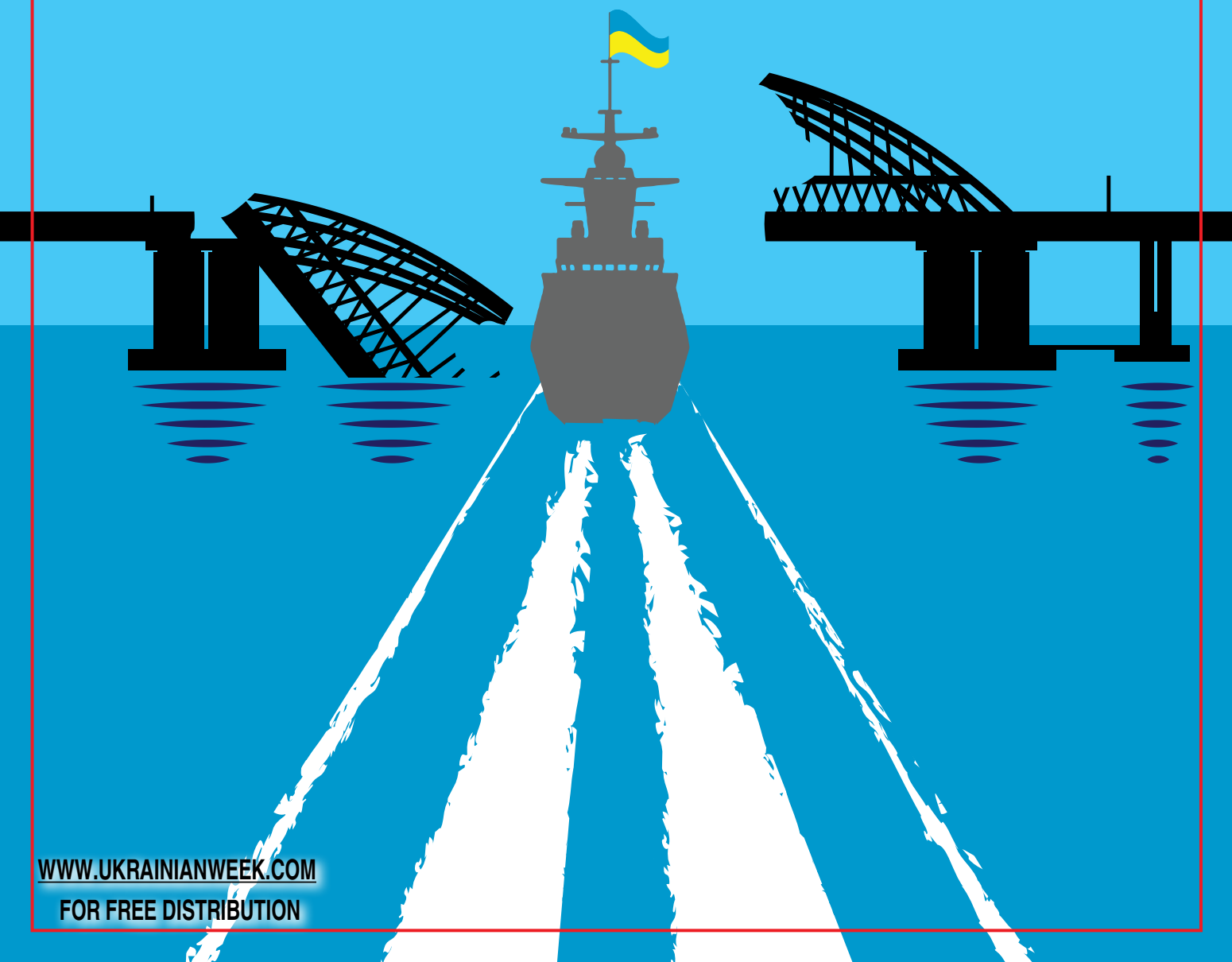
#12 (130) December 2018

The consequences of Russia's
escalation near the Kerch Strait

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and the danger of populism

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and its political reasons

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The Ukrainian Week

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BRIEFING

Voices crying in the wilderness

Stanislav Kozliuk

When Oleh Sentsov was awarded the European Parliament's esteemed Sakharov Prize, he found out about it in a penal colony in the Arctic town of Labytnangi, in Russia. This is where the Ukrainian filmmaker is being held today, since a Russian court ruled that he was guilty of "preparing acts of terror" in occupied Crimea and gave him a sentence of 20 years in prison.

PHOTO: REUTERS



The prize in the name of Andrei Sakharov, a Russian physicist who was also a human rights activist, was established by the European Parliament in 1988. It is awarded every year to a person who has been prominent in defending human rights, developing democracy and protecting the rights of minorities. It was first awarded to Nelson Mandela, who had fought for decades against apartheid in South Africa, and soviet dissident Anatoliy Marchenko. Since then, it has been awarded every year to individuals who are fighting for universal values around the world. It has been awarded in then-Czechoslovakia, then-Yugoslavia, Argentina, Bangladesh, Algeria, Cuba, Belarus, and many other countries. This year, Ukraine joined the list for the first time.

The reason for this is quite obvious. Ever since Russia first started its invasion of Crimea, and later in the Donbas, more than 70 Ukrainians have found themselves in prison in occupied Crimea and in Russia. Some of them were sentenced for their political views, such as Oleh Sentsov and Oleksandr Kolchenko. Others were in the wrong place at the wrong time, such as Serhiy Lytvynov, whom Russian propaganda has turned into a “fascist,” accusing him of mass murdering Russian-speaking men, raping women, and killing children, although the case fell apart and no court hearing have taken place — and Lytvynov is still sitting in prison. Russian enforcement agencies have come up with many different accusations: where Sentsov was accused of preparing an act of terror, UkrInform journalist Roman Shenko was accused of espionage. UNA-UNSO member Mykola Karpiuk was accused of taking part in the Chechen War. Veteran of the current war with Russia, activist Yevhen Panov, was accused of trying to set up sabotage in Crimea.

THE MOST FAMOUS IN THE WORLD COMMUNITY WAS THE HUNGER STRIKE OF FILMMAKER SENTSOV. HE ANNOUNCED HIS INTENTIONS PRIOR TO THE START OF THE CHAMPIONSHIPS WITH JUST ONE CONDITION FOR RUSSIA: RELEASE ALL POLITICAL PRISONERS THAT THE KREMLIN WAS HOLDING BEHIND BARS.

WITHOUT HAVING EXPECTED THIS, SENTSOV BECAME A SYMBOL OF THE STRUGGLE OF UKRAINIAN POLITICAL PRISONERS AGAINST RUSSIA

Meanwhile, the persecution of the Crimean Tatars has been going on since the very start of Russia's occupation of the peninsula. They are typically accused of belonging to extremist organizations and engaging in terrorism. In the four plus years of Russia's war, Ukrainians have been sentenced for a total of 240 years, and this does not even take into account the prisoners held in occupied Donbas.

In all this time, unfortunately, Ukraine has not managed to find a working recipe that will get its political prisoners released from behind Russian bars. After all, this is firstly a political matter that, in most cases, is resolved at the level of the two presidential administrations. Despite all the efforts of Ukraine's government and its activist community, Ukraine has managed to return only about 10 individuals: some were exchanged, some managed to flee occupied territory, and some completed their sentences. But the serious basic problem remains: How do you keep this matter alive, not just inside Ukraine, but in the international community?

In part this was decided by the prisoners themselves. With the minimum of opportunities available to them, they managed to get the attention of part of the world community by announcing hunger strikes that, for the most part, coincided with the start of the World Football Championships in 2016. For instance, Volodymyr Balukh, a farmer from Crimea who was accused of supposedly stocking ammunition, refused to eat for nearly 8 months. Stanislav Klykh, Oleksandr Kolchenko and Oleksandr Shumkov all also announced hunger strikes. But the

most famous in the world community was the hunger strike of filmmaker Sentsov. He announced his intentions prior to the start of the championships with just one condition for Russia: release all political prisoners that the Kremlin was holding behind bars. At around this same time, Ukrainian rights activists launched the latest wave of demonstrations in support of prisoners of conscience that rolled around the entire world. Without having expected this, Sentsov became a symbol of the struggle of Ukrainian political prisoners against Russia.

For the more than 140 days during which the Crimean filmmaker refused to eat, rumors circulated every once in a while that he was about to be released. Several times they were partly confirmed from various sources in Ukraine. However, it never happened. In the end, at the beginning of October, Sentsov had to abandon his strike for a number of reasons, including that he was told they would “turn him into a vegetable” and force-feed him, according to Sentsov's lawyer, Dmytriy Dinze. The consequences of the hunger strike were heavy. As Dinze explained, Sentsov's kidneys, liver and heart were damaged, and so far it's not clear whether he has been properly treated for these conditions. Not long ago, Sentsov was taken from the hospital back to the penal colony in Labytnangi.

Even though the prisoners all remained behind bars, Sentsov managed to do something that four years of effort on the part of activists and the Ukrainian government had not done: to get the attention of the entire world to the fact that Russia was persecuting Ukrainians for their political views. And the result was the Sakharov Prize. The prize was itself was received by his sister Natalia Kaplan. The award itself is unlikely to help Ukrainian political prisoners very much, but it offers a window of opportunity for the Ukrainian government and activists.

“Being awarded a prize of this prestige has drawn international attention not just to Oleh Sentsov himself, but to all Ukrainian political prisoners,” says Oleksandra Matviychuk, coordinator of Euromaidan SOS. “It's important to understand that this effect is temporary and the question is, how do we properly take advantage of this window of opportunity. For this reason, we organized another wave of the global campaign #SaveOlegSentsov. Demonstrations were organized in Barcelona, Belgrade, Bonn, Brussels, Kyiv, Lisbon, London, Lyon, Munich, Paris, Riga, San Francisco, Warsaw, Washington, and other cities around the world. We are putting out the same demands that have been addressed to the governments of various countries. For instance, we are demanding that a platform for negotiations between Ukraine and Russia be set up in order to get the release of all hostages of the Kremlin.”

Demands that Russia release Sentsov have already been sent to Moscow by such groups as 128 filmmakers in Austria. The European Commissioner for European Neighborhood Policy, Johannes Hahn, also demanded that the Crimean be released to receive his award. In addition, EU foreign ministers unanimously agreed to draft a “European Magnitsky Act” on December 10, which could affect those who fabricated cases against Ukrainian political prisoners. German MEP Rebecca Harms announced that the European Parliament would increase its efforts to get Sentsov released, obviously, implying that a “Magnitsky list” will be drafted.

Regardless of Vladimir Putin's announcements that he would “discuss” the fate of the “convicted” Ukrainians with the “new government,” Ukraine must continue to find ways to get its citizens released from behind Russian bars: through economic sanctions, through increased political pressure on the Russian Federation, and through its political allies. All the more so that — despite the extremely limited range of instruments that is available to them — its political prisoners are themselves providing opportunities to do so. ■

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Mark Voyger:

“There is nothing fundamentally new in today’s Russian hybrid warfare”

Interviewed by Yuriy Lapayev

During the second Lviv security forum *The Ukrainian Week* had spoken to American expert on the term “Hybrid warfare”, Russian army and the possibility of war between USA and China.

What is the nature of modern warfare? How can you describe the meaning of hybrid warfare?

– As a matter of fact, there is nothing fundamentally new in today’s Russian hybrid warfare. They are using the same old methods, just with new tools and technology. Some of their tactics goes back to the 18th century, to the times of Catherine the Great. So, the Kremlin just enhances those old tactics and uses them against their neighbors, the West and even against its own population.

Nowadays hybrid warfare is debated widely, everyone talks about it, from journalists to analysts and political leaders, and they all claim to be experts in what is hybrid, just like several years ago everybody thought they were experts on terrorism. The term “Hybrid warfare” was coined in 2007 by Frank Hoffmann, a US military analyst to describe the tactics used by terrorist groups and insurgencies especially those in Afghanistan and Iraq. In 2014, when Russia attacked your country, there was an initial confusion in the West regarding the “little green men” in Crimea. There was no doubt for my colleagues and myself at NATO that these were Russian soldiers, but some were still having doubts in the beginning. Afterwards, when Russia invaded Donbas, the question at NATO became how we should define this type of warfare – as a classical war or something different? The term “hybrid” was re-discovered, and NATO officially adopted it to describe this type of Russian asymmetric actions. The word “hybrid” is of Latin origin, it refers to a child of a mixed marriage, and although it is not perfect, it has proven to be the best term so far to describe this “mixed” type of warfare. However, it is not only its mixed nature that makes hybrid warfare what it is. Quite naturally, when nations go to war they use military, as well as non-military tool such as humanitarian aid, political activities, social networks, etc. Apart from this broad range of non-military aspects hybrid also requires the element of deception and deniability, such as when Russia attacked Ukraine and annexed Crimea, but denied the involvement of Russian troops, and claimed that it is only trying to help and protect the Russian speakers. This “Russian way of war” is therefore, not a new phenomenon, as the Russian leadership has been using such methods for centuries. If you read the manifest of Catherine the Great from 19 April 1783, and then you change the old Russian orthography and replace some of the old words with modern Russian ones the documents could have been signed by Vladimir Putin. What the Manifesto clearly demonstrates is that as far back as the 18th century, Russia used a hybrid campaign to take over Crimea, which involved political, diplomatic, legal, social, economic, intelligence and military efforts – the same tools that are used by the Kremlin nowadays. Similarly, in Soviet times they not only used military tools, but also propaganda and disinformation to support their political warfare against the democratic West. The writings of a number of Soviet military theo-



PHOTO: YURIY LAPAYEV

Mark Voyger holds a Master of Arts in Law and Diplomacy degree from the Fletcher School of Law and Diplomacy at Tufts University, and a Master of Public Administration degree from Harvard University’s Kennedy School of Government and has done PhD research in Middle Eastern Studies at Cambridge University. In 2009-2013 he was deployed to Iraq and Afghanistan as a US Army Social Scientist. In 2007 and 2012 he was a member of the Russia advisory group for Mitt Romney’s Presidential campaigns. In 2013-2018 he served as the Cultural Advisor and Senior Russia expert at NATO Allied Land Command in Izmir, Turkey, and then as Special Advisor for Russian and Eurasian Affairs to the Commanding General of US Army Europe in Wiesbaden, Germany. Currently he is the Senior Lecturer in Russian and Eastern Studies at the Baltic Defence College in Tartu, Estonia.

rists from the 1920s, such as Svechin and Isserson that had been largely underestimated and unappreciated before the Second World War, were rediscovered and used extensively in the so-called “Gerasimov model” of hybrid warfare, which the Russian military leadership initially referred to “new generation warfare”.

So is there anything new in this Russian theory?

– The basic principles of what is, in essence, Soviet-style hybrid warfare, are almost a century old now, and the main one among states that wars in the modern world are not declared openly, as they can be launched following secret troop deployment. Primacy is not so much in military domain, but in the political one. What was new is collecting all those different techniques and tools and presenting them as part of a single model in Gen. Gerasimov’s article of February 2013. The British scholar Mark Galeotti called it the “Gerasimov’s strategy” when he first analyzed it in June 2014 although he has been writing recently against the use of that term. In my view the model that Gerasimov presented, although it is not a full hybrid strategy by itself, has two elements – one is the descriptive

one, that is what Russia perceives as the world of modern warfare, where the ratio of non-military to military means is 4 to 1; and the other element is the prescriptive one, whereby Gerasimov provides guidance to the Russian military and their military scientists on what they should do to both respond to those challenges and use those tools of warfare themselves. Ultimately, it would be fair to say that the collective body of his writings since 2013 do form a doctrine of Russian hybrid warfare, as they are not only analytical in nature and purpose, but also provide specific directions as to how the Russian military should take the initiative in a world where information warfare is often the dominant factor on the battlefield.

One of the new elements nowadays is the high-level of technological innovations that are used in Russia's hybrid campaigns, with cyber being the most prominent one. Today cyber is a primary Russian tool of penetrating the ranks of Russia's adversaries, their entire societies, and not only their armed forces. Another new phenomenon is the high level of integration when it comes to information warfare, such as Russian disinformation, propaganda, fake news, troll factories, the huge network of information warriors. Thus, by now information and cyber are widely recognized as the main pillars of Russian hybrid warfare. There is a third one, however, that I have been studying since 2014, and it is equally important and dangerous, and it is Russia's use of the law as a weapon of state power, the "weaponization" of the international and domestic law. The term that was coined in the US in 2008 is lawfare (from "law warfare"). It is an extremely important tool, and not a product of boring theoretical debates about legal details. Lawfare is what allows Russia to make its aggressions legal by saying, for example, that they did not actually occupy Crimea, but that it was re-incorporated into the RF legally, because the people there voted in a referendum. They claim it was all in accordance with international law, because the people in Crimea have the right to self-determination. They use the Kosovo example to justify their actions, while actually twisting the legal interpretations and bending the legal rules. Ultimately, every time Russia breaks the international law, they claim that their actions are in accordance with it.

This Russian lawfare has been going on for centuries – since 1654 (against Ukraine), since 1774 (the wars against the Ottomans), but they have now perfected it, and they also benefit hugely from their UN veto right.

Russia also uses economic warfare as a tool of hybrid warfare. In a classical conventional war between two countries, they usually break all connections including trade. Ukraine, however, still has economic ties to Russia, including buying Russian gas – in a hybrid context, this is one of the tools that Russia is using to pull Ukraine more toward itself, to keep it in its orbit. The financial and banking sectors are another such tool. You would not imagine US banks operating in Germany or Japan during World War II, but Russian banks still operate in Ukraine.

Russia also uses infrastructure as a weapon, especially in the Donbas. In the summer of 2014 the Russian agents began systematically targeting the electric and water supplies of Donetsk and Luhansk, hospitals, schools and civilian infrastructure, in order to trigger a humanitarian crisis, for which Russia officially blamed Ukraine. The even tried signing petitions to the UN in order to try to justify Russian involvement masked as a humanitarian operation. This technique was first tested in Ukraine, but then in 2015 they repeated this scenario in Syria against the Syrian opposition.

Last, but not least – crime is also used by the Kremlin as a hybrid tool, by weaponizing criminal syndicates who are protected by the Russian security services and operate throughout Europe and on a global scale.

And what about the military tools?

– On the military side, the Soviets realized in the 1980s that they are lagging behind the US in terms of military technology, given that after the Vietnam trauma, the US under President Reagan was able to recover militarily largely by making the US army professional and by massive military investments in new technology, especially computer-based ones. While the US was building this strong reformed army, the Soviet Union got involved in Afghanistan, so it was forced to fight a massive insurgency. On the European theater, the Soviets were testing and trying to implement the so-called Ogarov Doctrine, whose objective was to break through the NATO defenses in Western Europe. The Soviets however, were lagging behind the West and the US because of the lack of computer technology, and in the first decade after collapse of the Soviet Union funding was limited, and so was the will for genuine innovation. When Putin and his circle came to power, however, they started investing in their intelligence services, testing various models for reforming the army in order to make it more flexible. Ultimately, the existing limitations of Russian military power forces the Russian leadership to adjust their methods and objectives, from invasions based on massive conventional power, to the more clandestine and affordable campaigns based on asymmetric meth-

THE ABILITY TO HALT THE KREMLIN'S HYBRID MACHINE
IN UKRAINE IS NOT ONLY A MATTER OF MILITARY WARFARE,
BUT ALSO REPRESENTS A STRUGGLE FOR THE FUTURE
OF THE ENTIRE EUROPEAN CONTINENT

ods. Their objective is not direct military conquest, but dividing the West, slowing down or even preventing a cohesive NATO response. Of course, the military options are always on the table, as the Russian doctrine even envisages the use of tactical nuclear weapons in order to quickly deescalate the conflict at its initial phases, and to try to force NATO to give up and back out by targeting some of NATO's deployed forces. The Russian thinking is that some NATO nations might decide not to fight over a small piece of occupied territory in one of the NATO member-states in Eastern Europe, if Russia threatens to destroy a European capital with nuclear weapons. This is a misperception, but a very dangerous one, as the Russian leadership might ultimately convince itself that they can win this type of nuclear "game of chicken" with NATO.

That actually fits the last speech of Putin in Valdai on nuclear weapons

– Putin's statements there were a clear indication that the Russian top political leadership is really losing touch with reality, almost in a psychological sense. Putin is clearly trying to scare the West, but he seems to have surrounded himself with people who apparently feed him constant conspiracy theories instead of giving him the truth. They are reinforcing the "besieged fortress" mentality, and on the other hand the so-called "Color revolutions". The regimes that come to power in illegitimate always fear that one day someone else from within the state could challenge them and take their take power. I call this the Chronos syndrome. Chronos was the ancient Greek god of time – after he took down his father, the god of the sky, he became concerned that his children, the gods of Olympus, could do the same to him. I think that this is a good psychological explanation of the Kremlin elite's behavior. That is why Putin was claiming in 2014 that supposedly the CIA had paid \$5 million to organize the Maidan. ■

Even if they don't actually believe in all those lies and conspiracies, day after day all of them – Putin, Lavrov, Shoygu, the entire Russian leadership – repeat the same narratives, as they also act as if they believe them to be true, and most dangerously – they also influence the common people in Russia.

At this point, the success of the reforms and the democratic process in Ukraine is the only positive development that can inspire the Russian people, especially the younger generations, so they can see that another model of governance and political development is possible. The current corrupt, oligarchic, mafia-style KGB-run model is going nowhere. The Russian people deserve to live in a democracy, this change cannot come, cannot be forced from the outside. This is why the battle for Ukraine is also a battle for the future of Russian democracy. Thus, the ability to halt the Kremlin's hybrid machine in Ukraine is not only a matter of military warfare, but also represents a struggle for the future of the entire European continent.

Which perspectives in developing warfare you see in other parts of the world?

– There is a paradox that the generals are always fighting the last war, the wars of the past. When the attacks of 9/11 occurred, the US still had largely a Cold War-type army. There was the need to adapt to a new, more flexible environment where the insurgents and terroristic organizations used culture and religion as weapons. So, for almost two decades the US was developing new military capabilities to better suit

IN THE FUTURE ALL CONVENTIONAL WARS WILL CONTAIN HYBRID ELEMENTS EVEN IF PREDOMINANTLY HYBRID WARS INCLUDE MOSTLY SPECIAL FORCES AND NOT MASSIVE CONVENTIONAL ONES.

WE – THE WEST AND UKRAINE – NEED TO PREPARE FOR THAT

this type of warfare. Unfortunately, in the course of doing that, we had forgotten some of the Cold War tactics. When Russia attacked your country, the US realized that in some ways Russian army is quite advanced, if not better, for example, electronic warfare, long-range artillery, etc. The US and NATO forces in Europe need to increase their mobility and logistical infrastructure in order to move troops faster. For now, most of the infrastructure in Eastern Europe is not sufficiently prepared for that, and in the context of Russian hybrid warfare military mobility is a key factor.

We have also started learning from Ukraine, since your army is currently the only one in Europe that is successfully fighting against the Russian hybrid warfare machine. You have actually proven wrong Gen. Gerasimov that hybrid warfare is the 21st century blitzkrieg that allows for the quick takeover of a target-country. The name of the game for Russia is being able to catch their adversaries unprepared, but in the case of Ukraine this did not actually work as predicted or expected. Thus, the lessons that you have learned from this war, however tragic and painful for your people, are also invaluable for West.

Another field where the Russian military has increased its capabilities is the extensive use of drones, for reconnaissance, targeting and electronic warfare.

All those innovations have allowed Russia to establish the so-called "Anti-Access and Area Denial" or A2AD, that look like bubbles above Crimea and Kaliningrad, trying to prevent access of NATO forces inside, especially the air and naval access. So the vision in the US is that if you have sufficient long-range artillery and the hypersonic weapons, then you will be able to penetrate those bubbles.

