

Referendum at Gun Point and the Crisis in Ukraine: Beyond the Propaganda

Written by Veronika Clegg

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VERONIKA CLEGG, MAR 18 2014

On 16 March the controversial referendum on Crimea's status was held, with 96.8% voting in favour of the former Autonomous Republic seceding from Ukraine and joining the Russian Federation. The referendum creates a dangerous precedent as the first *de jure* annexation of a territory belonging to a sovereign state in Europe since the end of the Second World War. The referendum was held in breach of international law and a number of key agreements, most particularly the United Nations Charter, the Organisation of Security and Cooperation in Europe (OSCE) Helsinki Act (1975), as well as Russia's obligations to Ukraine under the Budapest memorandum of 1994. According to the memorandum Ukraine acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and gave up its nuclear arsenal (which was the third largest at the time after Russia and the United States), in return for the UK, the US and Russia, as member countries of the Memorandum on Security Guarantees, committing themselves to provide security assurances to protect the territorial integrity and political independence of Ukraine.

Further, the referendum has been declared illegal and illegitimate by the Ukrainian interim government, the EU, and the US. This position is supported by the facts. The referendum was orchestrated and conducted by Crimean separatists under the control of Russia, and the illegal invasion of Crimea by Russian armed forces that preceded it was undertaken on the pretext of trumped-up claims that the rights of the Russian-speaking population were being violated. In addition, the referendum was rushed through without a proper campaign or debate. The questions on the ballot paper were changed several times, and in the end voters did not have the option of retaining the status quo. The referendum took place in the absence of international observers and with wide-spread voter fraud.

In Crimea, the vote was accompanied and preceded by wide-spread intimidation of the independent mass media, pro-Ukrainian protesters, and Ukrainian military personnel and their families. Also a number of kidnappings took place, and several high-profile Ukrainian and Western envoys were threatened and chased out of the republic. In Russia, meanwhile, there was blatant anti-Western and anti-Ukrainian propaganda akin to the worst examples seen in the days of the Cold War; wide-spread imperial pro-war hysteria in the media; and often heavy-handed suppression of anti-war protests.

The referendum in Crimea is another chapter in the series of events which began over three months ago in central Kiev with mass student protests against President Viktor Yanukovich's attempt to backtrack from the long-promised signing of Association and Free Trade agreements with the EU and instead assenting to be part of a Russian-led customs union in exchange for soft loans and cheaper gas. More generally, what took place in Ukraine was not, as claimed by Russian propagandists, a coup d'état perpetrated by "fascists", "neo-Nazis", and the "ultra-right" sponsored by the US State Department and Brussels. Rather, it was a "popular uprising", "a revolution of dignity" against a corrupt, kleptocratic, and in its final days a bloody regime by the people of Ukraine whose patience had been exhausted and who had run out of political options and routes of further protest. As Olexiy Haran argued in *The Guardian* on 13 March "the Euromaidan (mass protests, demonstrations, and civil unrest in Ukraine) was a place of multi-ethnic national solidarity in the face of repression". Indeed, Ukraine has not seen such unity since the Second World War.

The outcome of Euromaidan has been the overthrow of a corrupt regime and the impeachment of Yanukovich; the

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return to the 2004 Constitution (negated by Yanukovych) under which Ukraine was a parliamentary republic; the cancellation of 'dictatorship laws' restricting freedom of speech and assembly; a change of government; and early presidential elections. Overall, the revolution has finally given the country the chance to secure its democratic and pro-European aspirations. However, these changes have come at a huge cost – over 100 protestors have been killed, thousands have been injured, and over 300 are still missing. Further, the positive indicators of change are seen and treated by Russian President Vladimir Putin as a threat and challenge to his regime, and he is using this period of transition as an opportunity to punish and teach Russia's errant 'little brother' a cautionary lesson. Further, it is widely believed in Ukraine, in some other former Soviet republics, and in the West that Crimea is not the final target of Putin's expansionist foreign policy.

