

The FSB Returns to Ukraine

Publication: Eurasia Daily Monitor Volume: 7 Issue: 100

May 24, 2010 06:16 PM Age: 18 hrs

Category: Eurasia Daily Monitor, Home Page, Military/Security, Ukraine, Russia, Featured

By: [Taras Kuzio](#)



President of Russia Dmitry Medvedev (L) with his Ukrainian counterpart Viktor Yanukovich. After the second round of Ukraine's 2010 elections, Russia demanded that President, Viktor Yanukovich, undertake measures to improve relations between both countries. Moscow demanded that Yanukovich re-admit the Federal Security Service (FSB) to the Black Sea Fleet (BSF) and "end all cooperation with the Central Intelligence Agency" (Kommersant Vlast, February 22). The Yanukovich administration has agreed to most of these demands, which are beneficial to Russian, not Ukrainian, national security.

One of the Russian demands was for the return of FSB officers to the BSF based in Sevastopol. On May 19-20 in Odessa, following President, Dmitry Medvedev's, visit to Ukraine two days earlier, Ukrainian Security Service (SBU) Chairman, Valeriy Khoroshkovsky, and FSB Chairman, Oleksandr Bortnykov, signed documents permitting the return of the FSB officers (EDM, March 12). The agreement will reinstate the same level of SBU-FSB cooperation that existed between 2000 (when Vladimir Putin was first elected as Russian President) and 2009 (marking the point that the FSB were withdrawn from Ukraine). One possible difference would be that the officers in question would have to be agreed with Ukraine, representing only a formality (Ukrayinska Pravda, May 12).

The numbers of FSB officers would be proportionate to the BSF personnel. This could be problematic, as Russia has always provided conflicting data on the number of its naval troops stationed in Ukraine. A more controversial question is whether the FSB officers, who belong to its counter-intelligence department, would be given the right to undertake "operative-search" activities on Ukrainian territory. Russian legislation permits such activities wherever the FSB are stationed, but Ukrainian law outlines the domestic siloviki units who have a right to undertake this activity. Foreign siloviki are banned from undertaking "operative-search" activities on Ukrainian territory.

Former SBU Chairman, Valentyn Nalyvaychenko, has pointed out that the 2000-2009 stationing of FSB officers in Sevastopol was illegal under Ukrainian law. "The protocol signed in 2000 whereby FSB units were stationed in the Crimea never was in conformity with Ukrainian legislation," Nalyvaychenko revealed, meaning that President, Leonid Kuchma, had agreed to the stationing of the FSB by infringing Ukrainian law (Kommersant-Ukraina, May 12).

The 2000 agreement was annulled by Nalyvaychenko and the officers withdrew in December 2009 (EDM, July 14, 2009). The FSB re-located to Novorosiysk (www.korrrespondent.net, December 1, Ukrayinska Pravda, December 10, 2009).

The first group of FSB officers returned to Ukraine ahead of the signing of the new documents in Odessa. They were preparing joint anti-terrorism manoeuvres with the SBU (Ukrayinska Pravda, May 12).

Nalyvaychenko argued, as he did in 2009, that the SBU has sufficient resources to counter any kind of threats to the BSF. The SBU offered to provide full security for the fleet through a new SBU, "powerful counter-intelligence unit in Simferopol, Sevastopol and other cities of the Crimea." This unit would be ideally suited to protect the BSF, he added (Nezavisimoy Gazete, June 15, 2009). The SBU could deal with law and order, and counter terrorism, "We do not need assistance or the physical presence of foreign secret services," Nalyvychenko said (Nezavisimoy Gazete, June 15, 2009). First Deputy Head of the State Duma committee on the CIS, Kostiantyn Zatulin, stressed the importance of the FSB presence in the Crimea to counter terrorism. Zatulin claimed the FSB is involved in countering terrorism on a wide scale and therefore has greater practical experience than the SBU (Komersant-Ukraina, May 12). Ukrainian critics of the stationing of the FSB and BSF on a long-term basis point out that they will attract terrorism and therefore increase security threats towards Ukraine.

"More importantly," Nalyvaychenko said, "Russian counter-intelligence have undertaken on our territory unfriendly actions, including the covert collection of, and steps towards, collecting secret information and thereby infringing the Criminal Code of Ukraine" (Komersant-Ukraina, May 12). In 2009, Ukraine expelled several Russian intelligence officers (EDM, July 31, 2009). Russian intelligence has provided covert support to separatists, and anti-NATO and anti-American groups in the Crimea and Odessa. Beginning in 2005, these "protestors" and Russian Crimean separatist groups began to undermine Ukraine's joint military exercises with NATO under the Partnership for Peace (PfP) program. The FSB provided covert cover for BSF personnel who wore civilian clothes and camouflaged themselves as "locals" during the protests.

Nalyvaychenko revealed that one factor behind the 2009 decision to terminate the right of the FSB to maintain its presence in Sevastopol was that they did not restrict themselves to the BSF naval base. "Foreign special services operate in the city of Sevastopol. And this is against Ukrainian law," he said (www.bbc.co.uk/ukrainian, June 18, 2009).

The SBU demanded that FSB officers within the fleet withdraw from the Crimea by the end of 2009 (Ukrayinska Pravda, June 2, Interfax-Ukraine, June 28, 2009). Nalyvaychenko warned the FSB if they had not left by that date, "they would bear criminal responsibility. The criminal code contains an article on 'espionage'" (Ukrayinska Pravda, June 28, 2009).

The return of the FSB to the Crimea leads to three conclusions. First, the question that many in the opposition are asking is why it took President, Viktor Yushchenko, so long to address Ukrainian national security in the Crimea? The FSB stationing agreement was not annulled until his fourth year in power. A question was only sent by the president in his last month in office to the constitutional court asking it to issue a legal ruling on the article in the constitution relating to foreign bases. The court refused to rule on the question arguing it was not prepared by the president's legal advisers in the correct manner. On April 27, 2010 the Ukrainian parliament voted to ratify a treaty to extend the BSF base by 25-30 years.

Second, the return of the FSB has nothing to do with countering terrorism, but in tying Ukraine and Russia's security policies closer, the ramifications of which will be threefold. It will reduce the level of Ukraine's cooperation within PfP and increase joint Ukrainian-Russian military programs. The surrounding Black Sea States will regard Ukraine as facilitating Russian espionage from its territory. Finally, it will end Ukraine's two decade long close relationship with Georgia. The Party of Regions that Yanukovych led in 2008 was the only CIS political force to wholeheartedly support the 2008 Russian invasion of Georgia, ignoring the use of BSF vessels in the invasion and supporting Georgia's dismemberment through resolutions in the Ukrainian and Crimean parliaments. Russia's ultimate aim over the next three decades is to establish a joint condominium over Sevastopol and the Crimea. Such a step would permanently restrict Ukrainian sovereignty and its ability to conduct an independent foreign policy.