And the final lesson is the principle postulated by General Gerasimov, that in the future all conventional wars will contain hybrid elements even if predominantly hybrid wars include mostly special forces and not massive conventional ones. We – the West and Ukraine – need to prepare for that, as the process of military innovation is ongoing, and both sides are learning from the successes and mistakes of the other.

At the same time the United States is facing the likelihood of conflict not only with Russia, but with China, which is already showing its growing will for military expansionism?

– Some analysts seem to think that war with China is probably, about 15 years away from now. If we look back in the history, in the 1930s the US military began to realize that war with Japan is very likely in the future. While the US did not want to start a war, we began investing in naval assets, such as aircraft carriers which was a new type of vessel at the time. Due to the fact that the United States had constructed several aircraft carriers, when Japan attacked Pearl Harbour and destroyed a number of battleships, which were actually the most powerful naval assets of World War I, that attack did not impact the US naval capabilities dramatically. The US was able to take back the initiative and push back the Japanese forces across the Pacific, and barely a few months after the attack the US launched its first aerial attack on Japan from an aircraft carrier. That means, that even if you don't war you have to think of that possibility and prepare. In the case of China it is likely that they also think the same. They build new bases, the use lawfare to legitimize artificially created islands in the South China Sea. So they are learning from Russia in certain ways, too. I personally do not think that war is inevitable, but we should learn from what happened in the 20th century. As the ancient Romans used to say – "If you want peace, prepare for war". The hope, of course, is that both sides see how strong the other one is, and they will not dare launch an attack.

But, that actually can start a new arms race

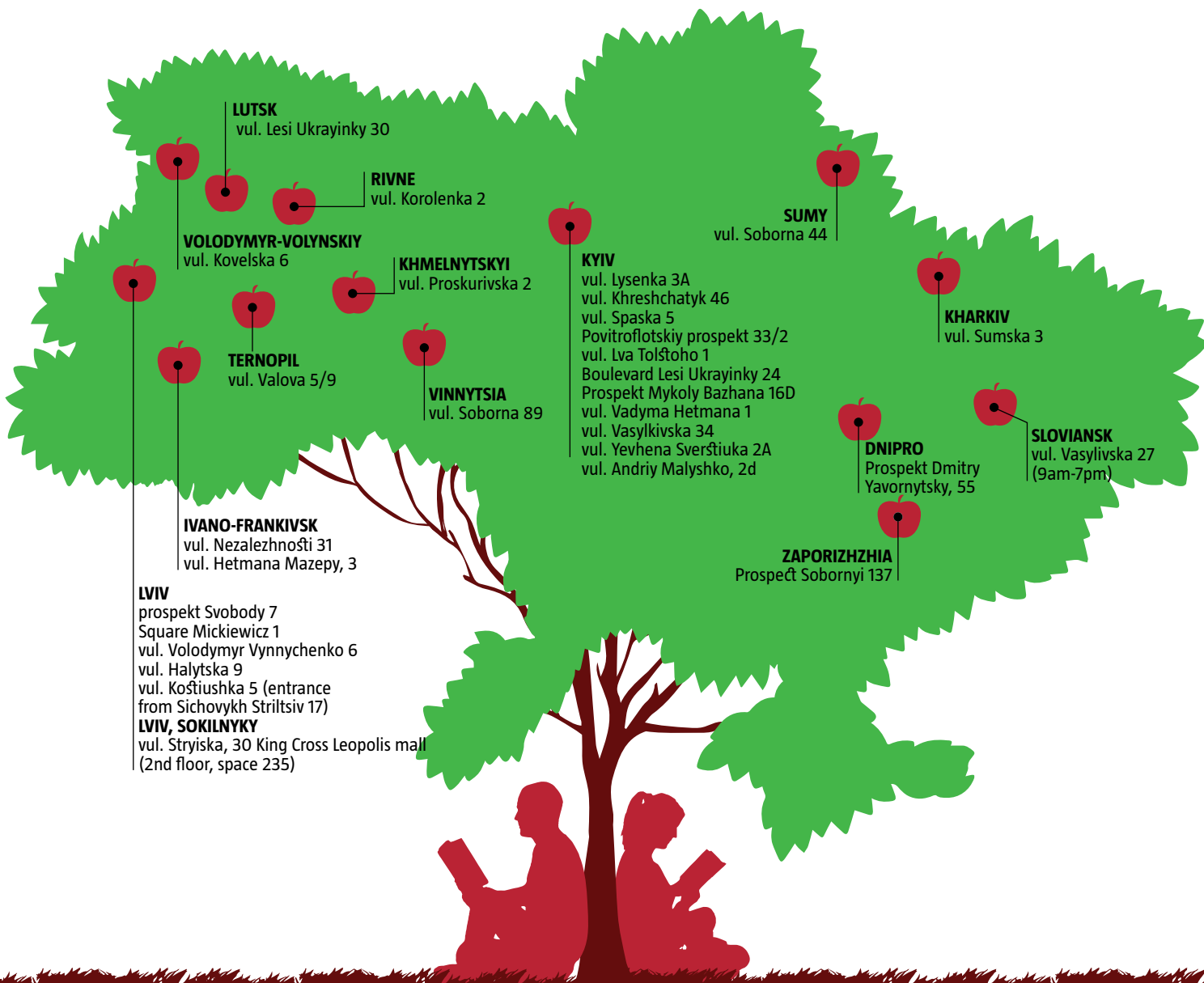
– Yes. This is another one of the ancient principles of international relations, called "the security dilemma". This is what led to the Peloponnesian Wars in the 4th century BC, when the rising power of Athens made Sparta nervous, so they decided to act first. Germany used this logic in World War I, as they were concerned that in the future they would not have a military advantage against the Russian military machine. That is, of course, always an issue, and is based on the threat perceptions that define the behavior of the political leadership of Russia and China.

But by building up conventional military forces and deploying them closer to the borders the risk of triggering a conflict based on an accident is higher

– The probability of an accident or a miscalculation triggering a larger conflict, is, of course, always a concern. But if you think of the actual incidents of this nature, for example, the Russian plane that was shot down by the Turkish military – that did not trigger a conventional war between two countries. Also, the destruction of Wagner unit in Syria by the US air force, with over 200 Russian mercenaries killed – that also didn't elicit any conventional response on the part of Russia. Surely there can be other types of non-conventional asymmetrical responses – that is the nature of hybrid warfare, after all. Still, any defensive military build-up should account for such eventualities, but it also should not be stifled by the irrational fear that one separate accident will immediately lead to war. There does not seem to be automaticity in Russia's reactions to such events, at least not in conventional terms. ■



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On the edge of a cliff

How would the political situation of after-Brexit United Kingdom evolve in the future

Michael Binyon, London

There was no champagne and no applause. In announcing that, after 17 months of turbulent negotiations, Britain and the European Union had finally reached agreement on how the United Kingdom should leave the EU on March 29, European leaders meeting in a special summit on Sunday expressed their open disappointment and regret at Britain's departure.

Their disappointment, however, was positively joyful compared to the fury and opposition that the deal provoked across Britain. Both those pushing for a "hard" Brexit involving a complete separation from Europe and those wanting a close trade and political relationship with the EU in future denounced the deal as a deeply unsatisfactory compromise. In addition, the deal was attacked by politicians in Northern Ireland as a means of splitting the province from the rest of the United Kingdom. And thousands of bewildered British citizens, alarmed that Brexit appears to be so damaging to Britain's economy, are now calling for a second referendum on the deal.

BRITAIN WOULD BE PLUNGED INTO THE BIGGEST CONSTITUTIONAL CRISIS IT HAS SEEN SINCE THE SECOND WORLD WAR. THERE WOULD BE NO TIME TO HOLD FRESH ELECTIONS BEFORE THE MARCH DEADLINE. AND IF EITHER THE CONSERVATIVES OR LABOUR WON, NEITHER SIDE STILL HAS ANY CLEAR IDEA OF HOW TO STOP BREXIT OR HOW TO PREVENT BRITAIN CAREERING OVER THE EDGE OF A CLIFF ON MARCH 29TH

Theresa May, the British Prime Minister, doggedly defended the deal, saying that it was the best that Britain could get and upheld the main demands in the referendum two years ago that Britain should regain control of its laws, its borders and its immigration policies. She echoed the warning by the 27 other EU leaders that there would be no further negotiations and no changes to the 599-page document. And she gave a stark warning that unless Parliament now approved the document, Britain faced the danger of "crashing out" of the EU at the end of March with no agreement, no new arrangements for working together and nothing to replace the thousands of laws and agreements that have bound Britain to Europe for the past 45 years.

The spectacle of such a chaotic end to Britain's troubled relations with its neighbours has indeed raised fears no one envisaged at the time of the referendum in June 2016. Government officials have admitted that there could be massive delays at all British ports, with roads turned into car parks stretching more than 20 miles, as there would be no customs agreements to regulate exports to Europe. Flights to Europe could all be grounded without any new air traffic agreement. Medi-

cines would run low and so would nuclear fuel without any new agreements. Food would rapidly run out as imports of fruit and vegetables from Europe would be halted. The economy would see an immediate fall of about 3.9 per cent. Factories would cease manufacturing if they could not get vital spare parts from EU countries. Unemployment would rise sharply and the pound sterling would see a huge fall in value. There might be riots in city centres, and the government was preparing to send in the army into the main towns to keep order.

But even the fears of such a breakdown in economic and political order has not softened the opposition of many politicians in the ruling Conservative party to the deal. A hard core of around 80 members of parliament are furious that the deal keeps Britain within the EU customs union and the single market, at least for two years during a transition period and maybe longer. This would force Britain to keep contributing fees to Brussels and would stop Britain negotiating any separate trade deals with the rest of the world. The Brexiteers say that this leaves Britain in the worst of all worlds — neither in the EU nor fully out of it. They say Britain would be simply a "vassal" of Brussels, forced to obey EU regulations with no longer any influence in shaping the rules.

The Conservatives and Labour parliamentarians who voted to remain in Europe are also furious that the deal leaves Britain in a worse situation than staying in the EU. They want to vote against the treaty and force the government to hold a second referendum which, they hope, would reverse the vote to leave and might allow Britain to stay within the EU. They have been bolstered by opinion polls showing a growing number of people, especially young voters, opposed to Brexit. A recent march of Remain supporters brought some 750,000 people into the heart of London.

The 12 members of parliament from Northern Ireland are angry about the so-called "backstop" arrangement, which would draw a new customs boundary in the Irish Sea if Britain and the EU could not find a means to stop smuggling across the land border with the Irish Republic. With no deal on how to control the new external frontier of the EU, there would have to be a return to the hated police and customs posts that were abolished some 20 years ago after the agreement that stopped the armed conflict with the Irish Republicans brought peace to Northern Ireland. The Democratic Unionist Party says this "backstop" arrangement — to be used only if no solution to the border question can be found — would leave Northern Ireland permanently linked to the EU, unlike the rest of the UK. And Protestants in the province are always terrified of anything that weakens the constitutional link with the rest of Britain or gives Dublin greater control over Northern Ireland.



PHOTO: REUTERS

Clouded prospects. British political leaders don't have any idea how to save the country from the crisis after Brexit

This small group is especially dangerous for Theresa May, as her government depends on their votes to maintain a majority in Parliament. If they tear up the quasi-coalition deal made with her in 2017, after her foolish call for new elections left the Conservatives without a working majority, then Mrs May would be unable to continue in government or pass any legislation.

The big unknown is the intention of the opposition Labour party. Its left-wing leaders, including Jeremy Corbyn, have never liked the EU and know that many Labour supporters voted to leave. They want to vote against the treaty in order to defeat the government and force May to call new elections — which the Labour party thinks it might now win.

But many Labour centrist and moderate members — numbering at least 40 — are passionately pro-Europe and are deeply alienated from the party's leadership. They want to vote in favour of the Brussels deal, hoping this will also weaken Corbyn. But they are frightened of splitting the party and being seen as traitors by its powerful left-wing leadership. The government cannot therefore count on their votes to win a majority.

All in all, it looks almost impossible for May to win approval in Parliament for the momentous vote expected

on December 11. She is therefore now appealing to the whole country to back her. She has survived a botched attempt by hardline Brexiteers to force her out of power and replace her with another leader. And respect for her obstinacy and determination is growing across Britain. She may manage to persuade enough members of Parliament to back her — and then the job of negotiating future trade relations with Europe can begin. If she loses the vote, no one has any idea what could happen. Britain would be plunged into the biggest constitutional crisis it has seen since the Second World War. The government would probably collapse. There might be a new challenge within the Conservative party to May's leadership. There would be no time to hold fresh elections before the March deadline. And if either the Conservatives or Labour won, neither side still has any clear idea of how to change the Brussels deal, how to stop Brexit or how to prevent Britain careering over the edge of a cliff on March 29th.

Even Britain's friends in Europe are looking with amazement at the political turmoil in Britain. But with plenty of problems of their own in France, Germany and Italy, none of them knows how to help Britain or how to stop the Brexit issue destroying vital political and economic links across most of Europe. ■

All the Nibelung armies

The mark of Russia in international political organizations

Yuriy Lapayev



Better they keep quiet. In their speeches at various international events, Russian officials mostly promote alternate theories of collusion in order to justify the Kremlin's crimes

One of Russia's more successful instruments in its "new gen" war against Ukraine is using political leverage in international organizations and business circles. In this way, Moscow manages to lobby its own interests and effectively covers its war crimes.

Ukraine felt Russia's hand in international law from the beginning of the annexation of Crimea. Russia's right of veto as a permanent member of the UN Security Council allowed it to block all real actions over the peninsula. Nothing has changed since then, leaving global response to the illegal land grab at the level of "deeply concerned" and "extremely worried." The former UN ambassador for Russia, Vitali Churkin, was especially successful, consistently and persistently denying Moscow's involvement in any actions against Ukraine. One important element in his work was establishing a parallel reality for foreign audiences. Those who weren't very knowledgeable about the nature of the Russian-Ukrainian conflict could easily believe Churkin's confident speeches about "nazis in

charge" in Kyiv, who "came to power as the result of an armed coup," and their "crimes against civilians," about the "need to protect Russian speakers," and so on. Later he just as easily and boldly blamed Kyiv for the shooting down of Malaysian Airline's Flight MH-17.

His successor, Vasili Nebenzya, a man notorious for his highly undiplomatic behavior, is no different. Taking advantage of its status, Russia uses the UN Security Council as platform for its conspiracy theories, first against Ukraine, then against Syria and eventually even to such events as the Salisbury poisoning. Initially all statements are aimed at denying any connection: Russia is not guilty of anything and does not deserve to be penalized with sanctions. Once the evidence becomes more convincing, come the complaints about how the entire world does that kind of thing, but especially the US, does the same thing without any penalties. With its veto power, Russia is also able to block the efforts of the UNSC and stops any initiatives that might really affect the situation in Donbas or

Crimea, such as the idea of a UN peacekeeping mission. What's particularly obvious is how those countries that depend on Russia, whether for energy supplies or other joint projects, like Belarus or Venezuela, vote in the UNGA. Thus, Moscow not only abuses international consensual systems, but has also established around itself a criminal lobby to support its positions. No less important is that fact that, in this way, all reforms of the United Nations itself and revisions of rules are voted down.

A similar situation can be seen with the OSCE. Here, too, Russia exploits the principles of mandatory consensus in decision-making that in this organization means getting 57 countries to all agree. It was clear as well, when Russians were actively involved in the OSCE's Special Monitoring Mission in eastern Ukraine. Russian citizens form the fifth largest group of representatives in the SMM. Ukraine's Foreign Minister, Pavlo Klimkin, rightly pointed out: "We're 100% certain that all the Russian in this mission are working for their secret service." This was even more obvious when personal data about SMM members was leaked in summer 2018. The leak consisted of a few hundred documents that included the names of the employees, their habits and preferences, which could later have been used for recruiting purposes whenever convenient. There were also reports of another leak of data about the equipment at the various bases and observation posts, including the placement of OSCE video cameras.

The same question could be asked of other countries' representatives: the one-time coordinator of the Donetsk office of the SMM OSCE was a certain Lt.-Col. Olga Skripovska, who ended up in the middle of a scandal when photographs appeared with her wearing the orange and black "colorado" ribbon during the May 9, 2010, parade in Balti, Moldova. Although there is no concrete evidence of her collaboration with members of DNR, SMM observer visits and subsequent attacks by the Russian proxies on Ukrainian positions appeared to be strangely coincidental more than once. From time to time, social nets also had information about SMM observers frequenting the most expensive restaurants in Donetsk, although, once again, there is no official confirmation of this. And there are plenty of photographs of OSCE representatives warmly greeting or simply spending time with DNR/LNR militants. Possibly this is why the now-former SMM head of mission Alexander Hug said in an interview that he had not observe the presence of Russian military but only saw individuals in Russian uniforms with Russian insignia and columns of military equipment, including the latest in electronic warfare equipment manufactured exclusively in Russia, illegally crossing the Ukrainian-Russian border. Of course, he retracted his statement the day after the interview was published. In defense of the OSCE, it has to be stated that the organization really does not have the authority to determine whose units are stationed on Ukrainian territory. This is the job of the international court for whom the observers are only collecting evidence. At the same time, after the killing of several members of the mission in Donbas, there has been a noticeable improvement in the objectivity of the organization's reports. Observers are more willing now to register the presence of Russian equipment and the nature of the shooting going on. Perhaps the arrival of a new deputy chief monitor, former British paratrooper Mark Etherington, has also had a positive impact on the effectiveness of the mission.

The situation with PACE is somewhat different. There, the Russian Federation lost its voting rights back in 2014. Still, Moscow has not stopped its efforts to either influence voting or to return to the Assembly as a full-fledged member in order to stop anti-Russian sanctions. For instance, at the end of September 2018, RF representatives tried to promote changes to the rules of voting, to change the requirement from a simple

majority to a two-thirds majority of those present at the time of a vote. Moscow added a bit of blackmail by threatening to stop paying its dues to the Council of Europe. Luckily for Ukraine, these propositions were rejected. Still, there is no guarantee at all that there could be a repeat of this vote at a time when Russia is able to either persuade or pay off more supporters.

With Interpol, Ukraine has also met with some successes. On November 21, South Korean Kim Jong Yang was elected the new head of the organization. His main rival for the post was Russian prosecutor Aleksandr Prokopchuk. The need to elect a new head had come up under bizarre circumstances, after the mysterious kidnapping of the previous head, Meng Hongwei, while he was vacationing in China – another country that, like Russia, has a very idiosyncratic attitude towards international law. Afterwards, Hongwei tendered his resignation, although it's not known whether this was voluntary or forced, and is currently under investigation in China for bribery and corruption.

American human rights activist and international campaigner for the Magnitsky Act Bill Browder told *The Ukrainian Week* at the time, "To call the possible election of Aleksandr Prokopchuk as head of Interpol a catastrophe would be putting it extremely mildly." He noted that the Russian prosecutor had personally been responsible for the issuing of hundreds of arrest warrants against enemies of the Putin regime, with seven red notices issued for Browder's arrest alone by Interpol ever since he began campaigning to get the Magnitsky Act passed in the US in 2012.

MOSCOW IS FAIRLY SUCCESSFUL AT EXPLOITING THE MAIN VULNERABILITIES OF THE CIVILIZED WORLD: FREEDOM OF EXPRESSION AND THE NEED TO SEEK DEMOCRATIC CONSENSUS. RUSSIA DOES THIS THROUGH EITHER BOUGHT POLITICIANS OR USEFUL IDIOTS WHO IT USES COVERTLY. **WHETHER THE WESTERN WORLD IS PREPARED TO PARTLY RENEGE ON ITS VALUES FOR THE SAKE OF PRESERVING INTERNATIONAL ORDER AND JUSTICE IS AN OPEN QUESTION**

In contrast to the high-profile Browder, whose arrest in Madrid turned into an international scandal and was quickly resolved, some activists have been less lucky. For instance, Pyotr Silayev, a Russian writer, was granted political asylum in inland in April 2012, but that same August he was arrested at the request of Russian prosecutors that went through Interpol channels.

Interpol statutes include provisions that expressly prohibit member countries from abusing their powers for political purposes. These rules include the option of excluding any country that systematically violates this principle. However, there has never been a case in Interpol's history, so far, that these provisions were applied. Browder believes that this is the right moment to apply these rules to Russia. After all, the number of red notices Moscow issued nearly doubled in 2016. "Putin has no respect at all and flexes his criminal muscles for all the world to see," Browder pointed out, saying it was high time to prevent further crimes by the Russian president, as Putin was using international law enforcement agencies as tools to further his own purposes.

Right now, Moscow is fairly successful at exploiting the main vulnerabilities of the civilized world: freedom of expression and the need to seek democratic consensus. Russia does this through either bought politicians or useful idiots who it uses covertly. Whether the western world is prepared to partly renege on its values for the sake of preserving international order and justice is an open question. So far, the lack of an appropriate response has been working in favor of the aggressor and untying his hands even further, as the latest incident in the Sea of Azov has shown. ■



Russia's Azovian knot

What are the military and informational dimensions of the attack in the Black Sea?

Volodymyr Zablotskiy



Dangerous maneuvers in the Kerch Strait. Russia's Izumrud rams Ukraine's Yany Kapu tugboat (right)

Russia's escalation near the Kerch Strait on November 25 has undoubtedly divided its confrontation with Ukraine in the Azov Sea into two distinct periods. Whereas prior to this some experts had certain doubts about withdrawing from the 2003 agreement between Ukraine and Russia on the status of the Azov Sea, this incident has only made it more urgent that Ukraine do so. Moreover, this incident was preceded by events that unsurprisingly got everyone's attention.

Until November 25, Ukraine's naval vessels had been moving freely through the Kerch Strait and in the Azov Sea. They had complete freedom to navigate them at any time as long as they maintained navigational safety. That day, a small Ukrainian naval detachment consisting of a A947 tugboat called Yany Kapu under Captain Oleh Melnychuk and two small armored vessels, the U175 Berdiansk under Sr. Lt. Roman Mokriak and the U176 Nikopol under Sr. Lt Bohdan Nebelytsia, were carrying out a scheduled transfer from Odesa to Berdiansk. On board the three vessels were 23 sailors, petty officers and officers.

Although the dispatching service was notified in advance of the arrival of the detachment, instead of receiving assistance with the crossing, the Ukrainian boats were advised to wait in queue at a designated anchorage. Further, they were neither given permission to move ahead nor further advice.

In this kind of situation, the boats continued to navigate towards the Azov Sea, which was their right to do. Meanwhile, FSB and RF Black Sea Fleet ships and cutters began to get in their way. A total of 8 Russian vessels — border patrol cutters Sobol, Don, Izumrud and Mangust,

and the anti-submarine Suzdalets among them — began to deliberately interfere with their passage. First they demanded that the Ukrainian captains stop and change course and even physically tried to stop the vessels by ramming them.

However, the maneuverable tugboats succeeded in evading the ramming of the much larger FSB cutter. At this point, nearly a dozen boats and cutters were trying to maneuver in a relatively small expanse of water. The Russians twice rammed the Yany Kapu at this point, damaging the tug and putting one of its two main diesel engines out of commission. The tug lost some control while the armored vessels also pushed away from the tug. Needless to say, such dangerous maneuvering led to accidents: two of the Russian border patrol cutters, the Don and Izumrud, crashed into each other and caused serious damage that was confirmed in intercepted radio transmissions.

Meanwhile, the Russians stopped navigation in both directions using a made-up excuse: that a tanker was landing on the shore. They also blocked the passage under the Kerch Bridge by parking another tanker, the Sevastopol, across the channel. Russia even brought SU-25 combat jets and KA-52 battle helicopters to the scene.

