

END NOTE

RUSSIAN-UKRAINIAN STRATEGIC PARTNERSHIP IN RUINS

By Taras Kuzio

The recent dispute over the tiny Tuzla Island in the Kerch Strait, the entrance to the Azov Sea, should not be happening. The Ukrainian-Russian "strategic partnership" -- which was devoid of real content during Ukrainian President Leonid Kuchma's first term in office and under Russian President Boris Yeltsin -- was beginning to be finally filled with some substance during Kuchma's second term and under Russian President Vladimir Putin. As the Kuchmagate crisis unfolded after November 2000 and the reformist government of Prime Minister Viktor Yushchenko was removed in April 2001, Ukraine's multivector foreign policy reoriented toward Russia and the CIS.

For Moscow, the crowning achievements of this reorientation came this year. 2002 was designated "the Year of Russia in Ukraine," and in January 2003 Kuchma became the first non-Russian CIS leader to be elected head of the CIS Council of Heads of State. On 17 September, Ukraine, Russia, Kazakhstan, and Belarus signed the CIS Single Economic Space (EEP), only 12 days prior to the beginning of the territorial conflict over Tuzla.

Ukraine's reorientation toward Russia and the CIS seemed set to continue. Kuchma desperately needs Putin's support in the October 2004 presidential election in order to ensure a suitable successor -- if indeed a suitable one can be found -- is elected. One way to achieve this was to again play the Russian card in eastern Ukraine, a tactic Kuchma successfully used in the 1994 presidential election.

This can now be ruled out. Pro-Kuchma Crimean Prime Minister Serhiy Kunitsyn lamented this week that "I don't know whose idea it was to build the dam, but I do know that it is ruining everything achieved during the Year of Russia in Ukraine."

As the crisis escalated, calls from within Ukraine's elites to speed up steps to join NATO, an objective first outlined in a presidential decree in July 2002, became more frequent. Our Ukraine Deputy Yuriy Yekhanurov, head of the Verkhovna Rada's Industrial Policy and Enterprise Committee, told parliament on 22 October that Ukraine should rebuild a small nuclear deterrent as the only way to deter similar threats to Ukraine's territorial integrity.

In a secret presidential decree dated 21 October, Kuchma outlined steps to be taken to defend Ukraine's territorial integrity. Those steps included Ukraine quitting the recently agreed EEP if Russia attempts to encroach on its territory. Other nonmilitary steps include appealing to the declared nuclear powers, who provided "security assurances" in return for Ukraine's nuclear disarmament in

1994-96, the UN Security Council, NATO, and the OSCE. A further step outlined in the decree was for the Foreign Ministry unilaterally to declare the Kerch Strait and the Azov Sea internal Ukrainian waters.

Different approaches to the status of these waters lie at the heart of the conflict. Ukraine has always been a territorial-status-quo power and defends its territorial integrity based on everything it inherited from Soviet Ukraine. Ukrainian officials reminded their Russian colleagues that copies of Soviet documents showing Ukraine's right to Tuzla exist in both Kyiv and Moscow. The Ukrainian side was infuriated by Russia's claims that it does not possess and is unaware of any such documents. Russia has also always insisted that there are no legal documents proving that the port of Sevastopol was transferred together with the Crimea to Soviet Ukraine in 1954.

Russia's attitude toward CIS "internal" borders remains ambivalent. After years of territorial demands on the Crimea and the port of Sevastopol, Russia only agreed to sign a treaty that recognized Ukraine's borders in May 1997. It took Russia nearly two more years for both houses of its legislature to ratify the treaty, a step that was taken only after the Verkhovna Rada itself ratified the Crimea's non-separatist constitution.

Then, another five years were required -- from 1999-2003 -- to complete work on delimiting the Ukrainian-Russian border. In that agreement, Kyiv bowed to Russian pressure to define the Azov Sea as joint "internal waters," a definition Russia has also supported in the Caspian.

But Russia continues to reject any demarcation of its border with Ukraine, as it does with other CIS states. Russia defines "internal" and "external" (i.e., the former Soviet, except vis-a-vis the Baltic states) borders differently. To define them in the same manner would be to abandon the view of the CIS as not-foreign "near abroad."

Kuchma was criticized in Ukraine earlier this year for succumbing to Russian pressure on the Azov Sea. By agreeing that the Azov Sea is joint internal waters, he might have sent the wrong signal to Russia over the entrance to the Azov Sea. Ukraine's control of Tuzla and the Kerch Strait gives it the ability to control the entrance to the Azov, from which it obtains \$150 million per year in fees from ships.

This then explains the incomprehension of both sides at the speed with which the conflict has escalated. Despite meeting regularly over the last three years for "no neck-tie summits," Kuchma and Putin failed to contact each other until after Kuchma had left for Latin America on 20 October. Kuchma returned from what was to be a 10-day tour on 22 October to oversee the handling of the Tuzla dispute and Prime Minister Viktor Yanukovich similarly cancelled a visit to the Baltic states. Kuchma visited Tuzla on 23 October to check its defenses and that day construction of the dam was halted just 100 meters from the island.

The Russian leadership has miscalculated in two respects. First, Ukraine's reorientation eastward does not mean Kuchma or his oligarch allies entertain the idea of vassal status. Similar miscalculations have even thwarted attempts to integrate Russia and

Belarus. Second, Russia has continually underestimated Ukraine's readiness to defend its territorial integrity, first by diplomatic and then even by military means. A border-guard unit was hastily deployed on Tuzla Island immediately after the construction of the dam began. They are backed up by Interior Ministry special forces with naval units on standby. An air-defense exercise has also been held on the Kerch Strait. On the Russian side, there are border troops and Cossacks.

Support for Ukraine's territorial integrity has always existed across the entire political spectrum from left to right. Communist Party leader Petr Symonenko even accused Kuchma of being a "traitor" for leaving Ukraine during the crisis. The current standoff reflects the degree to which any talk of a Russian-Ukrainian "strategic partnership" will remain devoid of real content until both sides feel more confident about their respective national identities.

Taras Kuzio is a resident fellow at the Centre for Russian and East European Studies, University of Toronto.