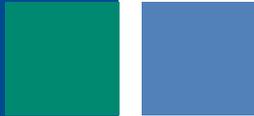




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FACTS & FINDINGS



Ten Myths Used to Justify Russian Policy in the Ukraine Crisis

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The political upheaval in Ukraine has placed territorial and social cohesion, as well as the country's financial and economic viability, at stake. The events in Crimea have recently made clear that this critical destabilising effect primarily emanates from pro-Russian forces or actions by Russia itself. Over the past few months, the Kremlin increasingly openly and quite directly has tried to influence or even control the events in Ukraine with complete disregard for the country's sovereignty.

The arguments used by the Kremlin to justify their actions have proven to be incorrect on closer examination. For months, the Kremlin has pursued a broad propagandistic offensive at home and abroad. In fact, it can be said that the majority of the propaganda concerns the Russian people. However, public opinion abroad, notably in Germany, regarding the crisis in Ukraine has been controversial. A number of Russian arguments have been met with understanding. The following description therefore serves to debunk the Russian government's main arguments as myths.

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I. TEN MYTHS

1st Myth:

“The West has meddled in Ukraine’s internal affairs, organised and orchestrated the Euromaidan protests with the help of fascist groups.”

The spontaneous onset of the Euromaidan protests was a reaction of disappointment and indignation by large parts of the Ukrainian population to the Yanukovich government’s sudden departure from the Association Agreement with the European Union in November 2013. For years the Ukrainian population has largely supported rapprochement with the EU because the reform process associated with this promises an improvement in the rule of law and an increase in democracy, economic growth and social protection. The peaceful demonstrations first evolved because of repeated brutal attacks by the security forces during mass protests that became increasingly directed against the Yanukovich government and which led to the fall of the regime just three months later. With the continuation of the protests and in the face of violence from security forces and hired thugs against demonstrators, radical groups of different backgrounds (right, left, veterans of war, hooligans, etc.) even began joining the peaceful crowds. Of these groups, the “Right Sector” quickly came to prominence. However, reliable local sources repeatedly pointed out that the total number of radical groups never amounted to more than a few hundred to a maximum of a thousand people. The majority of the protesters (up to two million at one time nationwide), however, consisted of peaceful Ukrainian citizens.

2nd Myth:

“The transitional government in Kiev came to power through a coup and therefore has no legitimacy.”

A clear majority of Ukrainians support the political developments that have occurred over the last few months, especially Yanukovich’s removal. The question of whether the overthrow of Yanukovich’s government was legal or not is moot; a government does not solely derive its democratic legitimacy through elections. The Yanukovich government lost its legitimacy most recently through their brutal crackdown on peaceful protesters, notwithstanding the actions it took in previous years that violated the democratic process and the rule of law. After the government was overthrown, the democratically elected parliament of Ukraine confirmed the new transitional government with an overwhelming majority (371 out of 417 votes). Even former President Yanukovich’s Party of Regions went along with this. Of course it was now necessary to hold elections as quickly as possible to strengthen and rebuild the legitimacy of the political leadership. The results of the presidential

elections on May 25 clearly demonstrated that the democratic and pro-European policies in recent months are supported by the majority of people in all parts of the country. Parliamentary elections will be sought later this year to form a new government. The destabilisation of southern and eastern Ukraine by armed separatists has threatened this process massively.

3rd Myth:

“The transitional government in Kiev and fascist groups discriminate and threaten ethnic Russians who mostly live in southern and eastern Ukraine.”

Right-wing and nationalist forces in Ukraine should be reduced to what they are according to their relevance: socially marginalised factions and parties that have no chance of electoral success, according to recent public opinion polls. Though the Svoboda Party was able to win over ten per cent of the vote in the 2012 parliamentary elections as a result of the protests against the Yanukovich government, in opinion polls the party is polling a just 3.5 per cent, a level that is comparable to the years before 2012. Their party leader, Oleh Tyahnybok, one of the most visible opposition leaders during the Euromaidan protests along with Vitali Klitschko and Arseniy Yatsenyuk, won only about one per cent of the vote in the May 25 presidential elections. The aforementioned Right Sector, also registered as a party, is even more politically insignificant, with their candidate winning less than one per cent of the vote in the elections on May 25.