This incredible activity by the Russians and their seemingly desperate desire to stop the Ukrainian detachment from entering the Azov Sea had one simple explanation: the operation was being controlled at a distance by the Kremlin, meaning, Putin himself. Information gathered from the interception of radio communications by Ukrainian intelligence testified that the situation was extremely tense in the Kremlin and that »



Ukraine's losses. The Berdiansk and Nikopol were captured by the enemy. Three seamen were wounded; three had serious injuries

orders to the FSB border patrol cutters were being issued personally by PM Medvediev

At this point, the Russians began to threaten the Ukrainian vessels with the use of force. Given that the Kerch Strait was made impassable, the Ukrainian Navy Command told the detachment to return to Odesa. The captain of the Berdiansk radioed this information to the Russian border patrol, stating as well that he had no intention of using force. This completely responsible act will be judged accordingly.

INTERNATIONAL MARINE LAW AND THE SHIP'S CHARTER STATE THAT THE TERRITORY OF A WARSHIP IS INVIOABLE, LIKE THE TERRITORY OF AN INDEPENDENT STATE, AND INVADING IT IS CONSIDERED AN ACT OF WAR

But the Russians thought otherwise. After the Ukrainian detachment withdrew into the neutral waters of the Black Sea, they blocked its way, once again. The Izumrud fired a round of 30mm shot from a machine gun across the Berdiansk's path, demanding that the vessel stop, and then opened artillery fire with intent to damage. This was about 21-22 km from the Crimean shore, more than 40 km southeast of Kerch. The light armored cutter was damaged and unable to move, and some of the sailors aboard were injured, including the captain and two contracted servicemen. At the same time, the Yany Kapu

tug was also shot, where three more men were injured and new damage inflicted.

During the shooting, the Russian side blocked the Ukrainian detachment's radio communication so that they could not communicate with their commander. The international system for identifying vessels, AIS, was also blocked, which is in violation of international shipping rules. Still, the Ukrainian crews did not respond in kind to all the provocations and open fire at the Russians.

At around 21:00, the FSB cutter Don boarded a special forces unit on the shot up boats, which arrested the personnel and hijacked one cutter and the tug. The Nikopol, which was not damaged, continued to maneuver to avoid being boarded and leave the area of the conflict on its own. But it was blocked by the Russians, who had greater numbers, and there was no way that it could get away. Based on available information, the Nikopol was soon surrounded and also forced to move back towards Kerch. There, Russian special forces also boarded it, fought the crew who resisted to the last, and took over the cutter. Some of the seamen were wounded. At this point, what is known is that six of the Ukrainian seamen had been hurt, and two were in serious condition. They were supposedly operated on in Moscow, which confirms the heaviness of their injuries.

One point must be made here: international marine law and the ship's charter state that the territory of a warship is inviolable, like the territory of an independent state, and invading it is considered an act of war.

1. **The 23-meter light armored cutter** registered as 58155 has a displacement of 54 tonnes, top speed of 25 knots, and a crew of five, including one officer, the commander. It is armed with two combat systems: a KAU-30M 30-mm cannon, a grenade launcher, a 7.62 machine-gun and two Barrier anti-tank missiles, and a MANPAD. The vital areas of the boat are protected by bulletproof armor.
2. **The 29.3 m A947 tug Yany Kapu**, previously called the Krasnoperekopsk, registered as 498 has a displacement of 303 t and maximum speed of 11.3 knots. It has no built-in weaponry. During crossings, two DSK machine-guns were installed. It has a crew of six.

Reaction from the Ukrainian public, domestic politicians, and the press to this Russian attack on Ukrainian navy vessels in the Black Sea was swift and strong. The response from the European Union, however, was muted at best. The “concern” expressed by Frederica Mogherini seemed even less than what European politicians said in the spring of 2014 when Russia invaded Ukraine and occupied Crimea. Perhaps sated, wealthy Europe, where there is no war and no one’s shooting at anyone, was too busy discussing Brexit, the refugee issue, or the dispute between Spain and the UK over Gibraltar to respond to this government-sponsored piracy on the high seas carried out by Vladimir Putin’s minions. Or perhaps the scent of cheap Russian gas is causing memory loss in Berlin. The US and NATO responded more robustly.

Surely the occupying force could have limited itself to preventing access to the Azov Sea to the Ukrainian detachment, which would have then turned around and returned to Odesa, as it initially tried to do. But in a classic FSB move, the Russians needed to have a suitable news story for this clearly planned incident: a chase, shooting, and a finale that suited the attackers. The Kremlin was obviously itching to remind everyone about it.

If psychological language is used, the attacker here has all the signs of a psychotic terrorist. First is the need to get as much publicity as possible for his actions in order to keep blackmailing the victim. This characteristic is what differentiates a terrorist from an ordinary saboteur, for whom advertising is precisely undesirable.

Social nets immediately flashed with widespread discussions of Russia’s actions in the around Kerch. Along with the natural desire of many to offer personal opinions on the situation, there were those who were clearly doing their best to make political hay and discredit the country’s political and military leadership.

In contrast to the practice of criticizing the government in the press of democratic countries, some Ukrainian press and television channels allow themselves to make openly unpatriotic statements, which typically come from little-known “experts.” For instance, the evening of November 25, on Channel 112 a man who claimed to be a participant in the ATO came close to saying that Vice Admiral of Ukraine’s Navy Ihor Voronchenko had betrayed the country: “Giving up boats and the coastal defense in Crimea” and “the incompetent command” in the ATO zone. The question that came to mine was whether this was a complete coincidence — or part and parcel of the Kremlin’s hybrid war and just one component of an FSB operation?

So how should Moscow’s aggression against Ukraine on November 25 be treated? The Navy Command says that this qualifies as an act of war according to Point D, Art. 3 of Resolution #3314 (XXIX) of the UN General Assembly dated December 14, 1974: “An attack by the armed forces of a state on the land, sea or air forces, or marine and air fleets of another state.”

The Arts. 17 and 38 of the UN Convention on the Law of the Sea (UNCLOS) and Art 2 of the 2003 Treaty between Ukraine and the Russian Federation on Cooperation in the Use of the Azov Sea and Kerch Strait, Ukraine’s military vessels have free passage of both the Strait and the Sea, so they can sail through the Kerch Strait at any time as long as they are navigating safely. Russia openly violated these agreements. Art. 17 “Right of innocent passage” also states that “ships of all States, whether coastal or land-locked, enjoy the right of innocent passage



PHOTO: DUMSKAYA.NET

Officer’s honor. Berdiansk Captain Roman Mokriak refuses to testify to the FSB

through the territorial sea.” Art. 38 also states: “In straits referred to in Art. 37, all ships and aircraft enjoy the right of transit passage, which shall not be impeded.” Russia interferes in Ukraine’s exercise of this right.

In addition, Art. 2 of the 2003 Treaty allows for commercial vessels and military boats, as well as the ships of other countries sailing under the flag of Ukraine or Russia and are being used not commercial purposes can freely navigate the Azov Sea and Kerch Strait. Once again, Ukraine is now being prevented from exercising this freedom to navigate.

HOW THE REST OF THE WORLD REACTS TO THE LATEST BLATANT CRIMES OF THE PUTIN REGIME IS ANYONE’S GUESS, BUT THIS SAVAGERY NEEDS TO BE PUNISHED. GIVEN ITS OWN STATE INTERESTS, UKRAINE NEEDS TO START THE PROCESS OF ABROGATING THE BILATERAL 2003 TREATY ON THE AZOV SEA AS ONE THAT IS NO LONGER BEING UPHELD

So, what was this all about? Moscow flexing its muscles as a criminal capo yet another time? An attempt to raise the stakes at a time when Ukraine is facing important events — the presidential and Rada elections in 2019? To scare official Kyiv? All of the above?

How the rest of the world reacts to the latest blatant crimes of the Putin regime is anyone’s guess, but this savagery needs to be punished. Given its own state interests, Ukraine needs to start the process of abrogating the bilateral 2003 Treaty on the Azov Sea as one that is no longer being upheld. Bitter experience has shown Ukraine that delaying costs dearly. Otherwise, Russia will continue to cause harm and mayhem.

Experts say that, despite continuing sanctions, Russia is quite capable of moving into open war against Ukraine. The most dangerous time for this will be the period right after the elections, at the end of 2019. Things will be particularly dangerous if the Kremlin’s efforts to destabilize Ukraine from within fail. ■

POWs in a hybrid war

How can Ukraine protect the seamen who were taken prisoner by Russia?

Stanislav Kozliuk

In the fifth year of Russia's war against Ukraine, some 70 Ukrainians are languishing in prisons in occupied Crimea and in Russia itself, charged by the Kremlin with a slew of "crimes" they did not commit. Some of them have already been sentenced in "court:" some were given 20 years while others, for "less serious crimes," were given a few years and have managed to return home to Ukraine at this point. The range of supposed crimes is strikingly imaginative in its variety: from illegally crossing the border to espionage and preparing terrorist acts. The Kremlin's hostages include ordinary people who had never been active politically, filmmakers, activists, volunteers, and former soldiers. The "evidence" in many cases is posts in social nets that date from well before Russia's occupation of Crimea.

Three weeks ago however, an unprecedented incident took place. In international waters near the Kerch Strait, Russian boats carrying the Russian flag openly started by blocking, then shooting, and then hijacking three Ukrainian naval vessels that were sailing from Odesa to Mariupol. They also took 24 Ukrainian seamen captive, six of whom were seriously wounded (three lightly and three seriously).

EXPERIENCE FIGHTING FOR ITS POLITICAL PRISONERS IN RUSSIA SAYS IT'S GOING TO BE VERY HARD AT BEST: IN FOUR YEARS, NO MECHANISM HAS BEEN ESTABLISHED TO FORCE RUSSIA TO RELEASE THE UKRAINIANS IT HOLDS. THERE'S NO EASY RECIPE TO THE STORY OF THE NAVAL POWS, EITHER

The Azov Sea has been a source of tension ever since Crimea was occupied in February 2014. This tension entered an active phase with the opening of the Kerch Bridge last spring, when Russia began hampering the passage of civilian ships moving to and from Ukrainian ports on the Azov. Those with whom *The Ukrainian Week* spoke over the last few months complained that Russia was trying to make the Azov Sea its own.

In September, Ukraine's National Security Council decided to increase its military presence in the Azov and two light armored cutters were moved to the port of Berdiansk over land. At the end of September, two more vessels sailed to the port through the Kerch Strait under Russian escort. The passage went without incident. On November 25, however, Russia decided to do things differently.

THE TREATY TRAP

"By blocking civilian vessels, Russia is in direct violation of its 2003 treaty with Ukraine [on cooperation in the use of the Azov Sea and Kerch Strait. — Ed.] and international marine law," says Denis Rabomizo, president of the Ukrainian Maritime Bar Association. "And if vessels are allowed peaceful passage through the Kerch Strait and Azov Sea, even if Russia calls it internal, they can pass. Yes, there are some restrictions. For instance, you cannot stop a ship without reason, monitor the sea floor with radar, trawl for fish and so on. But if you have to sail across the Sea to a port, you can do so. If it were allowed for this right of passage to be restricted, shipping would not be nearly as

effective as it is." Rabomizo adds that the somewhat ambiguous Treaty guarantees both civilian and military vessels of both countries the right to freely use the Kerch Strait. When Russia tries to block Ukrainian ships, it is in violation of its own treaty. At the same time, it's an aggressor country that has been waging a hybrid war against Ukraine for nearly five years now, starting with the occupation of Crimea. And so, whether Moscow admits it or not, it's an international armed conflict. Under these circumstances, the question arises: Can a peacetime treaty and peacetime legislation be applied to Ukraine's captive seamen?

"The international armed conflict with Russia has been acknowledged," says Maksym Tymochko, a lawyer with the Ukrainian Helsinki Human Rights Union. "Moreover, it doesn't depend on whether the participants agree about that or not. This is clearly written into Art. 3 of the Geneva Convention. Moreover, the reality of the situation has been recognized at the international level. In November 2017, the prosecutor of the International Criminal Court stated that directly in his conclusions. The Office of the Prosecutor noted that an international armed conflict in Crimea began no later than February 28, 2014. Moreover, when the Ukrainian Ministry of Foreign Affairs announces that the captive seamen are prisoners of war, Ukraine is confirming that this is such a conflict. We recognize it."

Tymochko adds that if Ukraine acknowledges that there is an armed conflict, then it has to be prepared for Russia to open fire on its military. It has the right to do so based on international rules of conflict. Thus, Tymochko says, appealing to a peacetime treaty in this case is not right.

RECOGNITION AS POWs

Maksym Tymochko says that the Treaty on joint use of the Azov Sea and Kerch Strait signed between Ukraine and Russia guarantees the free passage of ships and Russia once let Ukrainian naval vessels through in September. "When Russia captured the crews of three ships on November 25, Ukraine immediately called them prisoners of war, acknowledging that this is an armed conflict and Russia is the aggressor," Tymochko continues. "At the same time, we keep saying that in the midst of this conflict we should apply the standards of peacetime. Yes, Russia is in violation of the Treaty on the Azov Sea. But when there is a military clash, I think we need to look at the situation through the international rules of armed conflict."

Indeed, recognizing the Ukrainian seamen as prisoners of war in theory places a series of additional requirements on Russia. Among others, this means how it behaves with the Ukrainians. Lawyers must be present, either those chosen by the prisoners themselves or those provided by Ukraine. There is also the right to a fair trial, as well as a right to respect the dignity and honor of servicemen. Critically, torture is prohibited. In this matter, Ukrainian officials and Ukrainian society have been unanimous. During the program *Svoboda Slova* [Freedom of Speech] on ICTV, President Poroshenko stated, "We need to clearly understand that they are not subject to a criminal Russian court. Since they were taken during an act of aggression, they are prisoners of war under the Geneva Convention."



PHOTO: REUTERS

The battle for release. Ukraine's efforts to release its POWs must include the entire range of available instruments: international pressure, as well as peacetime and martial legislation

TREATMENT OF POWS

Still, regardless of prohibitions and conditions, there is reason to assume that some of the Ukrainian seamen were subjected to pressure, as video recordings of some of the men talking about "Russia's internal sea" suggest.

"In the videos that were published the very next day after the men were captured, we can see that one of them is reading a written text," notes Tymochko. "One of their lawyers stated that this man was beaten while in custody. This is now the area of competency of the UN High Commissioner for Human Rights, as he deals with violations of the rights of prisoners of war."

Moreover, international law prohibits suing prisoners of war simply for being involved in a conflict. And although the Ukrainian seamen did not use weapons, lawyers say that the incident can really be treated as an armed confrontation. However, Russia claims that the Ukrainians illegally crossed its border. Indeed, it has already charged them with this "violation" and all 24 are now being detained on this basis. However, UHHRU representatives say that such a court is a normal punishment for participating in a conflict. Put simply, the Ukrainian seamen are being sued for being in military vessels near the Kerch Strait. But international law states that prisoners of war may only be sue for war crimes.

The wounding of several of the seamen is a separate story. Helsinki Union lawyers say that, under the Geneva Convention, the state has to release any seriously injured POWs. "This is done for humanitarian reasons," Tymochko explains. "And this is an imperative rule [i.e., governing the rules of behavior. Ed.]. The state of origin of the prisoner of war can better treat its own wounded. Moreover, the point of taking them captive is not punishment. It's about taking the servicemen out of active conflict. And obviously a seriously injured soldier cannot continue to fight. So Ukraine has to monitor the state the health of the wounded and demand that Russia do the same." For this precise purpose, the Ukrainian Ministry of Justice appealed to the European Court of Human Rights to issue a court order to Russia to report on the state of the POWs and their needs for treatment. Initially, the court restricted itself to a query asking Russia to provide certain information: under what circumstances the Ukrainians were detained, are they going to treat the wounded and how. Russia was supposed to respond by December 3, which it did not. On December 4, the Ukrainian Ombudsman for ECHR issues, Ivan Lishchyna, reported: Russia has been obligated to provide the imprisoned seamen all necessary medical assistance and treatment. The request for more detailed information about the seamen remains in effect as well.

NEVERENDING NEGOTIATIONS

Meanwhile, the POWs were moved from Crimea to Moscow, to the Lefortovo remand facility. The injured seamen were sent to the *Matrosskaya Tishina* [Sailor's Repose] remand center's infirmary. Lawyers for the Ukrainians have already reported complications. For instance, when this article went to press, the surname of the investigator was still not known. What's more, the investigative department of the FSB was not accepting the applications of the lawyers to join the case and access to the remand center. At the same time, Nikolai Polozov, one of the defenders of the seamen, said that some 50 Russian lawyers had declared their wish to defend the Ukrainians.

"We're putting together a list of the lawyers who have expressed a desire to work on this case," Polozov wrote on his Facebook page. "The candidates have been proposed by both the families of the imprisoned seamen and civic organizations. Some of these lawyers already sat in on the court hearings over preventive measures, some have approached us independently. Given the difficulty of the case, the number of defendants involved and the 'toxicity' of Ukrainian issues in Russia, candidates were entered into the list only on the basis of voluntary participation. And still, more than 50 individuals have already applied." Meanwhile, with the help of activists, including in Crimea and Russia, all of the several hundred thousand hryvnia that Ukrainians managed to collect within a day to assist the POWs was actually handed over to the seamen. At this time, all 24 seamen are being detained until January 2019. Ukraine is now faced with the question, how to defend its citizens. Experience fighting for its political prisoners in Russia says it's going to be very hard at best: in four years, no mechanism has been established to force Russia to release the Ukrainians it holds. There's no easy recipe to the story of the naval POWs, either. Moreover, there has probably been no such incident in international practice before. "I know of no similar case in the international courts," says Denis Rabomizo. "Because international armed conflicts supposedly exist and supposedly don't exist. Mainly because the participating states don't acknowledge it fully. And when it comes to international law on human rights, it is always applies—except in cases of armed conflict. That's when international humanitarian law kicks in. As an exception to the rule."

At the same time, he notes that a hybrid response can be found to defend the Ukrainian seamen. "I think that Ukraine needs to apply international maritime law to general issues in this case, and humanitarian law in the specific case of the seamen," explains the UBMA lawyer. "That's what will allow them to be recognized as POWs. But to get them released, we have to use international maritime law." UHHRU lawyers note as well: Ukraine should actively resort to the rules of the Geneva Convention and work in the international arena, including through the UN. "We need to actively document everything that happens with the seamen in prison," says Tymochko. "Demand that Russia respect their status as POWs. This is already at the level of the UN and the upcoming vote on the Crimean resolution. We should work with other UN member countries as can now see a negative trend in that there are fewer countries prepared to support this resolution. The problem lies not only in those countries that will vote against it, but in those who will abstain. Only international pressure, sanctions and active effort on Ukraine's part will get these men released. Right now, there's no magic recipe for guaranteeing the release of the seamen. It's a question of political expediency, which is why Ukraine must take advantage of everything it can." For now, Ukraine must understand one thing: as a participant in armed conflict, Russia could hold the Ukrainians until the end of the war. Theoretically, this is not in violation of the Geneva Convention. So the question of getting the men released, as usual, remains an exclusively political issue. And negotiations over that could last a very long time, as experience in the Donbas has show. ■

The seamen in Russian hands

Stanislav Kozliuk

On November 25, Russia attacked Ukrainian had turned back towards Odesa. Russian border patrol cutters hijacked two light armored cutters, the Berdiansk and the Nikopol, and a tug, the Yany Kapu. The Ukrainian vessels were fired on with intent to harm, then boarded and taken over by Russian special forces, and moved to occupied Kerch. All 24 Ukrainian seamen are now Russian prisoners of war, three of them seriously wounded. Moscow eventually accused the

Ukrainians of “illegally crossing the border” and detained them until January 2019. After this, the POWs were moved to Moscow to the Leforto remand facility. The wounded seamen were sent to the infirmary of the “Matrosskaya tishina” remand center.

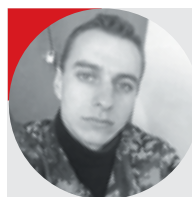
In response to this attack, Ukraine introduced martial law in 10 oblasts and the international community has condemned Russia’s latest act of aggression against Ukraine.

The Yany Kapu



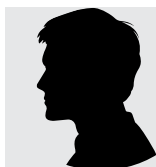
Captain Oleh Melnychuk, officer, 23, Cherkasy Oblast

During the “trial” in occupied Simferopol, he requested an interpreter from Russian into Ukrainian.



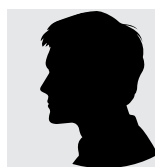
Volodymyr Tereshchenko, master seaman, 24, Dnipro

Details unavailable.



Serhiy Chulyba, officer, 26, Kherson Oblast

Photo and details unavailable.



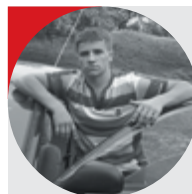
Andriy Shevchenko, midshipman

Photo and details unavailable.



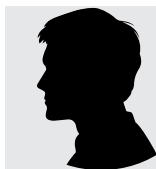
Mykhailo Vlasiuk, master seaman, 34, Kyiv

Details unavailable.



Volodymyr Varezmez, master seaman, 26

Details unavailable.



Viktor Bezpalchenko, master seaman, 32, Kherson Oblast

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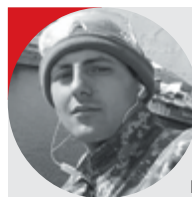
Yuriy Budzylo, midshipman, 46

Details unavailable.



Volodymyr Lisoviy, captain third rank, 34

One of the POWs whom the FSB interrogated on camera.



Yevhen Semydatskiy, seaman, 20, Luhansk Oblast

According to reporters, Semydatskiy trained as a car mechanic but dreamed of being a seaman. He serves in the Navy under contract.

The Berdiansk



Captain Roman Mokriak, lieutenant, 32, Kirovohrad Oblast

Prior to the war, Mokriak served on Ukraine's only submarine. During the invasion of Crimea, he left the peninsula. After being captured he refused to answer any questions from the FSB or to "confess" on camera about crimes he had not committed.



Denis Hrytsenko, captain second rank, 34, Mykolayiv

Details unavailable.



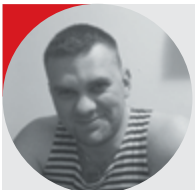
Yuriy Bezyazychniy, master seaman, 28, Odesa Oblast

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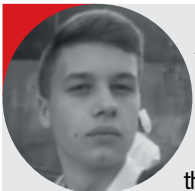
Andriy Artemenko, master seaman, 24, Kirovohrad Oblast

According to reporters, Artemenko had just signed on for a second tour of duty with the Navy. He was wounded during the attack.



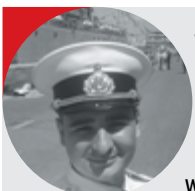
Bohdan Holovash, master seaman, 22, Poltava Oblast

Details unavailable.



Andriy Eider, seaman, 19, Odesa

The youngest of the seamen to be taken prisoner. Eider graduated from the Naval Academy in Odesa. He was wounded during the hijacking of the Berdiansk.



Vasyl Soroka, 27, Odesa

SBU officer. SBU chief-of-staff Ihor Huskov told reporters that Soroka had carried out several military assignments in the war zone. Soroka was seriously wounded during the hijacking.

The Nikopol



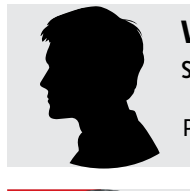
Captain Bohdan Nebylytsia, senior lieutenant, 24, Sumy Oblast

Nebylytsia was among the cadets at the Admiral Nakhimov Naval Academy in Sevastopol who refused to take an oath of allegiance to Russia in February 2014. While the Russian invaders lowered the Ukrainian flag and raised their own, he and other cadets sang the Ukrainian national anthem. He completed his studies at the Naval Institute of the Odesa National Maritime Academy. He was designated commander of the Nikopol in 2016.



Serhiy Popov, captain lieutenant, 27, Donetsk Oblast

Details unavailable.



Viacheslav Zinchenko, master seaman, 20, Chisinau, Moldova

Photo and details unavailable.