So what is next for Ukraine? Russia has deployed large military forces along the Ukrainian-Russian border. In response Ukraine has announced the 'partial mobilisation' of its adult population, and a National Guard has been created to assist its undersized, inadequate and ill equipped army. In addition, to the external threat to its sovereignty and territorial integrity there is growing and increasingly violent separatist unrest (fuelled by Russia) in other Ukrainian regions beyond Crimea, particularly those in the south-east (Kharkiv, Donetsk and Lugansk) with large Russian-speaking populations. Meanwhile, former president Yanukovych is on the run (along with about 40 of his senior government officials), refusing to accept defeat, and making provocative statements and threats. Ukraine is also confronted with the threat of immediate default, loss of Russian markets, and the inability to pay for vital energy imports.

In an attempt to assist Ukraine funds from the International Monetary Fund (IMF) and aid packages from the EU (worth €11 billion) and the US (US\$1 billion) will be forthcoming. Ukraine will also sign the political chapters of an Association agreement with the EU, scheduled for 21st March. Further, Ukraine's Ministry of Finance, National Bank, and defence sector will receive western expert assistance, and the country will benefit from promised custom tariff cuts for exports to the EU and the speeding up of visa liberalisation. In addition, Ukraine will get help in tracking down the assets of corrupt ex-government officials.

Locally, and perhaps more importantly, Ukraine needs to hold transparent presidential elections (scheduled for May) and establish an effective parliamentary republic. In order to avoid repeating mistakes made in the aftermath of the Orange Revolution in 2004 Ukraine needs to hold a lustration process for corrupt government officials, bankers, judges and police officers, as well as establishing mechanisms allowing for the proper oversight of government by civil society. Finally, Ukraine, for the sake of its unity, needs to develop a better appreciation of its historic, cultural, and ethnic diversity and introduce guarantees that will allow for their protection and development, including the safeguarding of the Russian language.

On the other hand, what might happen to Russia? It is likely that a range of punishments will be targeted at the country – on 17 March asset freezes and travel restrictions were imposed by the EU and US on a number of Russian and Ukrainian officials linked to the unrest in Crimea. In addition, growing international diplomatic isolation is likely (cooperation between the European Parliament and the Russian State Duma and Federation Council has already been cut back). Other measure will probably include economic sanctions, including in the energy and finance sectors, and an arms and dual-use technology embargo. More specifically this means that US-based banks are likely to cut lending; Russian accounts and assets will be frozen; individual visas will be denied and revoked, visa liberalisation reforms will be suspended; and measures will be enacted against Russian companies, particularly in the energy sector. Further, preparations for the G-8 Summit scheduled to take place in Sochi in early June have been suspended. If all these measures are enacted they would have serious consequences for the Russian economy. By undermining friendly relations with Ukraine, Russia will also suffer geopolitical consequences and will have to deal with the possibility of NATO expansion.

Russia is likely to retaliate by obstructing UN initiatives and imposing reciprocal trade and economic sanctions on its European partners. Lithuania (one of Ukraine's most vocal and proactive supporters) has been the first to find itself on the receiving end of Russia's retribution – Russia has begun a food supply blockade of Lithuanian ports. Other impacts could include Russian money being withdrawn from the City of London; the loss of large military contracts for France; and the restriction of oil and gas supplies from Russia to Western and Central Europe.

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In conclusion, the situation affecting Ukraine is undoubtedly the worst geo-political crisis Europe has witnessed since the end of the Cold War and it represents a serious threat to European security. The annexation of Crimea (and possibly other parts of Ukraine) will have a knock-on effect on the role and authority of many international organisations, such as the UN and the EU. Indeed, serious questions are being raised about the value of past security guarantees linked to international nuclear non proliferation efforts; the role of the EU as a foreign policy actor; and the inviolability of state borders. Whatever happens over the coming weeks and months it is clear that the echoes and effects of events in Ukraine will be felt far beyond its borders and those of its Eastern European neighbours.

About the author:

Dr Veronika Clegg is an Independent Scholar. She gained her PhD at the University of Southampton in the Politics of Ukraine, and has worked with state and private sector organisations in the country.