Outside of the Russian media there have been no credible reports of threats to the Russian-descent or Russian-speaking population. The tragic events in Odessa on 2 May resulting in more than 40 dead was a tragic but isolated case preceded by mutual provocations by both pro-Russian and pro-Ukrainian groups. The Russian side’s claims of a mass exodus of ethnic Russian Ukrainians are unfounded according to reports by international organisations and independent journalists on the ground. Images of the alleged refugees on Russian television were exposed as false. They show Ukrainian guest workers on the Polish border. Even now, the aggravated situation in the disputed territories is not the “humanitarian disaster” the Russian media describes it as. On the contrary: recent UN and OSCE reports even state that human rights violations, intimidation and violence, primarily perpetrated by pro-Russian forces, are mainly emanating from Crimea and the contested areas in eastern Ukraine. The law granting relevant minority languages an official status in Ukraine has also ultimately remained in force. Furthermore, the transitional government is considering federalising the country in order to fairly represent the quite varied interests of the different regions in Ukraine.



4th Myth:

“The armed separatists in the south and east of Ukraine are self-defence forces of the Russian-descent population in that region, the majority of whom hope to become a part of the Russian Federation.”

When tens, sometimes even hundreds of thousands of unarmed people demonstrated in Kiev this past winter, Moscow demanded the former Ukrainian government to decisively and violently disperse the protests. It was an expression of cynicism, when Foreign Minister Lavrov described the groups who occupied entire cities in eastern Ukraine, some of which were heavily armed, as “residents of the South-East driven into despair”. But the current scenario in the eastern part of the country bears a striking number of similarities to the events in Crimea, with Moscow in fact admitting its active military intervention. In mid-April, the German Federal Government expressed the following statements regarding the operations in eastern Ukraine with unusual clarity: “There are strong indications that the armed groups active in eastern Ukraine are receiving support from Russia,” said the Deputy Government Spokesperson, Christiane Wirtz. “If you look at the occurrence, uniformity and the arming of some of these groups, it is hard to interpret the situation as one of self-defence forces spontaneously formed by civilians.”

In fact, recent polls, such as that of the Kiev International Institute for Sociology, show that only a minority of the population wants their region to secede from the Ukrainian State. While there are major concerns about social injustice, distrust and dissatisfaction with the transitional government, only a small section of the population supports a violent separation. According to polls, approximately two-thirds of the respondents are opposed to secession in southern and eastern Ukraine. Even in the separatist strongholds of Donetsk and Luhansk more than half of people reject secession. So there is no question of their being a uniform pro-Russian bloc in eastern and southern Ukraine. On the contrary, it all comes down to targeted pro-Russian propaganda that the situation has deteriorated to violent confrontations between pro-Ukrainian and pro-Russian forces, for example in Odesa.

5th Myth:

“The government in Kiev is waging a war against its own people by deploying the military in the east of the country and is repressing peaceful protests.”

Given the violent occupation of important public buildings, dozens of people taken hostage, including a group of OSCE observers, and the pronouncements by self-appointed “representatives” that they would pursue secession for the region, the Ukrainian army initially began their mission in the

East quite hesitantly. President Putin’s demand during the Euromaidan protests that the military be deployed against mostly peaceful protesters stands in direct contrast to this. But while the vast majority protested peacefully during Euromaidan, the separatists in the East were armed from the start.

6th Myth:

“Due to their common history and ethno-cultural ties, Ukraine is under Russia’s natural sphere of influence and therefore has limited sovereignty.”

The historical links between Russia and the Ukraine overall and Crimea in particular do not change the illegality of secession and accession of Crimea and possibly other areas. Historical arguments have no relevance in international law and the post-war order in Europe for good reason. A peaceful coexistence of European states would be hard to imagine if territorial claims and border issues were discussed on the basis of history. With the fall of the Soviet Union, the former Soviet republics agreed to formally and mutually respect their borders and territorial integrity and to recognise former internal borders as international borders. And even if the referendum in Crimea had not occurred under violent, unfree circumstances, territorial changes must be consensually administered by international treaties, as is also clear from the UN Charter – and as President Putin himself has repeatedly emphasised in view of Kosovo or Chechnya. The impact the Crimean crisis will have on border issues in Central Asia, the Caucasus or in the Western Balkans is not yet clear. Russian President Putin has compared the annexation of Crimea with German reunification. But German reunification was implemented with the approval of the Four Powers who won the Second World War, as they are referred to in the Two Plus Four Treaty, and in agreement with all its neighbouring countries. It thus had the full support of the international community.