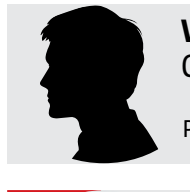
Andriy Oprysko, master seaman, 47, Lviv Oblast

Details unavailable.



Serhiy Tsybizov, seaman, 21, Khmelnytsk Oblast

One of the seamen interrogated by the FSB on camera. According to his father, Andriy Tsybizov, he was likely under psychological pressure.



Vladislav Kostyshyn, 24, Cherkasy Oblast

Photo and details unavailable.



Andriy Drach. Details unavailable

SBU chief-of-staff Ihor Huskov told reporters that Drach is employed by the SBU. Drach was among the cadets at the Admiral Nakhimov Naval Academy in Sevastopol who refused to take an oath of allegiance to Russia in February 2014. While the Russian invaders lowered the Ukrainian flag and raised their own, he and other cadets sang the Ukrainian national anthem. He was one of the seamen interrogated by the FSB on camera.

A very special December

The institution of martial law could potentially have two kinds of impact: political and everyday. The question is, will it?

Andriy Holub

One single event and the subject of war instantly takes top place in the list of things that worry ordinary people. In Kyiv, which is relatively far from the frontline and from both Ukrainian seas, people started buying up groats in grocery stores and hard currency at exchanges. Snatches of conversation in the streets echo the phrase “martial law,” even when the conversation is among hipsterish girls with steaming lattes in their hands – and the tone quite disgruntled. And that was even before the Verkhovna Rada convened to discuss the president’s proposition.

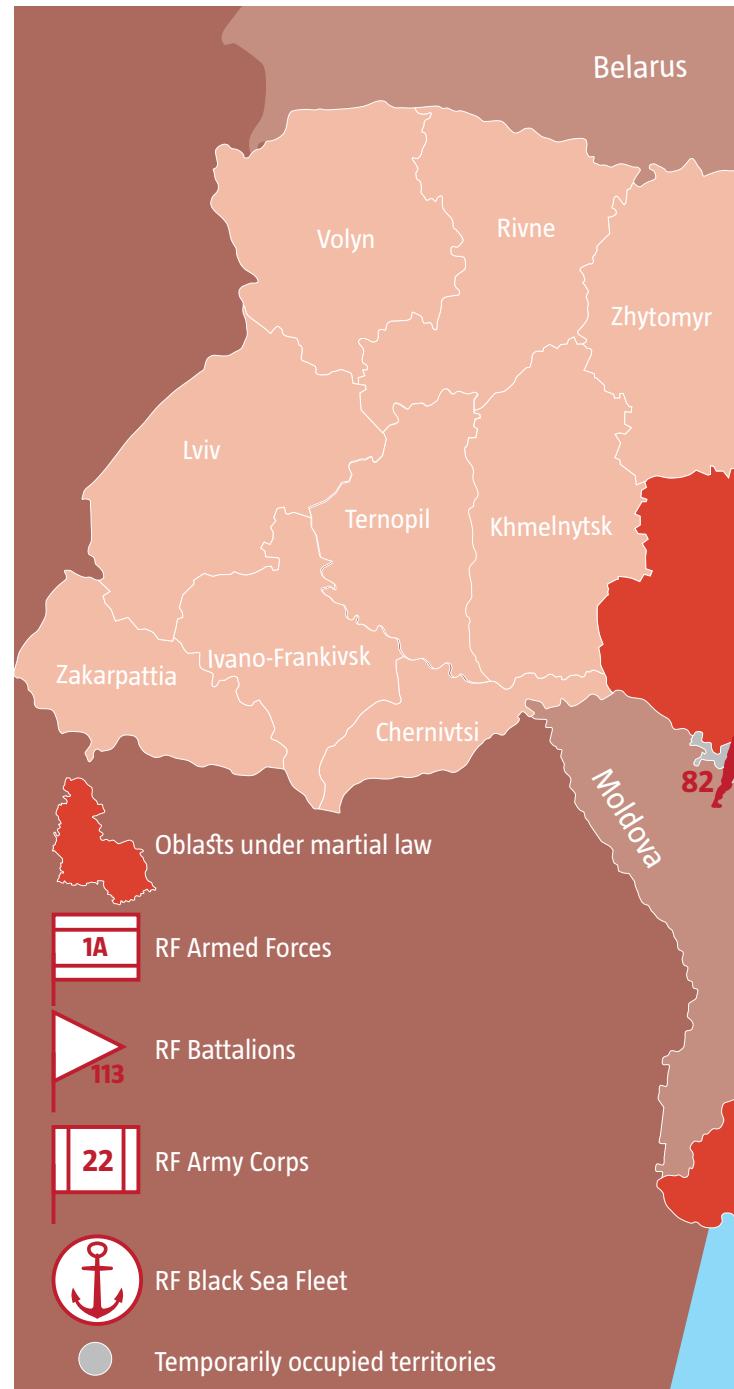
The range of reactions among ordinary Ukrainians was hardly a surprise. Nor were the informational attacks that appeared that same day in the social nets. “Ordinary citizens” wrote about urgent mobilization, levies because of martial law, and other fakes of varying degrees of plausibility. The next morning, you could already hear people saying in their offices that men would be “taken right off their trains and enlisted in the National Guard.” Depending on the kind of company, the main focus of these insatiable recruiters would likely be programmers, or drivers, or just about anybody who went out of their home for bread and matches.

THE MAIN LAW THAT REGULATES THE SITUATION DURING THIS PERIOD IS CALLED “ON THE LEGAL REGIME OF MARTIAL LAW.”

THE MAIN POINT IS THE LEGAL REGIME,
AND NOT THE LOSS OF RIGHTS AND DICTATORSHIP

There are also calls to maintain the peace, offer sober assessments of news in the press and help the military. This was common during the Maidan and whenever things escalated at the front. It’s easy to predict the consequences as well: stores are increasing their inventories of groats as the price goes up, the dollar will not hit UAH 50, and the subject of war will soon be replaced once again by talk about utility rates, the latest video from a popular musician, or the weather. It’s disappointing but natural. Moreover, if the choice is between a “festival of fear” and indifference, the latter doesn’t seem like the worst option in the world. For those for whom war is a daily reality, nothing has changed and nothing will change.

The bare bones of what happened at the evening session of the Rada on November 26 was that 10 oblasts would live under martial law for at least a month. The main law that regulates the situation during this period is called “On the legal regime of martial law.” The third and fourth words in this phrase are often left out, but the emphasis should properly be on them, and not the last two. The main point is the legal regime, and not the loss of rights and dictatorship. When the emphasis is shifted, it becomes possible to understand the main features of this state.



First of all, the thing that worries so many Ukrainians: mobilization. The answer is short and sweet: no mobilization is underway in Ukraine right now. Not even in the 10 oblasts where martial law has officially been declared. For starters, mobilization has to be announced through a special presidential decree that also establishes how many are to be mobilized and for how long. And this example is true of the rest of the issues related to martial law as well: the government gains more power, but this is not to say that will take advantage of them. Even if they are to be used, a special procedure has to be followed, just as under normal circumstances. The conditions for applying

any new powers were clearly delineated by the president during his address to the Rada: “I want to emphasize separately: this will be applied only in the event of a land attack by Russia.” In other words, the main condition is a possible offensive operation by Russia. If this were to happen, it’s unlikely it will much matter at that point whether the Rada’s decision to mobilize has the force of law or a presidential decree does.

“The decree instituting martial law allows the government to introduce restrictions,” says Volodymyr Vasylenko, one-time Ukrainian representative on the council for human rights at the United Nation. “That is, it’s not impera- ▶



tive. This is already considerably mitigated. Everything will depend very much on the actual situation that develops in a given oblast.” Vasylenko says that the average person is unlikely to suffer as a result of this new legal state and notes that martial law is not something Ukraine invented, either.

“A state of war should be differentiated from martial law, which many Ukrainians actually don’t understand and even some of the country’s leadership doesn’t understand, although the Constitution talks about it – admittedly not entirely clearly,” Vasylenko explains. “A state of war is a regime under which armed forces are used in response to the use of armed force by an aggressor country. This affects only the procedure for applying force against an enemy. Martial law establishes a restrictive regime for specific civil rights within the country itself. It’s normally instituted to establish the most helpful conditions within the country to repel the aggressor, including to counter enemy agents, fifth columns, useful idiots and so on.”

OBLAST ADMINISTRATIONS AND LOCAL GOVERNMENTS WOULD HAVE TO ESTABLISH DEFENSE COUNCILS LOCALLY.

IN CASE OF ESCALATION, THIS IS WHO WOULD BEAR RESPONSIBILITY FOR SPECIFIC ACTIONS AND FOR ISSUING THE RELEVANT LEGAL ACTS

In the past century, nearly 20 countries around the world have declared martial law on their own territories. Among the most recent examples are Egypt, Thailand and Turkey, although even Canada declared martial law in Quebec in 1970 during the October Crisis. Turkey declared martial law in 2016 after an attempted coup and maintained this state for two years, a period noted for the persecution of opposition military personnel, journalists and activists. Still, in all four cases, martial law was invoked in response to a domestic crisis, with the ensuing political consequences. In Ukraine’s situation, the threat is external. This reduces the risks that martial law will be abused for domestic political purposes, although it does not completely eliminate them.

Among the possible consequences of declaring martial law that generate considerable unease among ordinary citizens are the setting of curfews, restrictions on travel and the expropriation of property for defense purposes. If people assume such a possible development and wish to evaluate it, they should first re-read the presidential decree that the Verkhovna Rada approved. At the time this article went to press, two key elements that were written into Points 4 and 6 were absent. Firstly, the Cabinet needs to enact a plan for how implement and ensure measures under the legal regime of martial law. This is the document that would determine which agencies responsible for enforcing different restrictions. Moreover, oblast administrations and local governments would have to establish defense councils locally. In case of escalation, this is who would bear responsibility for specific actions and for issuing the relevant legal acts. Quite a few government agencies would have to take on responsibility that don’t necessarily fall under the presidential chain-of-command, such as the Interior Ministry and the police.

In any case, interfering in housing or, say, taking away the right to an education without justification – the kinds of things that Yulia Tymoshenko and Oleh Liashko were scaring the public with during the Rada session – would definitely not be happening. For one thing, any such moves

require separate determinations and legal acts to be issued by the responsible agency. Otherwise, there are always the courts. Indeed, the law on martial law clearly states that Ukraine’s judiciary will continue to work as usual and prohibits setting up emergency or special courts.

While the everyday situation is pretty clear, the political implications are far less so. According to law, the president has three main advantages that he can use for his own purposes. First is the option of raising the question of banning public gatherings and parties that are engaged in anti-Ukrainian activities. However, the law clearly states: “in such order as is stated in the Constitution.” The Basic Law allows such bans only through the courts, while the courts are continuing to operate in standard mode. It’s hard to imagine that they might stop the activities of even a single organization during the course of a single month.

The second advantage is the option of setting up military administrations at the local level. In January 2018, the Verkhovna Rada passed a substantial set of changes to the law on martial law. Most of these innovations dealt precisely with the way that local governments would work under martial law. Briefly stated, the president was given the option to replace local councils, mayors and village heads with military administrations. Under the law on martial law, this can only be in effect as long as the special regime is in place, with the exception of cases where the councils and heads resign on their own. However, the document specifies the pre-term “termination,” not the “suspension” of the powers of local councils. How a court of law might interpret this nuance is not known. In other words, hypothetically, it could all simply lead to a snap election. In principle, the president can use such an opportunity to increase his influence at the local level, so setting up military administrations is not necessary.

The third presidential advantage is in the prohibition of elections during a state of martial law. Plenty has already been written about Poroshenko’s attempts to postpone their scheduled dates by instituting martial law. However, the situation currently looks like this: martial law has been instituted for 30 days and the election will still take place as scheduled, on March 31, 2019. To affect this, the president would have to extend martial law for another month, but the procedure for prolonging it is the same as for instituting it in the first place, and so the Rada will have the last word.

Today, the only ones who are suffering from martial law in the political arena are a series of new unified territorial communities (UTCs). The CEC set the first elections for 125 UTCs for December 23, and not all 125 are in oblasts where martial law has been declared. However, those UTCs whose elections will not take place will see their budgets shrink next year – unless the Rada makes the necessary amendments...

Altogether, then, it’s clear that the law on martial law itself does not offer the president any unambiguous advantages in relation to the upcoming elections. So the reasons for why this decision was made need to be sought elsewhere. It’s hard to say whether one month will be enough to significantly improve the country’s defenses, but a significant signal has been issued to the international community. The institution of martial law could be used to strengthen Ukraine’s position in international courts where it is suing Russia. But the main impact is that Ukrainians have once again focused their attention on the war. “Army” is the first word on posters belonging to the current Head of State. So, at least for December, President Poroshenko has taken the lead in the information space. ■

Resilience before the Assembly

Rostyslav Pavlenko, Director of the National Institute for Strategic Research

On December 2018, the unifying Sobor or Assembly was took place. It declared autocephaly for the Ukrainian Orthodox Church, adopt the Church Charter and elect its leader. Shortly after, the Ecumenical Patriarch will conduct a solemn mass with the elected leader of the autocephalous Ukrainian Orthodox Church (UOC) at the Fener. The granting of the tomos, the certificate of autocephaly, will follow.

This will complete the establishment and recognition of the independent Ukrainian Orthodox Church. The process of granting autocephaly started proactively after the talks between President Poroshenko and Ecumenical Patriarch Bartholomew and is now drawing to a successful result.

The meaning of this development will be recognized with time. But in the last days before the Sobor, when church hierarchs are discussing the draft Charter and finalizing the procedure of the Unification Sobor, Ukraine is facing a desperate attack from Moscow and pro-Moscow entities against the right to its proper Orthodox Church. They use all traditional tools, including lies, intimidation and threats.

Patriarch Kirill's laconic "We cannot let this happen" is probably the best expression of Russia's attitude to the autocephaly of the Ukrainian Church. He has also mentioned other Russki Mir-style stories where autocephaly supporters are portrayed as people "filled with rage" wanting to "destroy the life of others". Hilarion, the head of the Russian Church's external relations, claims that Ukraine is gaining autocephaly "against the will of the people". Understandably, he has to find some way to justify his failure on the Ukrainian issue. All of his efforts, including an express tour of different National Churches, have failed. Virtually no National Church opposed the decision of the Ecumenical Patriarchate to grant autocephaly to the Ukrainian Orthodox Church. Kirill, too, failed in his attempts to "solve the issue" with Bartholomew because the Ecumenical Patriarchate understands the situation in Ukraine too well.

Most citizens in Ukraine support UOC independence. Security and enforcement services have received clear instructions on preventing and stopping provocations. Martial law currently enacted in Ukraine can make their actions more effective. A ban for male Russian citizens to en-

ter Ukraine has blocked opportunities to quickly bring "the faithful" from there.

This leaves Moscow with few tools of leverage. Still, it will try all of them. The information assault is in full swing. Since there is no real oppression of the Ukrainian Orthodox Church of Moscow Patriarchate in Ukraine, some actors make them up, stimulate and try to amplify claims of it. The Ukrainian Orthodox Church of Moscow Patriarchate hierarchs and clergy, who plan to take part in the Unification Sobor, are facing huge pressure. Efforts are taken to inject "they will not reach any compromise" ideas, statements of those involved in the process are manipulated, and attempts are made to fuel a conflict.

This time, however, this assault can be countered. The Ecumenical Patriarch has stated clearly that he will immediately restore the current

 MOST CITIZENS IN UKRAINE SUPPORT UKRAINIAN ORTHODOX CHURCH INDEPENDENCE. SECURITY AND ENFORCEMENT SERVICES HAVE RECEIVED CLEAR INSTRUCTIONS ON PREVENTING AND STOPPING PROVOCATIONS. MARTIAL LAW CURRENTLY ENACTED IN UKRAINE CAN MAKE THEIR ACTIONS MORE EFFECTIVE

clerical status of all those whom the Ukrainian Orthodox Church of Moscow Patriarchate tries to "prohibit" or "remove from cathedra" after the Sobor. Moreover, Bartholomew's public letter to Onufriy, head of the Ukrainian Orthodox Church of Moscow Patriarchate, shows that he will soon have to think about his own status.

Any attempts of forceful pressure against hierarchs or the clergy are being stopped and will be stopped by law enforcers and activists. Civic support for the autocephalous Church is the best answer and guarantee for those who want to join the establishment of it.

Many things have happened for the first time in Ukraine over the past four years. We now have more proof of vicious circles broken down despite looking unbreakable due to some features viewed as intrinsic to Ukrainians, including the inability to follow leadership or to find internal compromise, and dependence on external influence.

Quite soon, another vicious circle will be broken. This one will be in the critically important sphere of Ukraine's spiritual independence. ■

Guarding the competition

Which state monopolies it is important to maintain in the future and why

Oleksandr Kramar

For several decades, one of the most painful areas for reforms in Ukraine has been solving the problem of state monopolies and putting a stop to the ongoing degradation of infrastructure in the sectors of the national economy that they control. As in the case of land reform, the stakes are extremely high. The system of state monopolies remains, in essence, the backbone of the Ukrainian economy and its decades spent in an unreformed, transient state have given rise to numerous corrupt schemes. Financial resources are siphoned through both official channels, like state budgets at various levels, and shell companies associated with management or "supervisors" from the government. In addition, they make it possible for private business, often linked to oligarchs, to take advantage

of natural monopoly resources without proper compensation.

Control over state monopolies and the opportunities they bring remains one of the key motivators for participation in the political struggle and at the same time the main tool for monetising votes received during election campaigns. Although the latter are expensive, they pay off in a big way in case of success. State and municipal enterprises, which are divided up according to political quotas, are the main source of corrupt incomes. Companies officially owned by the state that are formally loss-making or close to breaking even actually bring hundreds of billions of hryvnias in profit to those who manage them on behalf of the people of Ukraine.



PHOTO: UNIAN

The labyrinths of the energy market. The state has a weak understanding of the real state of affairs on the electricity market, which allows Rinat Akhmetov's DTEK to cash in

Consequently, throughout all the years of independence, sectors monopolised by the state have clearly demonstrated their two faces: on the one hand, large cash cows that attracted enormous financial resources and, on the other hand, rapid ageing of fixed assets and the lack of necessary funds to keep up with progress and invest in modernisation. Politicians both in power and in opposition have blocked real changes to state-monopolised sectors, in the hope of gaining quotas for managing profitable assets in the future. Meanwhile, there were efforts to convince society that the system as a whole could remain unchanged and that only issues with corrupt managers and the monitoring system needed to be resolved. Although it was never mentioned that it is not even worth thinking about this while the people supposed to solve these problems are interested in maintaining the status quo.

SUPERNATURAL MONOPOLIES

Most existing state monopolies are either of the "natural" variety or have such elements in their structure. The special law On Natural Monopolies, adopted in spring 2000, is devoted to the principles of their regulation and reform. It defines them as the state of a certain market when it is more effective to satisfy demand in the absence of competition due to the technological features of production, and the goods (services) produced can not be replaced by consuming others. It should be said that this law, adopted almost two decades ago, records a list of natural monopolies in various components of strategic infrastructure that it really makes sense to keep in state ownership. But only in order to guarantee national security by maintaining it at an appropriate quality level and ensuring, in the interests of the country and society, equal access by operators of all forms of ownership on the basis of lively competition.

In particular, under the above-mentioned law, natural monopolies primarily include the framework of the national energy and transport infrastructure: a) transportation pipelines for gas, oil and petroleum products etc., b) gas storage in underground storage facilities, c) transmission and distribution of gas and electricity to consumers, d) the use of railways, dispatching services, railway stations and other railway infrastructure that provides for public-use rail traffic; e) air traffic control and specialised services at ports and airports. In addition to a number of housing and communal services at the local level: from centralised water supply and drainage to the transportation of thermal energy and disposal of household waste.

The problem is that in practice, as in a number of other still unreformed sectors, things are still where they were 20 years ago. Alongside the preservation of a truly natural monopoly on the infrastructure of the industries concerned, monopolistic operators, mainly state-owned or municipal, that use this infrastructure without competition have also been preserved for the most part. As a result, it is on the verge of dilapidation, while the efficiency and quality of service delivery are increasingly lagging behind current requirements. The abuses of monopoly operators are still offset not by the introduction of competition, but by savings on the long-overdue modernisation of fixed assets under the guise of populist slogans about the "acceptable" level of prices and tariffs for society or the economy according

to the principle of "it belongs to the state, not me, so what do I care?".

Current legislation provides an arsenal of measures intended to limit the abuse of natural monopolies. However, in practice it turns out that they are rarely applied in Ukraine. State monitoring of the observance of legislation on the protection of economic competition within natural monopolies is carried out by the Anti-Monopoly Committee and there is also a "consumer association" to represent the public. National commissions formed and liquidated by the president that act on the basis of guidelines approved by him are supposed to regulate natural monopolies. They are subject to the president and accountable to parliament. As many years of experience have shown, in Ukrainian circumstances these are both factors that cannot provide the same effect given by normal competition, even in such a specific market as the Ukrainian one. In particular, the aforementioned commissions, one of which is the National Energy and Utilities Regulatory Commission, are responsible for creating conditions

COMPANIES OFFICIALLY OWNED BY THE STATE THAT ARE FORMALLY
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BEHALF OF THE PEOPLE OF UKRAINE

that will ensure the emergence of a commodity market from a natural monopoly through the development of competition, in particular on adjacent markets.

Therefore, the only truly effective way to regulate state monopolies is to eliminate them completely wherever possible, as well as limiting the number of those that will have to remain as infrastructure alone. While preserving state monopoly ownership, access should be provided on a competitive basis to a wide variety of companies on equal terms for their operations in various fields. At the same time, it is important that the payment for accessing such infrastructure is determined by general, understandable and common principles that will make it possible not only for its maintenance in good condition, but also for modernisation and expansion. In other words, the tracks, dispatching stations and railway stations should remain in state monopoly ownership, while rolling stock and the transportation of both cargo and passengers should become a highly competitive market. Pipelines and gas storage facilities should also be left in state ownership, but access to them should be provided on an equal footing to all traders who will pay the tariff for the transportation and distribution of gas that is necessary for their successful development.

CHANGE OR LOSE

However, first of all, the many state monopolies in the energy sector that are abusing cross-subsidisation and artificial price controls should be eliminated. Even now, all produced and imported electricity is procured a single wholesale buyer, the state-owned Energorynok, which is accordingly the only wholesale seller. Moreover, this artificial state monopoly is just a tool for subsidising both the production and transportation of electricity and heat – where the private monopoly of Rinat Akhmetov's DTEK retains a dominating

position – at the expense of state monopolies. Similarly, the state monopoly on the transmission and transportation of power has now been transformed into a cash cow for the artificial private monopolists that distribute and supply electricity and gas to consumers (regional power and gas companies).

It is necessary, while maintaining the state monopoly on power transmission lines in their entirety, to set an equal tariff for their use that is sufficient for modernisation and development, as well as transforming retail sales into a realm of free and unrestricted competition. Instead, the state often lacks understanding of the status and quality of distribution networks used by regional and city monopolists to supply power. Nevertheless, in the event of a critical situation the state of these networks, it is the state itself that will have to resolve the issue in view of its social importance. Moreover, it is unclear when the law On the Electricity Market, adopted in April 2017, will be able to come into force, due to massive failures in the implementation of its preparatory steps and the introduction of regulations for launching an electricity market. Not to mention that provisions on the practical subordination of the Ukrainian energy market to the interests of the private monopolist in thermal power – Rinat Akhmetov's DTEK – found their way into the document.

THE ONLY TRULY EFFECTIVE WAY TO REGULATE STATE MONOPOLIES IS TO ELIMINATE THEM COMPLETELY WHEREVER POSSIBLE, AS WELL AS LIMITING THE NUMBER OF THOSE THAT WILL HAVE TO REMAIN AS INFRASTRUCTURE ALONE

The distribution of natural gas is a similar situation. Around 50 companies produce it in Ukraine. The share of non-state enterprises in the import of the fuel is steadily increasing. In particular, according to an Anti-Monopoly Committee report, in 2017 the share of Naftogaz decreased to 61.9% from 73.7% in 2016, while other traders, on the contrary, increased theirs by almost one and a half times, from 26.3% to 38.1%. However, there is no similar competition on the retail gas supply market, in particular for household consumers. On the basis of licences issued by the National Energy and Utilities Regulatory Commission, 42 artificial monopolists, the so-called city and regional gas companies, sell gas to the population in their respective areas. They are very loosely responsible for the state of distribution networks and other infrastructure for the distribution of natural gas, but at the same time essentially block the access of competitors to consumers in the territories that they control.

It is difficult to provide free access to the population for all willing gas traders due to the natural state monopoly on distribution networks at all levels. The hindrance here is a mixture of populism, which continues to keep the price of gas for household consumers "below sea level", i.e. what is determined by the market, and lobbying for the interests of oligarchic monopolies and regional gas company owners. These factors are linked. In addition, the oligarchs that own regional gas companies make active use of speculation on "lower prices for the population" to maintain their monopolistic positions in supplying often diluted gas to citizens, fraudulently saving gas intended for their needs.

The infrastructure of providing utilities and communal services like a centralised water supply, drainage and district heating is also closely linked to the power industry. So far, there have been great efforts to make savings on the networks that provide these services and are in state or communal ownership. But it should be completely different. Anyone capable of providing consumers with a suitable product should be given the opportunity to produce and trade water and heat. However, the networks themselves should remain in state or communal ownership and their modernisation should be a priority thanks to a single price for all suppliers. After all, without networks of the proper quality, it will not matter who is willing to sell water and heat and at which price.

A division into a natural state monopoly (i.e. railway tracks, stations and traffic control systems) and dynamic competition between different companies for the remaining cargo and passenger transportation functions remains the only chance to save Ukrainian rail transport from collapse. After all, throughout the entire period of independence state-owned railways have been and remain a donor to private, mostly oligarchic business that prefer to save on tariffs under the pretence that any increase would lead to them suffering losses and that cargo transportation is supposedly highly profitable if it operates without proper investment in the development of lines and rolling stock. A radical increase in contributions towards the development, modernisation and electrification of railways and other railway infrastructure is required at the expense of companies that would like to work on an equal footing with the state operator. This will put an stop to profiteering on the abuse of Ukrainian Railways' monopoly position by its management and at the same time will end the destructive policy of "skimming off" profits without any spending on the long-term development of transport potential.

Investment in the railways for 2017-2018 casts doubt on the implementation of even the very modest plans to spend UAH 150 billion (€4.8bn) on its development during the five-year period that will end in 2021. This is less than half of annual capital investment by Deutsche Bahn, which exceeds €10 billion per year. Moreover, this investment program of UAH 150 billion foresees just €0.9 billion for the purchase of new locomotives, €300 million for upgrades and repairs to current rolling stock and even less for new passenger cars – there are only plans to purchase 400. This rate of replenishing rolling stock is not even close to compensating the planned decommissioning of outdated transport over this period, so the deficit will deepen further.

Finding the fastest possible solution to the problems that have built up over the preceding decades with state monopolies, on which the maintenance and development of vital infrastructure for the whole economy depends, should remain the focus of society's attention. Otherwise, we will face the threat of a transport or energy meltdown in our country. After all, if the opportunity to receive the services we are so accustomed to is one day called into question by the physical state of infrastructure, the problem of prices will be put on the back burner and it will cost much more to make up for further neglect at this time than to take timely action now. ■

Disorder on the tracks

Why Ukrainian Railways is unable to drive Ukraine's development

Maksym Vikhrov

This autumn, Ukrzaliznytsia (UZ, Ukrainian Railways) has been behind a lot of positive newsworthy events. In October, the first modernised passenger carriage, equipped with a separate climate control system in each compartment, was unveiled to the public. These wagons will be recognisable thanks to the new logo that the company presented in September. In November, there are plans to launch a 24-hour express service between Kyiv and Boryspil Airport. However, all these events are still unable to take away the image of UZ as one of the most problematic (and at the same time strategically important) companies in the country. Its main trump card is irreplaceability: if pipelines are not taken into account, UZ is responsible for 65% of the country's freight traffic (State Statistics Service, 2017). The railways account for less than 4% of total passenger numbers, but its share in terms of passenger-kilometres is 28%, since it remains the most accessible and safest means of inter-regional transport (State Statistics Service, 2017).

This situation – in essence, a natural monopoly – opens up wide opportunities for development, but UZ is in constant disorder. In 2014, a catastrophic year for the entire country, the company's losses amounted to UAH 15.4 billion (\$550m), then 16.7 billion (\$600m) in 2015, 7.3 billion (\$260m) in 2016 and only in 2017 did it make a profit of UAH 100m, or \$3.6m (Ernst & Young, 2018). It remains unclear whether 2018 will end with a positive balance. In addition to financial problems, UZ is often the target of harsh criticism. The government accuses it of inefficiency, anti-corruption authorities make allegations about corrupt deals, passengers are dissatisfied with prices and service quality, and manufacturers are unhappy about tariffs and the chronic lack of transportation capacity. Solving all these problems has been more difficult than expected: since 2014, the company has seen eight different managers, but a miracle has not yet occurred and the crisis has not been overcome.

The main problem that constantly looms over UZ is the fact that passenger traffic is operating at a loss. According to the acting chairman of the company's board, Yevhen Kravtsov, in 2017 losses in this segment reached UAH 10 billion (\$360m), in 2016 – 8.8 billion (\$315) and in 2015 – 4.5 billion (\$160m). This forces the company to apply cross-subsidisation, offsetting losses from passenger transportation at the expense of freight. Experts usually have a negative view of this practice. What's more, UZ itself is supposed to do away with cross-subsidies as soon as next year in accordance with the current targeted state programme for the reform of rail transport. However, the issue here is not the timing, but what is objectively possible. At first glance, it should be feasible to overcome the unprofitability of passenger traffic by increasing tariffs to market levels and improving service, which will make rail transport more competitive and attractive to the consumer. UZ is already moving in this direction. During 2018 – in May and October – ticket prices have risen by 24%. In addition, the company plans to split passenger transportation into three classes according to

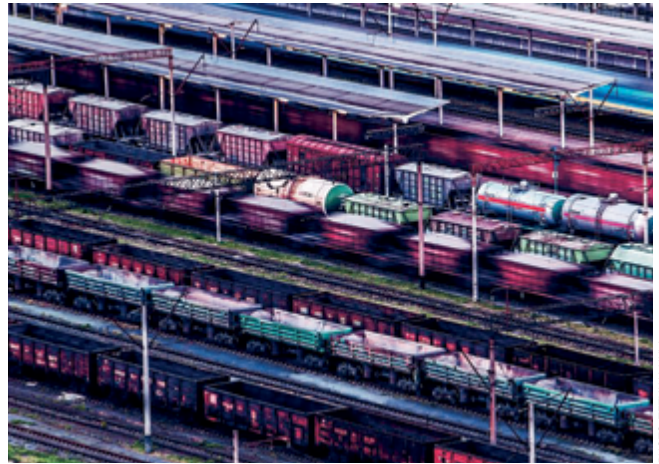


PHOTO: TETIANA HULA

Shortage of cars. In 2017, it was possible to increase the volume of freight traffic by 25% while barely expanding the wagon fleet

the speed and comfort level by the end of the autumn: the cost of tickets for economy-class trains will be regulated by the state, while the pricing policy for the rest (standard and comfort) will be determined by UZ. In order to improve service, an electronic system is being developed through which passengers will be able to wait for available tickets on "sold-out" trains. This innovation should be hailed, because the company has long been in need of modernisation. However, it will not be possible to solve the problem of unprofitable passenger transportation in this way alone.

Firstly, there is a limit to the population's purchasing power, after which an increase in prices will lead to a drop in demand, no matter how comfortable the carriages and how fast the trains will be. Secondly, the pursuit of profitable passenger transport is in fact more about the philosophy of the process than the result – even in EU countries, state subsidisation of rail transport is a standard, long-standing practice. Indeed, as of 2012, the total revenue of the EU rail network was about 112 billion euros, of which 31% came from state subsidies, 41% from passenger transport revenues and 18% from freight revenues. Although the level of government subsidies in various EU sectors is tending to decrease (from 2% of GDP in the 1980s to 0.5% of GDP in the first half of the 2010s), there is no hurry to stop supporting the railways (European Journal of Business and Economics, 2013). In 2006–2011, the average subsidy amount paid to the rail sector in the EU was €41.3 billion a year (European Commission, 2016). By no means is this a waste of money: railway infrastructure also performs a social function, so the negative consequences of abandoning it will exceed the cost of subsidies. Of course, this does not mean it is unnecessary to look for a better eco- »

conomic balance, but passenger transportation is unlikely to become profitable for UZ, at least in the near future.

Therefore, it is only possible to abandon cross-subsidisation if state support is provided, otherwise a collapse will occur either in the company itself or in a society that will have to face the consequences of transportation running at a total loss. The situation with suburban trains is a striking illustration of this. Indeed, in October, city trains in Kyiv were blocked in protest against a lack of carriages. In August, angry passengers did the same thing to a Lviv-Sianka service. In Pustomyty in May and Sknyliv in April, lines had to be closed due to demonstrations on the tracks. The quality of existing carriages and comfort level do not usually stand up to scrutiny. The main reason is the unprofitability of this segment, since UZ regularly receives less compensation than it should for the travel of concession holders, which make up about half of the passenger traffic for these trains. According to the company, regional budgets reimbursed less than 15% of the transportation costs for these categories of citizens in the first 11 months of 2017, racking up UAH 352 million (\$12.5m) of debt. In 2016, only 10.4% was compensated and 39.7% in 2015. Obviously, upgrading and improving services is out of the question under such conditions. The fact that this situation repeats itself every year indicates the tremendous weakness of state institutions that are unable to deal with simple settlements. In search of a way to optimise costs, UZ has suggested replacing 20 of the least profitable suburban routes with bus services, as the trains are running at less than 20% capacity. Nevertheless, it will not be possible to solve profitability problems in this way, as possibilities for cutting back on railway infrastructure are rather limited and, considering the low mobility of the population, this is likely to lead to negative social and economic consequences. As for other passenger traffic, the profit margins of different routes vary greatly. For example, route 45 from Lysychansk to Uzhhorod is the most troublesome: according to UZ, it suffered losses of

UZ is in constant disorder. In 2014, a catastrophic year for the entire country, the company's losses amounted to **\$550m**, then **\$600m** in 2015, **\$260m** in 2016 and only in 2017 did it make a profit of **\$3.6m** (Ernst & Young, 2018)

UAH 98.8 million (\$3.5m) in just the first six months of this year. However, it is important that it be supported for social and political reasons, as it ensures the mobility of the population in a strategically important direction.

As for freight traffic, the company has already started to talk openly about the need for compensation. In particular, they insist on the introduction of a special tariff for loss-making stations or the reimbursement of losses, either by local authorities or other stakeholders. According to the company, there are around 300 stations that dispatch less than two cars of grain a day, which does not cover maintenance expenses. In fact, this is no longer only an idea: since 1 July 2018, grain shipments have been totally or temporarily suspended from 92 stations (19% of the total), through which only 1.5% of grain passed in 2017. It is a controversial issue whether UZ will be able to come to an agreement with local authorities, as the experience of suburban passenger traffic shows there is a lack of understanding. It is even more doubtful that the government will hurry to meet the company halfway, as their relationship in recent years has been rather tense. Minister of Infrastructure Volodymyr Ome-

lian claims that corruption in the company is worth UAH 15 billion (\$535m) each year and passenger transportation "is not as unprofitable as is sometimes declared". However, there is more evidence than only statements from officials. Investigative journalism has also shined a light on corruption in the company, as have cases opened by the National Anti-Corruption Bureau: as of September, 17 cases concerning UZ were being worked on. For example, a contract for the purchase of General Electric locomotives worth more than \$1 billion, concluded by UZ in February, is currently under investigation. In turn, Yevhen Kravtsov claims that the Bureau "was forced to file a case" and therefore the company is not worried about it. Next year, the Accounting Chamber is supposed to begin an audit of the company, which could set the record straight about the railway monopolist's actual position. In any case, state subsidisation will only make sense if the funds are used transparently and efficiently. For now, there are no two ways about it: as long as a cloud of corruption hangs over the railways (and relations with the government are not harmonised), such an initiative will never make practical sense or have political and public support.

Relations between UZ and manufacturers are also extremely problematic – the latter are irritated by not only the growth of tariffs, but also the inability of the company to adequately meet their needs. Last year, an automated distribution system for freight cars was introduced that, according to Andriy Riazantsev, Director of Economics and Finance at UZ, made it possible to immediately increase freight volumes by 25% while barely expanding the wagon fleet. But this was not enough: according to IMF Group, last year farmers alone suffered losses of \$321m from being forced to transport their grain by road. UZ states that there have been no complaints in the current sales season and there should be enough grain carriers for another three to five years. However, this opinion is not shared by everyone. For example, the Ternopil Regional State Administration announced at the end of October that the region had only received 482 of the 3,000 grain carriages it required. However, the sharpest criticism of the railways this year has come from metalworkers. At the end of August, president of the Ukrmetprom association of steel-making companies Oleksandr Kalenkov stated that cargo transportation was in a critical state, as a result of which mining enterprises had their warehouses filled 4.5 times over capacity and were faced with a need to reduce production. UZ denied these claims, calling them a "smear campaign". Be that as it may, all this controversy is not addressing the issue of wear to freight cars, which, according to various estimates, is measured at between 84 and 99 percent. Predictions from the IMF Group show that if the deficit in rolling stock is not bridged in the next five years, the Ukrainian economy risks losing up to \$27.8 billion (at 2017 prices), or 4.8% of annual GDP. Is UZ capable of warding off such a scenario? According to the Ministry of Infrastructure, there are 65,000 freight cars in operation. Yevhen Kravtsov adds that the company built 2606 in 2017 and another 1704 in the first half of 2018. Production has also picked up at the Kriukiv Manufacturing Plant, which shipped 2614 units between January and September. UZ will receive another 7,000 in 2018-2019 thanks to cooperation with the EBRD. In short, hope that at least this problem can be addressed in a more or less timely manner is well-founded. However, the other complex issues do not have such a simple solution. It is quite obvious that the company must improve its management standards and root out corruption. Nevertheless, without state support, in particular in the form of subsidies, chances for the rail monopolist to become an agent for economic growth and social welfare in Ukraine are remote. ■

The traps of populism

Apart from the desire for power, what drives presidential candidates to play with voters and how dangerous is this for Ukraine?

Maksym Vikhrov

Still four months to the presidential election and campaigns are going full steam. True, ratings are pretty low, even for the frontrunners, so getting voters on their side will not be easy. Worse, it is increasingly more difficult to use tried and true political strategies under the current circumstances. The period of historic uncertainty that lasted throughout virtually all of Ukraine's years of independence was very convenient for elections. At first, Ukraine swung between desovietization and the conservation of the remains of socialism. Later, it vacillated between decolonization and Russki Mir. The lack of a clear response from the government to the most fundamental questions — not just on language and history, but on the country's basic mode of existence — fuelled tensions that fed demand for varied political solution. The political environment formed its own structure and all candidates had to do was take their place on one side or another of the ideological barricades. Without established doctrines, any and all positions were strictly opportunistic.

In 1991, Leonid Kravchuk, an ex-nomenklatura ideologue, was challenged by national democrat Viacheslav Chornovil. In 1994, Chornovil's voters supported Kravchuk against Leonid Kuchma, who was playing up to the pro-Russian electorate. But in 1999, they changed sides again, supporting Kuchma against the radically pro-Russian Communist leader, Petro Symonenko. The 2004 and 2010 elections followed a similar course. Rival candidates grew their ratings through mere opposition to "the other guys," not burdening themselves with developing solid platforms and filling any gaps in substance with the standard clichés of populism. The Euromaidan began as the next stage of the perennial standoff, which should have led to the next round of scheduled elections or even a snap election,

with the by-now standard candidate from the national democratic opposition running against the Party of Regions — read pro-Russian — candidate.

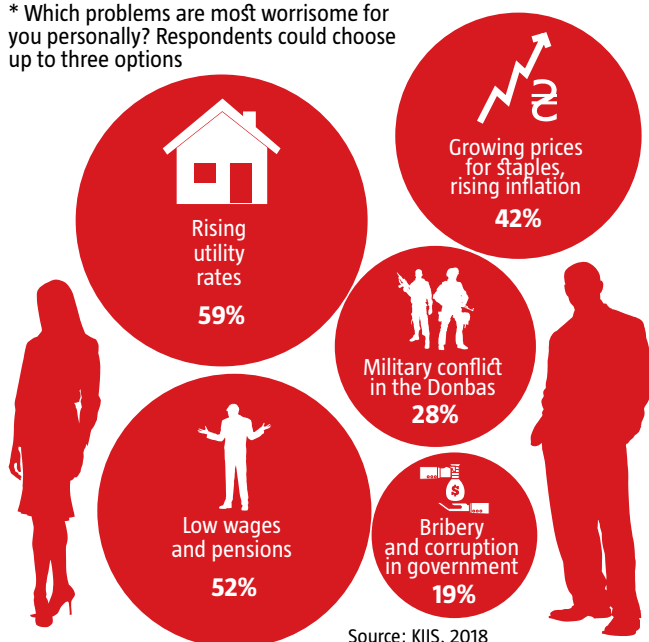
Instead, the Yanukovych regime collapsed, taking down the Party of Regions with it. Having no strong antagonist now, yesterday's opposition politicians were forced to compete among themselves. The annexation of Crimea and the occupation of the Donbas turned the 2014 race into competition for the role of the leader who would bring Ukraine back to peace and security. Since then, the situation has changed again. Pro-Russian forces have recovered from their humiliating rout and can expect better results in the upcoming presidential and parliamentary elections. A complete comeback still seems far-fetched, however, although they do have an audience in southern and eastern Ukraine and could well increase it somewhat, without their base, now in occupied Crimea and ORDiLO, their chances of repeating the success of 2010 are extremely small.

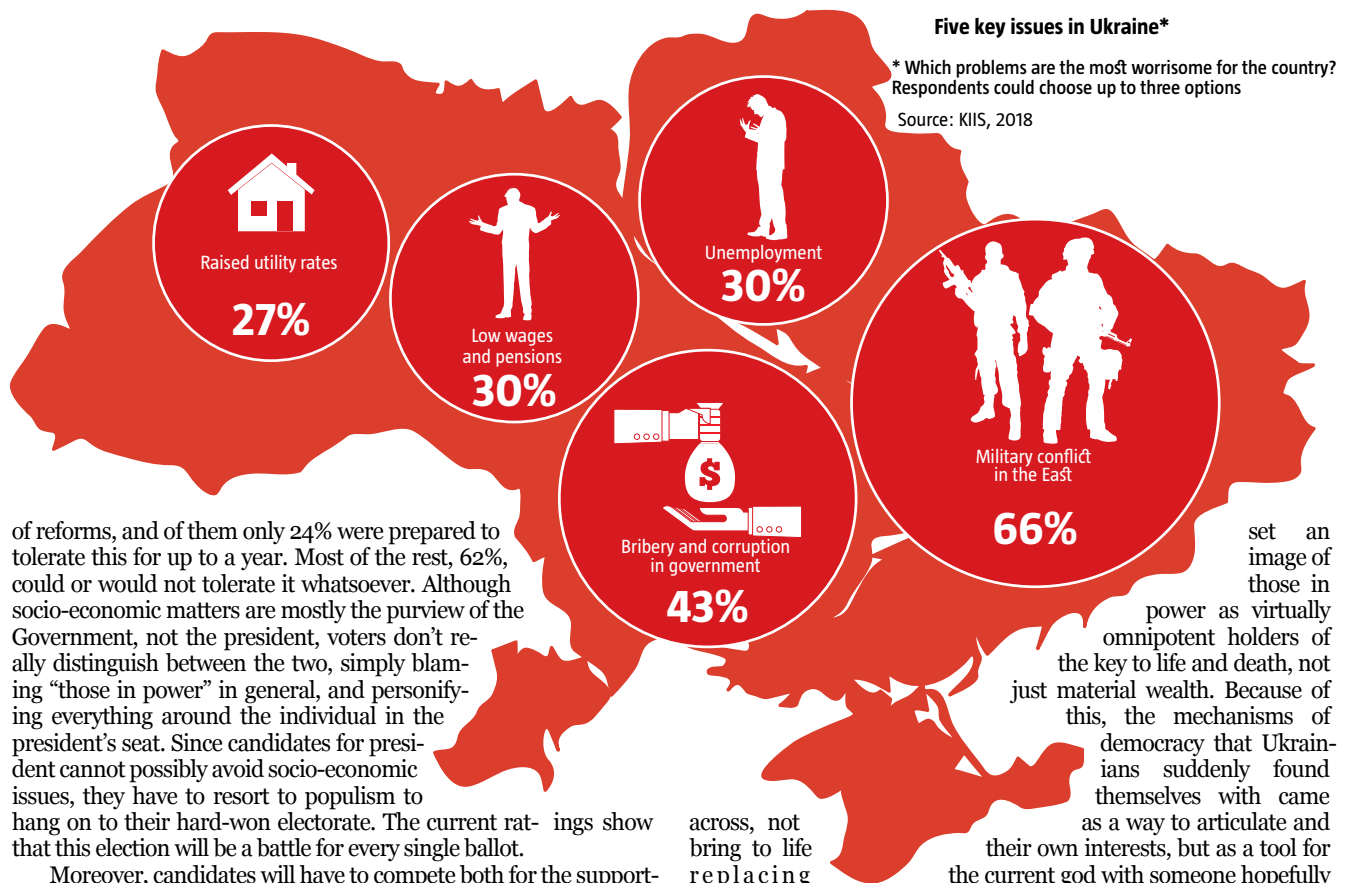
All this will make it impossible to apply the standard old election battle plans, so the 2019 presidential election will be a competition among candidates with "patriotic" platforms and no obvious ideological opposition — at least in the eyes of the average voter. The two top candidates will most likely share the same position on NATO and the EU, Crimea and the Donbas, and on the status of the Ukrainian language. In short, it won't be enough to be "one of ours." They will have to offer more specific answers to the most problematic issues. Unfortunately, there are no easy, meaning electorally useful, answers to offer.

What are these issues? According to a fall 2018 Kyiv International Institute of Sociology poll, 66% of Ukrainians see the war in the Donbas as the most urgent issue, followed by corruption in government (43%), unemployment (30%), low wages and pensions (30%), and growing utility rates (27%). Among problems that affect them personally, this poll showed that 59% of Ukrainians were affected by rising utility rates, 52% by low wages and salaries, 42% by rising prices and inflation, and only 28% by the war, 19% by corruption in government and 18% by unemployment. Obviously, none of these issues has a quick, painless and effective solution. The return of Crimea and the liberation of the Donbas is a formula with too many unknowns. This makes it impossible for any candidate to guarantee a positive result here, especially something attainable within a single term in office. The switch to market energy prices is an objective necessity, although surprisingly many Ukrainians are unaware that it was also a condition for receiving IMF and other donor funds. Low pensions are a natural outcome of a high-bankrupt pension system — something that most developed economies have been struggling with for decades. Wages and employment reflect the domestic economy. Eliminating corruption is equally difficult, even with maximum of political will applied, because the political leadership depends on consensus with the oligarchic elite. In theory, a strategy focused on an open, serious discussion of pressing issues could be the key to success in elections, and the candidate applying this approach would stand out among all the populists promising easy solutions and snap results. In Ukraine, however, this is likely to end in the opposite result, at least in the presidential race. When it comes to reforms, most Ukrainians want quick results. In a spring 2018 survey by the Democratic Initiatives Foundation, only 33% said they were ready to tolerate a declining quality of life for the ultimate success

Five key issues in the lives of Ukrainians*

* Which problems are most worrisome for you personally? Respondents could choose up to three options





of reforms, and of them only 24% were prepared to tolerate this for up to a year. Most of the rest, 62%, could or would not tolerate it whatsoever. Although socio-economic matters are mostly the purview of the Government, not the president, voters don't really distinguish between the two, simply blaming "those in power" in general, and personifying everything around the individual in the president's seat. Since candidates for president cannot possibly avoid socio-economic issues, they have to resort to populism to hang on to their hard-won electorate. The current ratings show that this election will be a battle for every single ballot.