7th Myth:

“The self-determination of the people and the referenda held legitimise the secession and accession of Crimea and other regions in the Russian Federation.”

According to experts, the Crimean referendum, as well as the referenda in the Donetsk and Luhansk regions in eastern Ukraine are incompatible with international and national Ukrainian law: the Ukrainian Constitution does allow referenda on policy issues in the Autonomous Republic of Crimea. Territorial changes, however, are subject to national referenda, as Stefan Talmon, Professor of International Law at the University of Bonn, explained. According to Talmon, the referendum violates the law because the peninsula was under a de facto military occupation by Russia at the time of



the vote. Because of this, in late March 100 Member States of the UN General Assembly voted for a resolution declaring Russia's annexation of Crimea invalid and emphasising Ukraine's territorial integrity. 58 States abstained and 11 voted against the General Assembly resolution, including Syria, North Korea, Belarus, Zimbabwe, Sudan, Venezuela and Cuba. Such company should not be taken as approval for Russia's policy towards Ukraine.

The referendum's violation of international law notwithstanding, it is also doubtful that the result actually embodies the will of the people in Crimea. After all, the votes were not cast entirely freely. The one-sided questions on the ballot did not allow for the status quo to be voted on. Moreover, according to reports by correspondents, military units were near and sometimes even present in the polling stations and their sympathy for Crimean secession was evident. In contrast to this independent election observers – the OSCE, for example – were not admitted. Allegedly around 97 per cent of referendum participants voted in favour of accession to Russia, with a voter turnout of 83 per cent. But even the Russian Presidential Council for Human Rights described the referendum in a recently published report as highly unrepresentative. According to that report, it is much more realistic to suppose that 50 to 60 per cent of the participants voted in favour of accession to the Russian Federation with a voter turnout of 30 to 50 per cent. They also state that it can be assumed that many yes votes primarily expressed a rejection of claims of despotism and corruption by the old Yanukovich government.

8th Myth:
“The West is using double standards with the secession of Crimea because of what it did in the case of Kosovo's independence.”

The comparison with Kosovo which Russia always falls back on, is severely lacking. After the international community, which seemed virtually powerless, for years had to witness Milosevic's so-called ethnic cleansing wars in the territory of the former Yugoslavia and after no solution could be found through sanctions and negotiations, NATO sent in military forces without a UN mandate. Then, it was Russia who blocked the UN Security Council's decision for a UN mandate. The NATO mission was followed by the KFOR mission to stabilise Kosovo. The latter was based on UN Security Council Resolution 1244. Kosovo's independence was only ultimately declared in 2008 and was deemed not to be contrary to international law by the International Court of Justice in The Hague in 2010. However, in the process the court also explicitly indicated that its ruling should not create a precedent. Especially in instances where the human rights of large populations are not massively threatened or violated,

i.e. there is no threat of humanitarian catastrophe, there is, according to Georg Nolte, an expert on international law, no legal basis for outside military intervention. Despite this, Russia used the concept of “humanitarian catastrophe” in connection with Crimea. The referendum was implemented in an incredibly short amount of time without negotiating with the United Nations and Ukraine. Unlike in the case of Kosovo, Crimea did not remain independent but rather acceded to another state. Ironically, although Russia still does not recognise the Republic of Kosovo, it is exactly this case Moscow is now using to justify Crimea's independence.

9th Myth:
“The West has pursued a systematic policy of exclusion and weakening of Russia since the fall of the Soviet Union.”

Russia is a member of various relevant international institutions, such as the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe. The fact that Russia is however apparently unwilling to cooperate constructively with these bodies and seek balances of interests cannot be interpreted as the fault of other European actors. A further example of integration is Russia's inclusion in the G8 even though it originally did not meet the economic criteria. Germany has been working especially hard for Russian political, economic and social integration.

10th Myth:
“Despite previous assurances, NATO has expanded into the former Soviet region, seeks the inclusion of Ukraine and, in doing so, affects Russian security interests.”

The West was instrumental in Russia maintaining its world power status by urging former Soviet republics, including Belarus, Ukraine and Kazakhstan to turn over their nuclear weapons to Moscow. As a clear sign of Moscow's involvement in security policy structures, Russia received a permanent seat in the Balkan Contact Group in 1994, although Moscow has participated in any manner but constructively, instead choosing to stick with its blockade policy.