Moreover, candidates will have to compete both for the supporters of reforms and for its opponents — of which there are quite a few in Ukraine. This second group is being actively targeted today by ex-Party of Regions players, but pro-Ukrainian candidates will need to reach out to both groups or at least not scare away those who prefer stronger government support rather than reforms. Right now, these Ukrainian voters constitute an absolute and growing majority. A 2018 Democratic Initiatives poll showed that the number of Ukrainians expecting maximum free public services had grown from 62.7% to nearly 65% over 2017-2018. The share of those who were against this shrank from 23.5% to 22.6%. In addition to this, more progressive Ukrainians are adding pressure on those in power to ensure that Ukraine stays the European course and does not play at socialism. What makes the situation so dramatic is that nobody is likely to be elected, that is, to have the power to conduct European reforms, without being willing to play up to voters. Ukraine thus finds itself in a paradoxical position, where to get an anti-populist platform implemented, candidates have to campaign using populist slogans. But this just scratches the surface of the problem. While effective election-time populism can bring a candidate to power, it also lays a bomb under their future ratings. The higher the bar of social expectations is raised, the faster disappointment will come, and the more vulnerable the future president will be. Those who use populism as a necessary election tool, but don't try to carry out fantastic promises by following in the footsteps of Tsipras, Maduro or any other "champions of the people," are likely to find themselves in the worst situation down the line.

Populism is a trap, not just for candidates for office but for the entire society as well. The electorate gets used to the idea that this is the style of communication politicians use and becomes deaf to the serious open discussion of issues. For irresponsible politicians, this works perfectly well, but Ukrainians became vulnerable to populism due to a totalitarian legacy amplified by the lack of vibrant democratic traditions. The soviet period imprinted in the Ukrainian collective mind-

across, not bring to life replacing more generous and sympathetic towards them. These unspoken illusions, rather than socialist beliefs, lie the root of Ukrainian paternalism. It is born where lack of faith in their own power meets trust in the omnipotence of those in power. Forced to fight for the votes of millions, politicians try to meet their electorate's expectations rather than to re-educate it, by pretending to be "the one who can make life better today" with a flick of the presidential wand.

As Ukrainians develop their skills in engaging in real democracy and civic society, the appetite for populism will fade, although no nation is fully immune to it. The best-case scenario for today is: whoever comes to power in Ukraine in 2019 is prepared to play a double game: to apply populism and play on paternalistic expectations to gain power, but then to rely on the proactive minority to carry out painful reforms and maintain stability throughout the transition period. That minority is comprised of those Ukrainians who are willing to endure economic hardship for the sake of the future. Still, the worst-case scenario seems far more likely: the newly-elected administration bases both its campaign strategy and its post-election policies on populism. This might deliver good-looking symbolic gestures and loud but empty announcements at best, and ill-considered steps such as an irresponsible increase in pensions and the minimum wage, at worst. In the worst-case scenario, the new government will try to walk back the reforms that have been launched so far, in the hopes of buying voter support. This could deliver some short-term results, but the long-term impact will be difficult — not the least because 46% of Ukrainians will think that an increase of their household income is the first signal of irreversible positive changes: the share of such people grew from 35% to 46% over 2015-2017, according to a 2017 GfK survey. Inflation is one way to deliver this "improvement," even if short-lived. Given this gloomy prospect, one can only hope that the political forces capable of such adventurism care less about implementing their election promises than their rivals. ■

Election 2019: Shifting positions

How different is the current campaign in terms of political slogans and promises compared to 2014?

Andriy Holub

At the end of March 2014, Vadym Rabinovych, president of the All-Ukrainian Jewish Congress came to the Central Electoral Commission to submit his application as a candidate for president of Ukraine. One of his goals, he said at the time, was to tear down the myth of Ukraine as an anti-semitic country. “I’m probably the most appropriate candidates,” he said at the time. “Today, we need to join forces and I’m a unifying candidate. I don’t have a mania for power. I simply want to help the country.”

On Election Day, May 25, 2014, Rabinovych came in 7th with only 2.25% of the vote. Today, he’s still president of the Jewish Congress but now he is also head of the newly-formed *Za Zhyttia* or *For Life* party, and his ratings as a presidential candidate are 3-5%, depending on the poll, with some prospects for growing. The difference in the numbers may not seem like much, but this kind of rating given the current circumstances — a huge field of candidates, for one — means that there is some chance of making it into the second round. Still, on November 15, Rabinovych disappointed his supporters with announcement that he was leaving the race. Moreover, his reason flew in the face of his 2014 statement: he said that he did not think a Jew could be elected president of Ukraine.

“I thought long and hard about it this last night and it seems to me that, as someone who is a practicing Jew, I can not and have no moral right to be a judge over issues involving Orthodox Christianity, which is indubitably one of the duties of the future president,” he explained. “So, unfortunately, I have to announce that I am withdrawing my candidacy. I will not be running for president and will talk to our party council today to immediately nominate another person.”

Consistency seems not to be a strong point among Ukrainian politicians. At the same time, most Ukrainian voters are quite accustomed to it. A Razumkov Center poll showed that only 18%

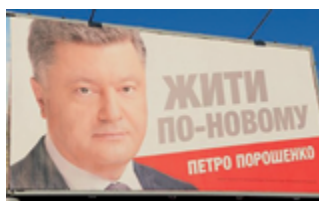
of Ukrainians can “easily” or “very easily” state their own position on political issues. Quite a large proportion of Ukrainians, according to this poll, are quite uninterested in politics and don’t think it’s worth spending time on it. Among the main trends in party building, regionalism and the politics of personality dominate. If all the parties that have registered since the Maidan are considered, their names are pretty self-evident. On one hand, there are Cherkasites, Khersonites, the Gypsy Party of Ukraine, the Georgian Party of Ukraine, the Ukrainian Halych Party, and so on. On the other, there are “Lyashko’s” Radical Party or “Poroshenko’s” Solidarnist, and this is just a very short list.

Interestingly, polls show that, while most Ukrainians favor government regulation in various spheres, around 10%, according to DIF, are against any government funding for political forces, and another 13% don’t want to pay out of their own pockets. Instead, 49% think party leaders should finance their parties and 48% think the rank-and-file members should. Yet only about 1% of Ukrainian voters are actually members of a party as of 2018.

Given all this, it’s hard to have a serious discussion about the differences among the various platforms candidates are proposing. Only a minority of voters actually reads them. And so election campaigns turn into little more than a competition of advertising campaigns, where form matters more than content. This also makes life easier for the candidates themselves as they don’t need to be too careful about being consistent in their image, their focus or even their positions.

Visual evidence of this can be seen in every election campaign and the presidential election — the race that most Ukrainians consider the most important one — is no exception. Populism is being written and spoken about much these days, but in fact it has been part and parcel of every single election. The 2014 election, despite its exceptional status, was no exception. Its main uniqueness was that it lasted only three months, as is provided for in law. But most of the time, unofficial campaigning typically starts nearly a year prior to Election Day. Yet, the only place where the more-or-less substantive positions of candidates can be heard and registered is during campaign debates. The main focus is generally on the competition in the run-up to the second round of voting, where the two main candidates meet face-to-face for a verbal fight. This did not take place in 2014, as the election was decided in a single round. And so debates took place in a chopped-up format: the top candidates stood, not next to each other but next to anonymous crowds of people and responded to a wide range of questions.

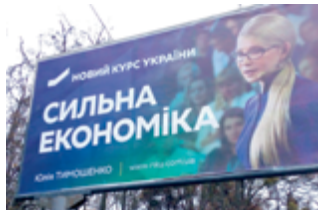
The brevity of the 2014 campaign did not change the fact that the ballot included some 20 names. A similar number has run in all other elections. Registration for the 2019 race has not yet started but it’s pretty predictable that there won’t be any fewer this time. Of the main active candidates in 2014, four of the same politicians are running this time as well: Petro Poroshenko, Yulia Tymoshenko, Oleh Lyashko, and Anatoliy Hrytsenko. Most likely Yuriy Boyko will join them, even though he was 14th in 2014. Mikhail Dobkin has also declared his intentions, after coming in 7th in 2014, when he was considered the main pro-Russian candidate. This was significant as Dobkin’s political ads suffered possibly the most from green and other spray paints. »

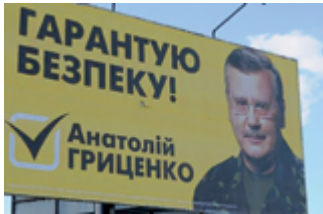


Petro Poroshenko. Getting the country on a new track is far from finished



Yulia Tymoshenko. A poor campaign in 2014 finally got her to drop the braid





Anatoliy Hrytsenko. The “real colonel” changed his camouflage for a business suit



Oleh Lyashko. The image of a scrapper has been replaced by an ordinary “man of the people”



Now the Kharkiv politician is head of the Christian Socialist Party, but he hasn't been actively campaigning so far.

One of the many questions still open regarding the 2019 elections is who will be the main pro-Russian candidate. Until recently, there were two: Boyko and Rabinovych. However, they joined forces and now Viktor Medvedchuk is involved as well. This is most likely why Rabinovych dropped out. Still, Boyko is hardly short of competitors, including Rabinovych's one-time ally Yegeni Murayev in his new “Nashi” (Ours) project, and ex-fellow OppoBloc member Oleksandr Vilkul, who has been actively advertising himself on billboards mostly in eastern and southern

Consistency seems not to be a strong point among Ukrainian politicians. At the same time, most Ukrainian voters are quite accustomed to it. A Razumkov Center poll showed that only **18%** of Ukrainians can “easily” or “very easily” state their own position on political issues.

Ukraine. In fact, the herd of candidates on the pro-Russian flange is one of the key elements that distinguish this race from the 2014 campaign. Another little detail stands out in this field: in 2014, Dobkin ran as an independent, but demonstratively used symbols of the Party of the Regions in his advertisements together with the slogan “Yedyna Kraina,” echoing “Yedinaya Rossiya,” Putin's rubber-stamping party in the Russian Duma. At the time, this could have been interpreted as an open challenge and even mockery of those Ukrainians who had supported the Euromaidan and for whom the killings in Kyiv and annexation of Crimea were still painfully fresh memories. The result was a pathetic 3% of the vote.

Even Serhiy Tihipko, who was also associated with the Yanukovich regime but chose the more subdued national colors and the simple slogan, “Let's restore order and revive the economy,” managed to get a bit over 5%. Half a year later during the Rada elections, Tihipko was to run under the slogan, “Peace, the economy, and the future.” Although it's unlikely to lead to success, today it's obvious that his basic strategy beat Dobkin's. Pro-Russian politicians, with the exception of Medvedchuk, try to avoid directly demonstrating their sabotage of the changes going on in Ukraine today and don't promise a complete return to the past. Instead, nostalgia for the past is demonstrated in flowery greetings on every possible holiday, but mainly it comes in promises of peace — without any indication of the possible conditions in-

involved. True, in the 2014 debates, Tihipko did manage to find the strength to acknowledge the annexation of Crimea by Russia, something that can't be said about most of the candidates in the pro-Russian camp today.

Anatoliy Hrytsenko is from the other camp, but has also shifted the emphasis in his 2019 campaign, compared to 2014. Then, the one-time defense minister appeared on billboards in camouflage under the slogan “I guarantee security.” Now he's in a business suit and the slogan reads, “Honest folks are in the majority.” In other aspects, Hrytsenko's campaign is very reminiscent of the Rada campaign in 2014, when he promised to establish a broad coalition of pro-European forces. In the end, though, he only managed to join forces with Vasyl Hatsko's Democratic Alliance. This time, Hrytsenko also negotiated actively to form a coalition, but so far, the key potential partner, Lviv Mayor Andriy Sadoviy, has decided to run separately. Indeed, Hatsko supported Sadoviy. Some changes have taken place in Hrytsenko's views of the powers that should belong to the Head of State. During the debates in 2014, he stated that the presidency needed to have some functions removed, including the appointment of candidates in the enforcement agencies. The 2018 Hrytsenko is definitely against any reduction in the powers of the country's top executive and is now promoting the idea of a “strong hand.”

The bronze medal in the previous presidential race, much to the surprise of many, went to Oleh Lyashko. Thank to his campaign, it's possible to track the main issues that bother Ukrainians at various points in time at least as well as by reading opinion polls. And the country's top radical continues to promise to fix it all. In 2014, Lyashko was the only candidate to use the occupation of Crimea in his campaign advertising. When asked how to return Crimea to Ukraine, during the debates he answered: “Fight for it. In every way possible: economically, diplomatically, and militarily. We gave Crimea away without a single shot. I was the only candidate that called on us to fight for Crimea and I was labeled a provocateur. We could even engage in partisan warfare. And, of course, the main thing is the economy. When Crimeans start to live poorly, they themselves will ask Ukraine to take them back.” He went on to say that to get Crimea back, Ukraine just has to wait 3-7 years: “Putin will leave, the government will fall apart. Chechnya and Dagestan will start asking again, ‘How come Crimea can and we can't?’ This is what we will take advantage of, when they become weak.”

Today, the leader of the Radical Party is promising Ukrainians low utility rates, high pensions and wages, and a rejection of IMF loans. Still, Lyashko will have a hard time repeating his 2014 success in 2019 — if nothing else because plenty of rivals have appeared in his domain.

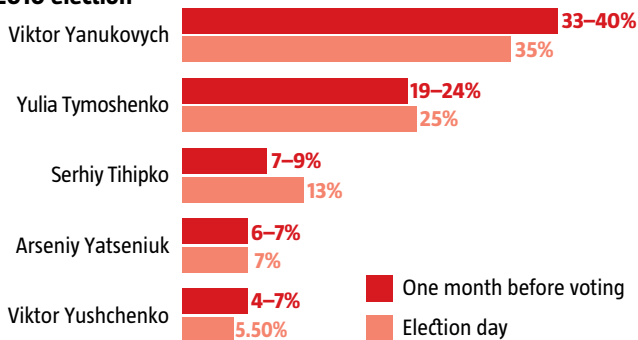
The main contenders for the presidency in the previous election were Petro Poroshenko and Yulia Tymoshenko. Chances are quite high that it will be the same this time around, although their starting positions are very different today. The incumbent won in 2014 based on an entire slew of factors. Partly it was demand for a new face, which is still the case today. Although Poroshenko had been active politically since the late 1990s, he had never been the leader of a ranking political party. He was a successful businessman who was associated with order and decisiveness. After the events on the Maidan and the start of war, this was sorely lacking in Ukraine. The third component of his successful run was the withdrawal of Vitaliy Klitschko in his favor. The result was a resounding victory in the first round of voting.

The situation today is far more difficult. Firstly, Poroshenko has to pay for unfulfilled promises from 2014, including selling his business and quickly ending the Joint Forces Operation. For the latter, he has publicly apologized to the country. But placing Roshen in a blind trust instead of selling it, because the price he was offered was a quarter of its market value, has not

Ratings & results

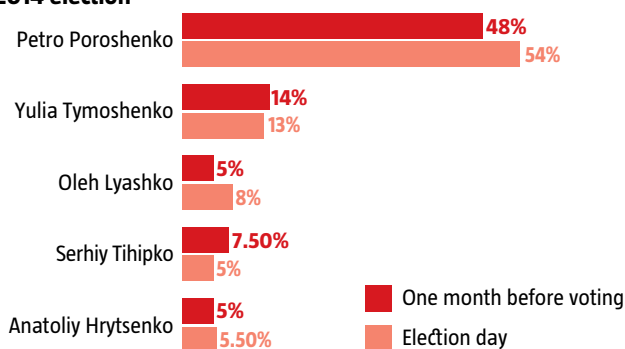
The gap between exit polls and the final results of an election is typically a few percentage points. In the 2019 election, that difference could prove decisive

2010 election



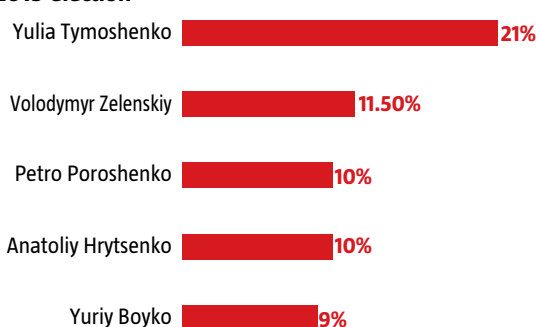
Sources: Democratic Initiatives Fund-KIIS poll, CEC data

2014 election



Sources: joint poll by KIIS, the Rating Sociological Service, Socis and the CEC

2019 election



Sources: joint poll by KIIS, Rating and the Razumkov Center in October 2018

Figures for all respondents and results have been rounded to 0.5 or 1.0

satisfied many Ukrainian voters. But that's not the most important point. Poroshenko's main slogan in 2014 was "Living a new way." As clear and understandable as this slogan was at the time, it's now working against Poroshenko. The slogan was so good that most Ukrainians have not forgotten it. Each of them gave the slogan their own meaning, but the main desire of most voters at the time was to reduce the level of corruption and punish the criminals sitting in the halls of power. These issues have not progressed much since then.

During the 2014 debates, Poroshenko also promised a fair judiciary within a year through lustration, but that process

and the re-accreditation of judges still hasn't been completed. On the other hand, Poroshenko said from the first that he was against the election of judges because that would not guarantee their honesty. Most of the problems with corruption and with enshrining rule of law were supposed to be resolved by the Association Agreement with the EU. At the time, Poroshenko was also skeptical of Ukraine's ascension to NATO, but now is promoting it actively: "In its current situation, Ukraine will not be accepted into NATO because of territorial disputes," he said at the time. "The popularity of NATO has grown but the question of security should not divide the country. Today, we have prepared an agreement that should ensure the country's security... I can see that, right now, the conditions necessary for joining NATO aren't in place. Period..." What agreement Poroshenko had in mind at the time, he never explained.

The president has already listed his successes on his new billboards: "Army, language, faith." Among his other promises from the 2014 debates are winning the Stockholm arbitration case and stopping deliveries of Russian gas, and decentralization. Given the repeated increases in gas rates, however, gas would have to be mentioned very cautiously. Poroshenko is also short of potential ranking allies. Much will depend, not only on whether short on experience, long on popularity Sviatoslav Vakarchuk and Volodymyr Zelenskiy become the "new faces" of 2019, but also whom they support in the election if they decide not to run on their own. And they are highly unlikely to plump for the incumbent right now. The frontrunner at this point is Yulia Tymoshenko could have decided not to run in the previous election. Certainly, many in her circle tried to dissuade her in 2014. Back then, she campaigned quietly and tested the waters and only at the end did she present the slogan, "A strong leader for difficult times." At the time, Tymoshenko argued her decision saying that politicians should not be spending money on advertising but on helping the army.

"I will speak briefly about all the platform and advertisements," said Tymoshenko during the May 2014 debates. "Don't bother reading them and don't bother looking at all those ads. There have been hundreds of them. 'I'll listen to each of you,' and 'I'll make everyone better,'" — at which someone shouted "And the Ukrainian breakthrough" — "we've heard it all. But just look at people's lives and all. I mean the candidates running for president. Look what they have achieved in their lives and choose that way. Not long ago I was driving around and saw an ad for one of the candidates. It was a rotating ad and it had got stuck, so it read 'The main goal' and then 'Buy a cat.' That's why I suggest that people not focus on this too much."

And so the war continues, and so Tymoshenko's billboards are everywhere. The Batkivshchyna leader keeps trying to play several fields at the same time. She's a populist who would even make Lyashko blush, with promises that the price of gas would be halved. Her proposal to sell domestic gas to consumers is hardly new and was among her platform's planks back in 2014. This is where the braided lady is very consistent. The high price for Russian gas in the contracts she signed in the past — that, she says, was the price of independence. As an interesting aside, when asked this awkward question back in the 2014 debates, Tymoshenko was only able to respond in her second attempt.

Today, Tymoshenko proposes a "New Course" of reform for younger voters. The Batkivshchyna leader has managed to recover the positions and ratings she had in 2014 thanks to her never-ending criticisms of the current administration. With the other component, offering substance, things have not been quite so simple. Her "New Course" raised more jokes than support among young people. And so there are serious doubts that Tymoshenko will be able to increase her current level of support. On the other hand, given the problems faced by her main rival, maybe she has enough as it is. ■



PHOTO: JULIUS MALINSKAS/15MINLT

Dovile Jakniunaite:

“In Ukrainian case we can speak about social-economic plus external influence”

Interviewed by Yuriy Lapayev

During the second Lviv security forum *The Ukrainian Week* had spoken to Lithuanian expert on separatism and unrecognised entities to look for similarities and differences of Ukrainian conflict comparing to other countries.

Which conflicts are you studying?

— Most of my studies are dedicated to borders, state or state-like borders. The last three-four years I was very much interested in territorial conflicts in Georgia and I was researching Abkhazia and South Ossetia. I got interested in of the so-called “borderization” process, which was happening there since 2013. Borderization in Georgia means that there is now physical border (EU calls it administrative boundary line) separating Abkhazia and South Ossetia from the rest of Georgia. This process directed my research towards the phenomenon, which in academic literature is called “de facto states” or unrecognized states. These are the territories which have declared independence, they are unrecognized or almost unrecognized internationally, but they are trying to establish themselves as subjects in international politics. It is very interesting question how they survive, and how they live and develop the life in their territories. They can be found not only in Georgia, but also in Moldova, in Cyprus and even Africa, in Somalia.

If we speak about conflicts in Georgia, Armenia, Transnistria and Ukraine, do you see any connection?

— Yes. There is one obvious similarity: if these entities would not survive, if they don’t have so called “patron state”. And in most of the cases, Russia is the most important instigator of the con-

flict and supporter of these territorial entities. Except maybe Nagorno Karabakh, where Armenia is the main patron state. In Georgia where the separatism started in early 1990s, the role of Russia was less important or obvious. But since early 2000s Russia gradually and insistently increased its presence and became a crucial and decisive player. And now discussing the future of Georgia and Moldova we understand that Russia has strong veto power and can stop any positive transformation. And the same is in the case of the future of Eastern Ukraine.

What are the roots of such entities?

— Such situation never happen suddenly, without some ground. There is always something, some problem, some discontent, which passively waits for a good opportunity. Every violent conflict has deeper roots. They may be ethnic or social or economic or other type of the problem. But for them it is crucial to get some kind of “fire” to ignite the conflict. So, there need to be three elements: a deep course or causes, some window of opportunity and very often some external help. In many conflicts, which were discussed above, this help has come from abroad, from neighbouring country. But there are a lot of places with problems, even loud separatist sentiments, but violent separatism does not happen. That is why separatism is very interesting phenomenon, a lot of complex forces have to join into one whole for it to happen. In general in international politics it is very difficult to establish a new state for separatists if there is no agreement from the state from which it wants to separate. And the most interesting thing is not even the fact of creating unrecognized state, but the fact, how these self-proclaimed states exist for so long.

What other similarities do you see between Ukraine and other separatist conflicts in Europe?