Putin's assertion that NATO, despite earlier assurances, has expanded to the East is wrong. No such agreements or even written obligations exist. The Baltic States, Poland and other former Warsaw Pact states have all sovereignly applied to join NATO. Russia does not want to concede such sovereignty to countries like Ukraine, rather it demands neutrality where no decision would have to be made between rival blocs. Russia's fear of being surrounded by NATO countries is primarily a problem of Russian perception. In the minds of leading Russian politicians and academics, the image of



NATO that obviously still dominates, is that of the Cold War era, in which the Western alliance was directed against Moscow. But those days have been over for two decades. In fact, NATO would welcome closer coordination with Russia in security matters. Thus Russia is perceiving competition and opposition where there really is none. It is only Russia's actions in Crimea that have now prompted NATO to turn its attention to Eastern Europe because the logic Russia is employing in justifying its actions in Crimea would also translate to NATO member states with Russian minority populations, such as Estonia or Latvia.

II. CONCLUSIONS AND OUTLOOK

The Russian argument reveals three basic pillars:

First: The accusation of an illegitimate government in Kiev is central; the Russian side argues the government came to power through a coup and is dominated by fascists. Consequently, Moscow has little interest in the Ukrainian central government gaining new legitimacy through elections. The destabilisation of eastern and southern Ukraine pursues exactly this aim – to prevent proper national elections from being held.

Second: Moscow is using the alleged discrimination and threat against Russian-speaking Ukrainians and ethnic Russians as an opportunity to present itself as a protecting power and to intervene directly or indirectly in the neighbouring country's events and to control them. In this regard, the Russian side has emphasised Ukraine's or certain regions of Ukraine's historic affiliation with Russia. Its neighbouring country's state sovereignty is generally not or only partially accepted.

Third: Russia justifies its own actions by accusing the West and NATO in particular of conducting anti-Russian policies and systematically compromising its (security) interests. In doing so, Russia is apparently quite self-evidently assuming the primacy of its own interests in former Soviet territories above the interests of other states in the region.

In light of the political and economic developments (protests as a result of the 2012 elections), which have been unfavourable to Putin's government, the impression arises that Russia's aggressive foreign policy behaviour is due in no small part to internal political motivations. Annexing Crimea has helped Putin to gain unprecedented popularity after he had increasingly come under criticism in his own country in recent years. Russian politicians can rest assured that nationalist slogans are supported by a large majority of the

Russian population. It can even be expected that political success in Russia without a nationalist component would not currently be possible.

Guided by the State, Russia's own national identity and culture are increasingly being defined in terms of differentiation from European values. This definition also encompasses questions of the political system, of political culture and basic values, such as certain human rights and the rule of law. Against this backdrop, in the current situation Moscow may only be interested in ensuring that Ukraine fails as a state under its current pro-European leadership in Kiev which is painted by Moscow as illegal, fascist and impotent, thereby making Russia appear much more successful in comparison. Accordingly, those Ukrainians of Russian descent who are gazing hopefully toward Moscow now are not driven by the fear of ethnically motivated repression and exclusion. They are rather realising the relative economic advantages Russia stands to gain from Ukraine. They also do not feel the transitional government in Kiev adequately represents them. Should Ukraine – similar to other Eastern European countries – succeed by building political and economic ties with the EU, Putin would face the inverse problem that, with a country like Ukraine with such geographic and ethno-cultural proximity, the Russian population would be able to see an alternative to his model of rule.

The country and the government in Kiev can significantly contribute to the stabilisation of Ukraine themselves. The latter must be much stronger than it has previously been in fighting for the people in the southern and eastern parts of the country and in facing their concerns and distrust. At the same time they must make it clear that their actions cannot be influenced by radical political forces and that it considers all ethnic and linguistic population groups equal. This seems to primarily be an issue of communication, because the systematic discrimination of ethnic Russian Ukrainians, alleged by Russia, does not actually exist.

Equally pressing is of course finding solutions to urgent problems in areas of economic and social protection, as well as in the fight against pervasive corruption. The Ukrainian economy has been massively disrupted by the developments over the last few months, and the country's budgetary pressures threaten to increase. Of course at this point the EU, the US and other countries have been asked to assist Ukraine. With regard to Moscow, it cannot be emphasised enough that the West's Ukraine policies are not directed against Russia. However, Moscow must also accept that Ukraine's territorial integrity and sovereignty are to be respected.



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