— I think that cases of UK/Scotland and Spain/Catalonia are different — there the process takes place in a more or less democratic framework, though in Catalonia the quarrels were and are more intense, nevertheless, the democratic procedures prevail. But we can look again at Moldova and Georgia. So, the separatist entities have declared independence and they get support from the external force, they fight the reintegration because they have military and economic resources to separate themselves from main territory. This is clear, but what happens next? This is the most important question now for Ukraine. From these two examples I take at least two lessons. First, the longer it takes for these entities to survive and live separately, the bigger will be the probability that it would go on even longer. So it is the time matters a lot. The condition that is supposed to be temporary gets stabilized. For a very long time conflicts in South Ossetia, Nagorniy Karabakh, Transnistria were called “frozen”. It is not very good analytical term, but it is a good metaphor to describe the situation. That is — the longer such unrecognized state exists, the more difficult is to stop it from existing, that is unfreezing it. So, the second lesson follows from the first: — the longer it takes, the more people are getting used to living separately. People on both sides, on government-controlled and on self-proclaimed. What I see now in Abkhazia and South Ossetia, the people living there don't like (and the word “don't like” is a very soft word) even to think about possibility to live in Georgia, with Georgians. This is unimaginable for them. The dislike and scepticism is so huge. There is already a new generation that cannot imagine any other option, just living separately and listening to the stories of fights, wars and injustices. This tendency of people to create habits of separate lives is the second lesson, and I would say also the threat which should be kept in mind when thinking about Ukraine as well.

Right now in Ukraine we don't have a frozen conflict. It is actually hot. Does this factor has any influence of time of solving or minds of people?

— Of course. When it is “hot” situation, when it is war, it must be more difficult to get used to such conditions. Though I must admit my personal experience and knowledge here is very limited. Still, from reading variety of war stories I get impression that people can get used to everyday violence, to the shellings and distant sounds of arms. So, my main conclusion would remain the same: time is against the quick conflict resolution. On the other hand, when there is war, there is also the urgency, the urgency to do something and quickly. And that is good. Because, there is at least some hope left when there are the efforts to solve the critical situation in time of war. But what I see in Ukraine now on public, official level — there is not much will to do much, except acknowledging the situation of war, nothing is happening in terms of formulating some visions, strategy on the future of the post-conflict Ukraine. But of course, expressing this criticism I have to emphasize again the role of Russia as the most important veto player.

Do you see any differences in Ukrainian situation comparing to other examples of separatism?

— I see one big difference between Georgia and Ukraine. Georgians had and have ethnic conflict. I get criticized by my Georgian colleagues for saying this, but one must be fair and the wars of early 1990s were the outcome of two opposing ethnic nationalist projects. Such conflicts are one of the most complicated to solve. In Ukraine the conflict isn't ethnic. In Ukrainian case we can speak about social-economic reasons, also cultural differences which became amplified in a tense crisis situation (which was Maidan) and the strong push from outside. Maybe because of that

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it will be easier to find some kind of reconciliation. Looking from the other side of Europe and comparing Ukraine to other separatisms in Europe, Scotland and Catalonia come to mind. These are the separatisms, which happened in the democratic states. Scotland here is the ideal type. They debated, they asked for referendum, the central government agreed to allow it, defined process, and they held a referendum after long open debates and fair voting. That is totally not the situation in Ukraine. Spain and Catalonia could not define the process in such a civil manner, as Spanish government was not prepared to imagine separatism happening. But still both sides don't come to violent means, that is very important. And in Ukraine those debates didn't happen before 2014, even though we can find some small separatist activities earlier they did not resonate with people at all. So, the separatism is very fresh, but still the problem already exists for four years, and as I already mentioned the time plays against.

Going to hardest part — solving. How to solve this kind of conflicts?

— Scotland, it seems after Brexit, will try to vote again and to leave, but they will do it, successfully or not, via democratic discussions and referendum. It is one of the way to solve the separatism question — through a democratic process. Let's hope Spain can manage do the same, one way or another. Coming to our region, the step zero is about geopolitics. It is the initiative by Russia to say something, to do something or give some sign it wants to move forward to solving the situation. Next, we can start to debate on what can be done, on how to smartly and responsibly implement Minsk agreements. Now the discussions have turned to establishing the peacekeeping mission, and to me it seems to be viable possible solution. But even behind this decision there is a complicated system and there are a lot of things to think about, how to do this properly. It is a possible way to move from Minsk deadlock. But for that Ukraine has to have the strategy on what it will do and how after peace established. This is the most complicated part. Ukraine will have to devote a lot of resources for Donbas restoration. And these resources will have to be taken away from something else. So there must be strategic understanding and strong will from those in power. There will be also a need to talk and listen to people in the now uncontrolled territories, because many of them will not begin to view Maidan positively overnight, if at all. So, the strategy, which includes economic recovery plan and social recovery, is needed. Finally, the question of justice will be a significant one as well — it is about the answer on whom all sides want to forgive, and what they are prepared to forget. Without that no social reconciliation would be finished. ■

The Precursor to the Holodomor

What Stalin adopted from the Leninist experience of suppressing anti-Soviet protests in 1921

Stanislav Kulchytskiy

In the national memory of Ukrainian citizens, the hunger strike of 1932-1933 takes the shape of a continuous plague of starvation. In fact, it is necessary to make a distinction between the famines caused by a) the grain collections of 1930-1931 and b) the punitive action of the last quarter of 1932 and first half of 1933, which its initiator Joseph Stalin called "a crushing blow against the Whites and Petliurites" in November 1932.

Ukraine, more than other regions, resisted the total collectivisation of agriculture, which began with communal farms. This is evidenced by the statistics on anti-Soviet uprisings. In March 1930, Stalin was forced to pause collectivisation for six months before continuing it in the form of *artels* [cooperative associations], i.e. collective farm workers were allowed to own their own subsistence farms. Punishing the peasants for their resistance, he imposed

unsustainable grain procurement plans, which were implemented through requisitions, on Ukraine from 1930. Confiscations from the 1931 harvest resulted in the deaths of tens of thousands of Ukrainian peasants from hunger in the first half of 1932. However, the ultimate goal of Stalin's terror was still not to murder an indefinite number of them so that the rest would be forced to obey. On the contrary, the authorities tried to reduce the death rate by stopping exports and even importing small shipments of grain.

In January 1933, Stalin (as Lenin did in March 1921) replaced the surplus appropriation system with a food tax, which halted the imminent collapse of the agricultural sector. At the same time, he struck "a devastating blow to the White Guards and Petliurites" in Ukraine and the Kuban. This punitive action consisted of four elements: the confiscation of all non-perishable food,

stopping peasants from leaving their places of residence, an informational blockade and food aid through collective farms and state farms during the 1933 sowing season. In the last months of 1932, the mechanism of this "devastating blow" was tested in the collective farms and villages that had been put on "black boards" of shame for not fulfilling the grain procurement plan, and at the beginning of January the confiscation of all food spread throughout the territory of Ukraine and the Kuban.

The essence of the "crushing blow" was the deliberate creation of conditions incompatible with life. Both the national intelligentsia and the church were hit by the Stalinist terror. However, the Ukrainian peasantry suffered the most. Expanding the preventive repression, Stalin used Lenin's experience of curbing anti-Soviet uprisings. The origin of this "crushing blow" is linked to confrontation between the authorities and the peasantry on the cusp of 1920 and 1921.

LENINIST SURPLUS APPROPRIATION

Lenin banned free trade between rural and urban areas, introducing centralised food distribution for the urban population and Red Army through the forced seizure of peasant produce. Not wanting to give away the fruits of their labour to the state for next to nothing, the peasants reduced grain crops to a level that only satisfied the needs of their own households. In response, the state requisitioned this produce intended for consumption by the peasants, condemning them to starvation.

Ukrainian peasants offered the most serious resistance against the *prodrazvyorstka* [surplus appropriation] policy. The countryside was replete with weapons leftover from the war. When Lenin tried to supplement the confiscation quotas with similar targets for sowing, in order to prevent the catastrophic decay of agriculture, the peasants showed their readiness to turn these weapons against the Bolsheviks. The Russian government treated the suppression of the rebel movement as a major military campaign. About a million bayonets and sabres in six armies were posted in Ukraine in 1920. The Kremlin mobilised its most capable units in the struggle against the rebel movement, which the Bolsheviks called "kulak banditry". The use of a regular army against the peasantry called all the



A noticed tragedy. The Soviet government immediately recognised the 1921 famine, which cannot be said for similar events in the South of Ukraine



International aid. The American Relief Administration (ARA), headed by Herbert Hoover, was only allowed to enter Ukraine in 1922, when it had already been active in the Volga Region for six months



Bolsheviks' previous Civil War successes into question

The authorities were unable to cope with the peasantry. Here is a sketch taken from a telegram to Lev Trotsky from Mikhail Frunze on 13 February 1921: "The main cause of the crisis is the complete paralysis of transport in Ukraine. All the shipments are on the road – barely anything gets to front-line bases or the barracks. The garrison in Kharkiv is regularly starving."

Military commander Frunze could have assumed that the root of the crisis was the collapse of the transport system. However, it was caused not by a lack of coal on the railways, nor by a lack of bread in the mines. These were the consequences of a ruin that gripped all sectors of the economy as a result of the breakdown of trade links between the city and the countryside. Lenin finally understood the danger of a war with the peasantry. In March 1921, he replaced the confiscations with a *prodnaolog* [food tax]. This is how the New Economic Policy (NEP) was started.

GRAIN COLLECTIONS DURING A CATASTROPHIC DROUGHT

In 1921, a catastrophic drought occurred in the main grain-producing regions – the Volga region, Northern Caucasus and the southern provinces of Ukraine. Its devastating effect was combined with the damage to farmland in Ukraine as a result of seven years of almost continuous military action. The decrease in the amount of crops sown due to the surplus appropriation policy also affected the harvest.

What was the grain harvest like in 1921? Ukrainian and Russian statistics differed fundamentally. The Central Statistical

Directorate of the Russian Soviet Socialist Republic estimated the harvest at 633 million poods [an Imperial Russian unit of measurement equivalent to around 16kg], while its Ukrainian counterpart gave a figure of 277 million. At the 7th All-Ukrainian Congress of Soviets (December 1922), People's Commissar for Land Affairs Ivan Klymenko mentioned a significantly smaller number – 200 million poods.

The dispute could be resolved by checking the statistics at source. Why did not the Ukrainian government not make arrangements to do this, knowing that Moscow would insist on taking the maximum amount of grain? On 18 May 1921, Vladimir Lenin sent a telegram to the head of the Ukrainian government, Christian Rakovskiy: "It is a matter of life and death for us to collect 200-300 million poods from Ukraine". Rakovskiy did in fact make arrangements just prior to the harvest season. On his proposal, the Politburo of the Central Committee of the Ukrainian Communist Party adopted the following resolution on 11 June: "Suggest that the Provincial Committees monitor the People's Commissariat for Land Affairs, the People's Commissariat for Food and the Statistics Bureau to ensure they regularly send information about the harvest once a week." Not stopping there, Rakovskiy approved a decree for commissions to go on fact-finding trips to provinces that had a bad harvest in order to discover the true state of affairs in agriculture. However, this decree, on instructions from central leadership, was cancelled by the Ukrainian Central Executive Committee, as Rakovskiy later stated, "for purely political reasons – not to create panic".

The amount of food tax that Ukraine had to pay from the 1921 harvest was approved as 117 million poods and the republic was also obliged to repay its debt from the 1920 allocations – a total of 171 million poods of grain. The winter confiscations started slowly. In January 1921, the Russian Federation received 142,000 poods of grain and another 247,000 in February. In March, when armed brigades of workers were sent to the countryside, supplies to Russia increased to 1114 thousand poods, but in April again fell to 132 thousand. With the help of armed force, it was possible to send 522,000 poods in May. However, Ukraine did not fulfil its supply plan for May and Rakovskiy was reprimanded by the Party for his "insufficiently vigorous work".

In July, the harvest in the South of Ukraine began alongside food tax collection. The peasants firmly resisted the state purchasing agents who tried to take away their meagre harvest. In the beginning of July, Lenin got involved in the collection of food tax. He suggested "mobilising around 500,000 bayonets from the youth of the Volga region and posting them in Ukraine to help them to enhance farming work, as they are very interested in this and have an especially clear understanding and feeling of the unfairness of rich peasants' greed in Ukraine". It was technically impossible to realise this insidious plan due to the complete disorder in the starving region. The Volga peasants themselves left the area affected by drought and headed to other regions on foot, as the railways were paralysed – 439 thousand refugees found shelter in Ukraine. They were taken care of by the Central Commission for Assisting

the Starving, which was established in July 1921 by the Ukrainian Central Executive Committee.

The situation in the south of Ukraine was no less tragic than in the Volga region. In 21 counties in five provinces (Odesa, Mykolaiv, Katerynoslav, Zaporizhzhia and Donetsk), peasants were unable to reap what they had sown. In 10 other counties, grain harvests did not exceed 5 poods per capita. This amount was only enough to avoid death from starvation.

25 counties in Dnieper Ukraine collected from 5 to 10 poods of grain per capita in 1921. In order to cover the previous year's allocations and pay the food tax in kind, the peasants of these counties gave the state a significant portion of their own food supply. In 46 counties of Dnieper Ukraine (25 left-bank and 21 right-bank), i.e. half of the republic's territory, the net harvest of grain exceeded 10 poods per capita for the rural population. However, the amount of cultivated land there had been decreased due to the surplus appropriation programme. Even in the best of times, these counties did not provide a large marketable surplus of grain, and now they were expected to replace the drought-affected main areas of commodity farming.

These scraps of grain from half of the republic's territory were not enough to support the army, the cities and workers' settlements, refugees from the Volga region, the cities of Central Russia, the starving Volga region and Ukraine's own five poor provinces. In this situation, Moscow developed its own system of priorities. The Russian government ensured minimal, sometimes starvation, rations for the working class and army, as well as making some arrangements for the Volga peasants. But the Kremlin tried to forget about hungry Ukrainian peasants. Newspapers were banned from covering the situation in the southern provinces of Ukraine. On 4 August 1921, the Politburo of the Central Committee of the Ukrainian Communist Party adopted the following resolution: "Instruct the provincial committees that during the campaign it is necessary to distinguish between calls to fight hunger in Russia and to fight crop failure in Ukraine, where assistance to areas affected by the bad harvest can be provided entirely from their own provincial or county resources".

What kind of assistance did this refer to? On 12 August, Lenin signed a decree of the Council of Labour and Defence on applying extraordinary measures when collecting the food tax, which foresaw that military units should be sent into parishes and villages that made a stand against the state purchasing agents. Troops were to "take the most coercive measures possible" when collecting the food tax in kind.

Accompanied by troops, the state collection agents invaded the starving provinces. In particular, in Voznesensk County, they had instructions to "take 15 to 25 hostages from the kulaks and middle class in each parish. In the event that a village refuses to give a signed acknowledgement of their mutual responsibility, or does not pay the food tax within 48 hours of signing, it will be considered an enemy of Soviet rule. Half of the hostages should be sentenced to the maximum punishment – the firing squad, after which the next group will be taken."

Local authorities could not understand the reasons behind the government's inaction in the fight against hunger in the southern provinces, as well as the introduction of an information blockade. On 30 January 1922, the Donetsk executive committee sent a telegram to Kharkiv: "Famine in the Donbas has taken on horrific proportions in the Mariupol, Hryshyn, and Taganrog districts. Up to five hundred thousand people are starving. In their despair, peasants are digging their own graves and cannot perceive any real help. So far, no a single grain has been received from the authorities." At precisely this time, Lenin informed the local authorities that a three-month supply of grain had been delivered to the Donbas to support the coal industry. Nevertheless, it was supplied to the mines, not the villages. On the contrary, the villages of the Donetsk Region had their grain taken away. By 15 January 1922, 120,000 poods of grain had been pumped out of the province.

FOREIGN AID

Despite the ever-increasing threat to the lives of millions of people, the Bolsheviks did not seek help from the international community. It was the rest of the world that contacted Soviet authorities as soon as it learned about the catastrophic drought. In early July 1921, scientist and public figure Fridtjof Nansen made an offer to the Russian People's Commissar for Foreign Affairs, Georgy Chicherin, to help the population of Petrograd. Then Herbert Hoover, head of the American Relief Administration (ARA), got in touch with the People's Commissar. This non-governmental charity organisation had been active in Western Europe since 1919, using the huge food supplies that the American Expeditionary Forces left behind after the war.

Lenin was forced to consent, although he did not like the idea of bourgeois aid. In order to balance out the class structure of the foreign aid, he got Comintern involved. This is how Workers International Relief emerged. Starting on 20 August, a large ARA charity campaign was launched in the Volga Region.

However, these foreign rescuers were not invited to Ukraine. Nevertheless, the republic was swarming with departmental and territorial aid commissions for the starving. Their activities were directed towards the Volga region refugees in Ukraine. When hundreds of thousands of peasants in the southern provinces began to die from hunger, Ukrainian Bolsheviks were against keeping silent about the tragic situation. During discussions on the Central Committee report delivered in December 1921 by Rakovskiy at the 6th Ukrainian Communist Party Conference, Mykola Skrypnyk said, "Was it not obvious that we were heading for famine? The Central Committee put off this issue. Week after week, month after month, and only now can we clearly see the error discovered here. We did not dare say at the time that we had a famine in our blessed Ukraine." At the same time, the 7th All-Ukrainian Congress of Soviets was taking place, where Hryhoriy Petrovskiy presented a report from the Central Commission for Assisting the Starving. Forced to try to extricate himself, he gave this sophisticated explanation: "In Ukraine, due to the more favourable harvest in the previous year, the acute food shortage only made its presence felt from late autumn, despite the similar influence of the drought on the 1921 harvest as in the Volga region. Before the winter of 1921, the same horrible and blood-curdling nightmare as in the Volga region hit the steppes of the federation's breadbasket, with the same terrible and frightening variety of scenes on display."

Petrovskiy was seconded by Rakovskiy. In a secret letter to Lenin dated 28 January 1922, he put emphasis not on the "error" that Mykola Skrypnyk had mentioned, but on a "crime": "I must state that we have discovered criminal negligence with regard to the food and sowing requirements of our starving provinces. [...] This was due to the fact that above all we were focusing on Soviet Russia and the Donbas."

The leaders of the Ukrainian Soviet Socialist Republic put forward various reasons for this "criminal negligence". Hryhoriy Petrovskiy pointed out the presence of large stockpiles from the previous year's harvest in the southern provinces of Ukraine, while Christian Rakovskiy referred to the government's priority of Russia and the Donbas in its concerns about the starving. However, these facts have nothing to do with the huge death toll in the Ukrainian South, which reached almost 900 thousand people, according to the very approximate estimates given by Oleksander Hladun in his study (*Essays on the Demographic History of Ukraine in the 20th Century*, Kyiv, 2018).

Indeed, how can the difference between estimations of the 1921 harvest by



Eliminate Makhnovism. The 1921 famine was one of the most important causes behind the crisis in the insurgent movement in the south of Ukraine

the Russian and Ukrainian statistical authorities be explained? How can the ban on verifying the real state of affairs regarding crop yields in the southern provinces of Ukraine be explained? How can the draconian methods of confiscating grain for the food tax in provinces affected by a catastrophic drought be explained? How can the information vacuum about starving Ukrainian peasants that continued until 16 January 1922 be explained? On that day, the Politburo of the Central Committee of the Ukrainian Communist Party instructed its propaganda and activism department, as well as the Central Commission for Assisting the Starving, to take measures to ensure that "as much as information as possible about the famine in the South of Ukraine" appeared in the press. The newspaper Communist was ordered to send a correspondent to the starving provinces in order to cover the situation there.

And, finally, the main thing: how can it be explained that access to the southern provinces of Ukraine was denied to foreign charitable organisations during the second half of 1921, when hundreds of thousands of men, women and children were dying terrible deaths there? Organisational efforts or material resources to radically correct the situation were not required from Kremlin leaders. All that was needed was their goodwill. However, only on 10 January 1922 did Rakovskiy managed to conclude an agreement with the ARA similar to the one signed by the Russian government in August 1921.

AN ANSWER TO ALL THE QUESTIONS

Soviet historiography did not deny the presence of anti-Soviet uprisings in the part of Ukraine ruled by the Bolsheviks.

How could it when Soviet rule was stamped out in the middle of 1919 more by widespread anti-Soviet uprisings caused by the surplus appropriation policy and the aspirations of the Bolshevik leadership to impose communes on the villages than any attack from the White Guards? How could one gloss over the presence of Nestor Makhno's powerful army in Ukraine, which fought against all political forces and their armed formations, but from time to time made agreements with the Bolsheviks?

In the report of the Ukrainian government at the 5th All-Ukrainian Congress of Soviets, it was argued that more was done in 1921 to "pacify" the countryside than during the entire prior period. The All-Ukrainian People's Commissariat provided the relevant statistics: 444 atamans [Cossack chiefs] were taken out of action by various means during the first 10 months of the year – 189 were killed in combat, nine were executed by firing squad, 84 were arrested and 162 surrendered voluntarily and were pardoned. Most of those who turned themselves in did this in the second half of the year. Why was this the case?

Soviet historiography responded that the rebel movement began to decline when peasants felt the beneficial influence of the new economic policy. However, grain procurement methods did not change even against the desperate backdrop of that famished year. The more convincing explanation lies in the experience of Nestor Makhno's campaign. Pursued by the cavalry and armoured units of the Red Army, the Makhnovists gathered for discussions on 21 July 1921 in the village of Isayivka, Taganrog County. It was discussed in which region the struggle should be continued. "Father" Makhno tried to

change region from one that was familiar but dangerous due to the concentration of troops and launched a raid on the Donetsk and Volga steppes. But in the context of the approaching famine, the political activity of the peasantry fell to practically nothing. Without support from anyone, Makhno was forced to turn his tachankas [horse-drawn machine guns] westwards. He first crossed the Dnieper and then the Dniester before going into exile in Romania.

Lenin considered the natural cataclysm that struck the rebellious Ukraine his best ally in suppressing "kulak banditry". In order to intensify the starvation, peasants in the southern provinces had their last grain taken away to pay the food tax. Foreign charitable organisations were not allowed in Ukraine, so that the hunger would continue and take away human lives. A hungry peasant could not resist against the authorities. For the first time, the Bolsheviks added punishment by starvation to their multicoloured terrorist palette.

Foreign aid continued from March 1922 to June 1923. In August 1923, when foreign organisations had fully established their operations in Ukraine, they were feeding 1.8 million inhabitants of the provinces where the harvest had failed, compared to the 400,000 that were supplied by the Party-linked Central Commission for Assisting the Starving. Consequently, the role of foreign organisations was decisive. The contemporary press greatly embellished the role of international proletarian solidarity. Conversely, the importance of the ARA and other "bourgeois" organisations was diminished. However, statistics set the record straight: while they were operating in Ukraine, Workers International Relief supplied 383,000 rations to the starving, while Nansen's mission and the ARA distributed 12.2 million and 180.9 million respectively.

In 1922, 2.7 million dessiatins [Imperial Russian unit approximately equivalent to 11,000 square metres] less than in the previous year were sown in Ukraine. Huge shortages in the southern provinces due to the economic ruin of the peasants were partially covered by an increase in cultivated land on the Right Bank and Left Bank of the Dnieper. However, the republic was forced to deduct more than 10 million poods of grain for export from the 1922 harvest. This is a small amount, but even that could have alleviated the situation for starving people. Moscow ordered the Ukrainian leadership to restart the grain exports that had been interrupted by war in order to obtain foreign currency. Both the export of grain and supplies to Russia led to the fact that the famine in the southern provinces lasted throughout 1922 and the first half of 1923. ■

Skoropadsky and the federalist myth

Where did one of the most negative myths about Hetman Skoropadsky come from?

Yuriy Tereshchenko



Lenin's nemesis. The bolshevik leader admitted that the Hetmanate of Pavlo Skoropadsky threatened to shrink the Russian state back down to the size of 15th century Muscovy

In his “Missive to the entire Ukrainian nation” of April 29, 1918, Pavlo Skoropadsky started by saying that “the previous Ukrainian leadership,” meaning the Central Rada, “had failed to build the state of Ukraine because it was quite incapable of doing so. Rioting and anarchy continue in Ukraine, economic collapse and unemployment increase with every day, and this once richest Ukraine is now faced with the terrible specter of famine. The current situation, which threatens Ukraine with a new catastrophe, has deeply shaken the working masses who had stood up and demanded in no uncertain terms that a proper government be immediately established that was capable of ensuring its people peace, law and the opportunity to engage in fruitful work. As Ukraine’s faithful son, I have decided to respond to this challenge and to temporarily take on all the powers. With this missive I declare myself Hetman of All Ukraine.”

In deciding to establish the nation’s statehood in its traditional historical form, Pavlo Skoropadsky was taking on a very difficult task: a hetmanate, unlike the socialist orientation of the Ukrainian Central Rada, was supposed to serve the interests of the entire nation, not one particular class or social group. As it turned out, the Hetman did not meet with understanding or support from the liberal-socialist majority of Ukraine’s political class on this thorny path. Skoropadsky and the Hetmanate he established were the subject of biased political depictions for a very long time — baseless accusations of treason, unconfirmed negative myths about his actions, and outright falsification.

One of these myths can often be heard even today, stating that the Hetman was a federalist and that his political actions in 1918 were driven by a desire to restore pre-revolutionary Russia. In fact, his position was the outcome of a deep conviction that Ukraine needed to establish state institutions rationally and assert its independence. In 1918, the main threat to Ukraine’s independence was very clearly bolshevism. Hence the historic mission announced by the Ukrainian State — to unite around it all the colonized states that were newly independent and were threatened by Russian bolshevik expansion — became a major objective of the Hetmanate. In the process of state building in Ukraine, Skoropadsky made anti-communism a core doctrine, which carried with it the effort to establish a union with the peoples who had been yesterday’s imperial colonies.

Moscow saw the threat to Russia’s establishment of a unitary state not in the slogans of national patriotic speeches and declarations by Ukrainian socialists but in the actual existence of a Ukrainian State. The most profound assessment was made by Vladimir Lenin, when he said that the continuing existence of Skoropadsky’s Hetmanate would shrink Russia’s state to the size of 15th century Muscovy.

The question whether Skoropadsky favored federation with Russia or not is primarily connected to the so-called “federative missive,” and it requires the Hetman’s political position to be more broadly interpreted — something those who oppose him, of course, don’t do. From the very start of his political activity and until the appearance of this document, Skoropadsky never showed any inclination towards federalist arrangement. On the contrary, he more than once talked about the viability of the prospects and development of a Ukrainian state. Indeed, Ukrainian socialists were supporters of the idea of a federation with Russia — and extremely consistent ones at that.

»

У К Р А Ї Н С Ь К И Й
Тиждень





Even after the announcement of the Third Universal of the Ukrainian National Republic, they did not reject the idea of federation and looked at Ukraine as a component of Russia. In the draft UNR Constitution, handling foreign policy, making decisions around war and peace, commanding the armed forces, and more, were all delegated to the Russian central government. The Fourth Universal of the Central Rada announced an independent Ukraine — and still allowed for a return to the concept of federation at some future date.

In contrast to these positions Pavlo Skoropadsky used the term “federation” under the influence of different political events and in different contexts, but believed that any such union had to ensure the economic and cultural development of “the entire Ukrainian nation on a strong foundation of nation-state identity.” The publisher of the Hetman’s “Recollections” in the Russian language, Yaroslav Pelenskiy, was absolutely right in stating, “There is no historical basis for considering Skoropadsky a firm federalist simply because he used this word rather loosely.”

Despite using one term or another to speak about the future of the Ukrainian state, Skoropadsky built real institutions that determined the essence of the statehood of an independent Ukraine. For Ukrainian socialists, by contrast, state-building activity never really moved beyond mere political declarations. And yet, almost from the very start of the Hetmanate, the leaders of Ukraine’s socialist parties began preparing for a rebellion against the Hetman’s rule. In this way, they managed to wreck any constructive tendencies towards state-building in Ukraine.

DESPITE USING ONE TERM OR ANOTHER TO SPEAK ABOUT THE FUTURE OF THE UKRAINIAN STATE, SKOROPADSKY BUILT REAL INSTITUTIONS THAT DETERMINED THE ESSENCE OF THE STATEHOOD OF AN INDEPENDENT UKRAINE

Mykyta Shapoval and Volodymyr Vynnychenko, the two leaders of the rebellion against the Hetman — Shapoval called them the “machinists of the revolution” — effectively made its coming to the Ukrainian National Union inevitable. In his book, *The Rebirth of a Nation*, Vynnychenko admitted that while they were preparing, it was “dangerous to speak of it” with certain members. In his memoirs it becomes obvious that “sympathy for this idea” was lacking among the majority of members of the UNU. When Vynnychenko first brought up such a proposal at a meeting of the Central Committee of the Ukrainian Social-Democratic Workers’ Party, it was rejected as a “pipe dream.” Indeed, when the Central Committee found out about the preparations for an insurrection, it began to demand that Vynnychenko answer on what basis he, as a member of the Committee and despite his decision, was undertaking this step “which could cast a shadow on the party and bring harm to the entire national project.” As he wrote later, Vynnychenko did not deign to offer the Committee an explanation. He announced that he was taking all responsibility on himself and, should no one be found to follow him, he would himself “go to the countryside and call people to rise up.” According to him, the only person in the union that understood the need for a military insurrection against the Hetman was Shapoval. “And our entire secret organization,” he wrote, “consisted of two men: M. Shapoval and I.”

Talks with the three leaders of the Ukrainian Party of Socialist-Federalists, Andriy Nikovskiy, Serhiy Yefremov



A hefty argument. The Hetmanate of Pavlo Skoropadsky was an attempt to overcome the autonomist-federalist vision of relations between Ukraine and Russia that dominated the worldview of the liberal-socialist majority of Ukraine’s political class

and Kostiantyn Matsievych, proved fruitless. All three declared the idea adventurist and refused to participate. There is other evidence that the Ukrainian National Union was, in fact, not properly informed about preparations for the uprising. It organizers did everything they could to manipulate public opinion, and waited for the opportune political moment that they could use to their advantage. And that opportunity came with Pavlo Skoropadsky’s missive about a federation between Ukraine and Russia.

The appearance of the “federative missive” was linked primarily to the position of the Entente towards Ukraine. During a visit by Dmytro Doroshenko to Switzerland, where he met with Italian Prime Minister Vittorio Orlando, and Ivan Korostovets to negotiations in Jassy, Romania, it became clear that the Entente was not prepared to recognize Ukraine as an independent state and saw it only as a part of Russia. Under threat that Ukraine would be treated as an enemy state and insistence that the Hetman announce a federation with the future state of Russia, the Hetman issued his formal act of intent to establish such a federation. In fact, this step actually did not affect the separate existence of the Ukrainian state in

any way but offered an opportunity to gain some time to form a regular Ukrainian army. This would have radically changed the alignment of military and political forces in Eastern Europe and ensure the further existence of an independent Ukrainian state, despite its poor foreign policy situation.

For Hetman Skoropadsky, the “federative missive” was a temporary tactical step of a diplomatic nature, forced by a shift in the military and political alignment in Central and Eastern Europe, a revolution in Germany and Austro-Hungary, and the unprecedented pressure of the Entente on Ukraine. At the same time, for Ukraine’s socialists and a large part of its liberals, a federative basis for relations with Russia was driven by absolutely other considerations. And this became a cornerstone of their political positions and the party platforms that formed the basis of their activities.

The Declaration of the Ukrainian State needs to be seen in light of the threat to Ukraine’s sovereignty that had arisen as a result of the ineffectual position of the leaders of the Central Committee. Skoropadsky’s Hetmanate, in fact, was an attempt to overcome the autonomist-federalist vision of relations between Ukraine and Russia that dominated the world views of the liberal-socialist majority of the political class.

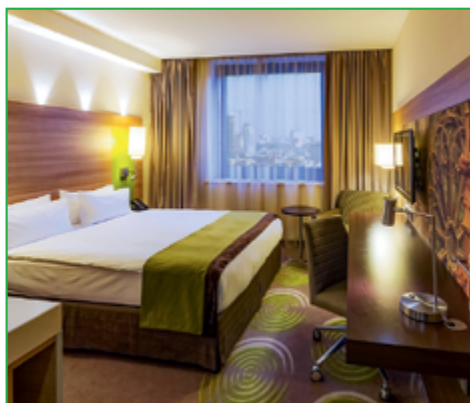
The “federative missive” needs to be seen as a step to preserve Ukraine’s statehood under shifting political circumstances. It contained no suggestion that state institutions should be set up jointly with Russia. Being entirely declarative in nature, it contained no specific mention of the integration of the two countries. Hetman Skoropadsky was

aware of the danger of the political pressure coming from the Entente but, as he announced in an interview with the editor of the *Gazette de Lausanne*, “against my own better judgment, I had to bow to the demands of our allies and announce a federation with Russia.” This was the step that allowed Ukraine to continue to exist as a separate state.

Skoropadsky wrote later that, under his administration, “Ukraine was not merely in the process of organizing, but was almost a fully established state: its economy was recovering, trade was growing intensely, rail traffic and other transport were almost back to normal.”

FOR HETMAN SKOROPADSKY, THE “FEDERATIVE MISSIVE” WAS A TEMPORARY TACTICAL STEP OF A DIPLOMATIC NATURE, FORCED BY A SHIFT IN THE MILITARY AND POLITICAL ALIGNMENT IN CENTRAL AND EASTERN EUROPE, A REVOLUTION IN GERMANY AND AUSTRO-HUNGARY, AND THE UNPRECEDENTED PRESSURE OF THE ENTENTE ON UKRAINE

At the same time, the Hetman expressed his firm belief that the guarantee of peace in Eastern Europe, success in fighting the corruptive tendencies of extremist movements was the sense of nationhood. “Organized as a state based on a sense of nationhood, in line with the deep desires of all the people to govern themselves,” he wrote, “Ukraine will become the unshakeable support of that peace that the entire world is now seeking.” In this clear and concrete fashion, Pavlo Skoropadsky made absolutely clear his consistent position as a nationally conscious and convinced Ukrainian statesman. ■



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Lessons for the Donbas from two wars

What national unity hinges on and what, besides Russia, threatens Ukraine

Maksym Vikhrov



Triumph. The Hetman Doroshenko 1st Zaporizhzhia Infantry Regiment enters Bakhmut, April 1918

The theme of national unity has always occupied a prominent place in the history of Ukrainian statist thought, and in 2014 it unexpectedly entered the category of purely practical and, moreover, urgent problems. After the annexation of the Crimea and the occupation of part of the Donbas, the Ukrainian political elite learned how dangerous the mess created by the negligence or deliberate actions of their predecessors could really be. As time passed, Kyiv's willingness to strengthen national unity decreased at the same rate as the intensity of hostilities in the Donbas. Meanwhile, the matter of Ukraine's integrity has not been put to rest. The secret distribution of Hungarian passports in Transcarpathia, the persecution and murder of pro-Ukrainian activists in the south-eastern regions and the revival of the supposedly defeated pro-Russian camp all signalise that Kyiv is still faced with considerable problems. What happened in the Donbas in 2014 is great material for learning from past mistakes. However, it is also useful to recall what happened in this area during the First Liberation Movement: for all the differences in historical circumstances, the Ukrainian elite committed very similar errors 100 years later.

Could the First Liberation Movement have ended in another way? There is a lot of room for discussion. In the Donbas, Ukrainian authorities only lasted for a few months and fell as quickly as they sprang up. Although it is tempting to attribute everything to the strength of

the empire and unfavourable geopolitical circumstances, Ukraine's own weakness partially contributed to this result. Above all, the lack of a stable state centre around which Ukrainian lands could be gathered was a great hindrance. Before the Bolshevik occupation of Kyiv, power in the capital had changed hands three times: the Hetmanate replaced the newly-minted Central Council and then the Directorate took its place. But even in the intervals between coups, no government could feel sure of itself and they were constantly distracted by internal squabbling. The elites of the time also lacked confidence in the fact that the Donbas should be part of Ukraine. For example, while the Central Council insisted on this in negotiations with Russia, pointing to 1897 census data, the Hetmanate administration concluded an agreement with the Don Host Cossacks on the joint exploitation of Donetsk basin resources. It is noteworthy that such an idea was supported, in particular, by Dmytro Dontsov, the future patriarch of Ukrainian integral nationalism. Of course, it is hard to condemn the Ukrainian nation-builders of the time — for many of them, the Donbas was a completely unknown land. For example, Mykola Mikhnovskyi, after visiting Luhansk in 1899, wrote that he "got to know parts of our land that I had no idea about".

Because of the political mess in Kyiv and the chronic shortage of forces in the Donbas, it was not possible to deploy Ukrainian administrative structures, although after the revolution a more or less obvious power vacuum existed for a rather long time. For a while, Ukrainian People's Republic bodies operated in the Donbas alongside their Russian Provisional Government equivalents, although neither could ensure basic order in the region. The local authorities, seeking any kind of forceful support, could only grasp at thin air, and socio-economic chaos rapidly followed the disruption of industry. The Bolsheviks, contrary to Soviet mythology, were not the dominant force either. "The only thing we have to fight Petliura is Red Guard detachments from Petrograd and Moscow," Artyom Sergeyev complained at the emergency Bolshevik Party congress in 1918. However, they accelerated the onset of disorder as much they could, which encouraged pro-German sentiments among the population. The Hetmanate, with the support of the Allies, who had reached Rostov in May 1918, was able to bring the Donbas under control for a short time. However, in a historical perspective, this rather hurt Ukraine in its struggle for the East: the Allies, perceiving the Donbas as their own colony, quickly set the local population against themselves, and thus against the Hetmanate.

The Central Council and the Directorate, imbued with socialism, had good chances of winning sympathy from the local peasantry and the workers. Moreover, nothing extraordinary was required of them. The peasants wanted to be able to freely cultivate the land and dispose of the fruits of their labour without landlords or "communes". The workers sought to restart the factories with certain concessions on conditions and wages. All this was promised by the Bolsheviks, but the Donbas was not overly fond of them. The Central Council and the Directorate, on the other hand, simply did not have enough power to pursue any sort of policy at all. Therefore, it is not surprising that Nestor Makhno, who had power and more or less consistently fulfilled his promises, was the most popular leader in the area. In essence, the Makhnovists — "ordinary good guys from Katerynoslavets", as described by Yuri Horlis-Gorskyi — were natural allies of an independent Ukraine, but their utopian platform made a union impossible. Therefore, the Ukrainian state was never able to find support from Donbas society.

Therefore, the tripod of Ukrainian national unity was always unstable in the Donbas during the First Liberation Movement. The Bolsheviks also had considerable problems, but in the end circumstances worked out in their favour and the Donbas, like all of Ukraine, became part of the "united and indivisible" Russian Empire in its Soviet guise. With the collapse of the USSR, the situation seemed to change radically. The Donbas became a part of a sovereign Ukrainian state, with 84% of local residents supporting independence in a referendum. However, in 2014, it turned out that the national unity tripod has been rather fragile for all this time. And the reasons for this were not so different from 100 years ago. First, Kyiv, despite the country's unitary system of government, was never a strong centre, at least to the point of being able to carry out state policy without adjustments to account for the interests of oligarchs or local elites. This is pointedly demonstrated by the history of Donbas separatism, which began two months after the proclamation of independence. It was then, in October 1991, that the first congress of South-Eastern deputies from all levels of government took place in Donetsk, where delegates demanded federalisation. The 2004 Congress of Regions, which threatened the creation of a "South-East Ukrainian Autonomous Republic", was also held without consequence for its organisers and participants. Unsurprisingly, they decided to make use of the separatist card again in 2014, and Russia decided to make use of them. It was only necessary to find a convenient opportunity, as the capabilities of the central government of the time were minimal.

The state structures that ostensibly had a strong hold on the Donbas also turned out to be extremely vulnerable at the critical moment. Unlike the Crimea, where the Russian Federation conducted a large-scale military operation, key government bodies in Luhansk and Donetsk were paralysed and then captured by relatively small forces of local collaborators and Russian "tourists" in spring 2014. Nevertheless, the post-revolutionary authorities in Kyiv did not feel confident enough to take decisive steps, and had very limited resources to work with (although the experience of Kharkiv showed this did not have to be the case). In over two decades of independence, the Ukrainian state had not built sufficiently effective institutions to ensure order and cohesion. However, this does not only apply to the situation in 2014: a concealed statelessness (the omnipotence of local power brokers, to be more pre-

cise) emerged in the Donbas much earlier, but manifested itself in different forms. It is well-known how destructive the role played by local elites in destroying the region's economy was: dozens of industrial enterprises in the Luhansk and Donetsk Regions were appropriated and plundered by Party of Regions business structures or with the blessing of the local authorities they controlled. The central government could have gained the sympathy of the local population, who had to shoulder the grave consequences of this "management", by preventing the plundering. However, for various reasons, Kyiv turned a blind eye to all of this.

As a result, the third leg of the national unity tripod — civil society — collapsed. Deindustrialisation and the almost uncontrolled restructuring of the coal industry led to severe social and economic consequences in the Donbas. With the shutdown of the factories, whole towns turned into depressed areas with inadequate living conditions — they would become the most significant hotbeds of dissatisfaction and pro-Russian sentiment in 2014. Skilfully manipulating public opinion, the local elite converted disappointment into secessionist and anti-Ukrainian sentiment. Of course, like the Bolsheviks a century earlier, the Donbas on the whole did not sympathise with the separatists even in spring 2014, although the same thing could be said for the local patriotic forces. However, while the separatists were initially supported by the local elite and then Russia, local patriotic forces did not feel the backing of the Ukrainian state and therefore had no chance of turning the tide. Therefore, it was not possible for Kyiv to shift the burden onto civil society when state bodies failed. The result is well-known: the Donbas almost entirely slipped out of Ukrainian rule again.

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A lot of time has passed since then and the situation in the liberated part of the Donbas seems rather stable, although this is largely due to the presence of Ukrainian troops and the military-civilian administrations that act as local authorities in the region. The international community, whose reaction forced Russia to stop large-scale military actions against Ukraine, has made a contribution too. Meanwhile, the tripod of Ukrainian national unity is still unsteady. Kyiv still has to reckon with local elites, bringing former Party of Regions members and those not without reason suspected of collaboration into the power vertical. The wave of attacks against pro-Ukrainian public activists that has swept the south-eastern regions suggests that under certain conditions the revenge of anti-state forces could become a reality, at least in some strategically important regions. Considering current public opinion polls, a pro-Russian comeback will not occur in 2019, but the new government set-up will be even more fragile than today's. This, coupled with low support from the population, threatens Ukraine with not only a number of socio-political crises, but also further weakening of the power vertical and state institutions, i.e. the very tripod on which the integrity of the state stands. It is an open question whether Russia or any other external forces will be able to take advantage of this. ■

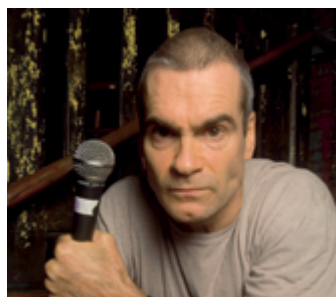
December 17, 19:00 — December 19, 19:00 — December 21, 19:00 —

Yevhen Khmara**Palats Ukraina Performance Hall
(vul. Velyka Vasylkivska 103, Kyiv)**

Yevhen Khmara is known as the Ukrainian Mozart, a genius of improvisation and renowned innovator of music for the piano. Composer and pianist, Khmara wrote his first work at the age of 7! Unsurprisingly, he has won many prizes, including Hollywood's Prize for Improvisation, the President's Prize for achievements in music, and the prestigious international Yamaha Artist award. Today, this musician is in great demand around the world. His Kyiv concert will be performed with an orchestra, choir and rock band. Don't miss this amazing event!

**Henry Rollins****Caribbean Club
(vul. Symona Petliury 4, Kyiv)**

Kyivans and guests are holding their collective breath until the frontman of DIY and one-time Black Flag vocalist Harry Rollins comes to town. In addition to being a world-famous musician, Rollins is also a many-sided personality: the host of his own TV show, film actor, author of the book *Get In The Van*, and a passionate photographer. And it's his photographs that Rollins will be presenting to his Ukrainian audience. These are photos from various corners of the world, each of which, he says, has its own unique story: Africa, Asia, the Middle East and even Antarctica. Join Henry Rollins on his photo-tour.

**Winterra. Legends
of a fairytale land****Expocenter Ukraine Exhibition Hall
(prospekt Akademika Hlushkova 1, Kyiv)**

Now you, too, can become the hero of a true winter fairytale! The creators of "Dream Guardians" and "House of Mysterious Adventures" will soon be presenting their new fairytale about what's most important: family, love, caring about one another, and the belief in miracles. Reality and fantasy are woven together for the viewer in a magical world of unbelievable adventures. The special effects will be even more amazing and the show even more exciting. Produced by Kostiantyn Tomilchenko and Oleksandr Bratkovskiy.



December 23, 19:00 — December 25, 19:00 — December 31, 19:00 —

**Andriy Makarevych.
Jazz Transformations****Docker Pub (vul. Bohatyrsk 25, Kyiv)**

There aren't many roles that Makarevych fans have not seen their favorite artist play—poet, rock musician, philosopher, leader of the cult band Time Machine, and producer of YOUR 5. The question is what surprise has Makarevych prepared for his Ukrainian fans this time? A huge jazz improv concert involving virtuoso jazz players. The mix of jazz and other musical styles will be brought to listeners by Makarevych and his stage friends—the instrumental trio of jazz pianist Yevhen Borets, the Bill Brothers sax duo, and jazz vocalist Polina Kasianova.

**Christmas,
Jazz-style****National Philharmonic Hall
(Volodymyrskiy uzviz 2, Kyiv)**

During this year's celebratory season, the National Philharmonic Hall is offering a series of concerts tuned perfectly to the Christmas spirit. One of these presents the National Academic Wind Orchestra under the baton of Oleksiy Vikulov with soloist Olha Dibrova. The program includes Christmas favorites like Jingle Bells, Christmas Time Is Here, Big Band Christmas, Let It Snow!, and Have Yourself A Merry Little Christmas.

**A Strauss New Year****The Ivan Franko National
Academic Drama Theater
(ploshcha Ivana Franka 3, Kyiv)**

Dive into the fairytale world of classical music on New Year's Eve... a decades-old tradition in western Europe. The idea of concerts on New Year's Eve was born in the capital of the one-time Austrian Empire more than 80 years ago. Today, everyone associates Vienna with concerts, balls and festive events, as well as the Strauss dynasty. Their merry waltzes, rhythmic polkas and other masterpieces were and remain an inseparable part of New Year's magic. Join us this New Year's Eve for an evening of Johann Strauss in the Viennese mode.





PREMIER

PALACE HOTEL

- KYIV -

CASINO ROYALE

New Year's Eve Party
2019

James Bond - Сергей Комаровский

Гость вечера - Валерий Юрченко

F.L.I.R.T Cover Band | DJ Starkov

PREMIER HALL

22:00

BLACK TIE

dress code

+38 (044) 244 12 00

New Years Eve Celebration AT HILTON KYIV

LIFE SHOULD NOT ONLY BE LIVED
IT SHOULD BE CELEBRATED!



CELEBRATE 2019 NEW YEAR EVE WITH HILTON KYIV HOTEL

PARK KITCHEN RESTAURANT

Live band performance | Solo singer performance
5-course dinner from Executive Chef, including bottle of Sparkling wine per 2 person
Kid's room | Gifts from Santa Claus | Lottery

3450 UAH PER PERSON

H BAR, HILTON KYIV

Live DJ performance

2000 UAH DEPOSIT PERSON

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