

Reflections on the Ukrainian revolution

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Reflections on the Revolution in Ukraine: Burke's social contract theory as a response to the barbaric rise of mental heirs of the Enlightenment in Kiev.

The theoretical context: A Burkean analogy

Looking at the current situation in Ukraine, it brings to mind the image of eighteenth century France pictured in one of the best-known intellectual attacks against the French Revolution written by Edmund Burke. Reflections on the Revolution in France has been used as a defining piece of modern conservatism as well as an important contribution to international theory. Above all else, it has been one of the defining efforts of Edmund Burke's transformation of traditionalism into a self-conscious and fully conceived political philosophy of conservatism.

This paper will concentrate on the social contract theory part of Burke's political thought to highlight similarities in some of the aspects of social behaviour to people in Kiev now and people in France then.

In the *Reflections*, Burke argued that the French Revolution would end disastrously because of its abstract foundations, and whilst purportedly rational, it ignored the complexities of human nature and society, the very same situation which may be noticed in the Ukrainian spurt.

In his interpretation of the social contract, Burke posited that man during pre-social time has two rights under the unlimited freedom: namely, the right to self-preservation and self-defence. As a rational human being man chooses to live in a community that helps tame human passions and makes his existence more secure. The interest of the individual is to limit his freedom and the right to self-defence taken away at the moment of joining the social structures. As Burke says, you cannot have both the rights of the pre-social state and privileges of social status at the same time. Wrong are the thinkers who make authority conditional from those who are governed.

In fact, citizens are not allowed to change and shape the authority according to their will and mood which is exactly what happened after tumult, when Ukraine refused to sign a trade and political deal with the EU in November 2013. Respectively, rulers must be guided by the interests of the citizens but not their momentary whims.

Instead of trying to understand the motives behind such a decision from the Government or taking a democratic attempt to influence change, the protesters at Maidan demonstrated a total lack of respect for the legal constitution of their country, which demonstrates their lack of faith in the government. Power though is primarily a matter of trust, because: *"Kings will be tyrants from policy, when subjects are rebels from principle"* (E. Burke, *Reflections on the Revolution in France*, pp. 75). Therefore it means, that the agreement is not one-sided - authority is not only a servant of the public. Both parties have rights and responsibilities: the right to demand obedience from the ones who are in power and the duty to act in

their interest; the public duty of loyalty to authority and the right to guaranteed freedoms. Only a serious breach of the contract can justify its termination. When this happens, though, social bonds are broken and the man goes back to the state of anarchy, which is currently present in Ukraine.

The social contract, although at the time the act was voluntary, now certainly has a completely different character. At the moment of birth, we become members of society, and obligations arising from this agreement are imposed on us without our consent. We become part of a greater whole - the nation. For Burke, nation is something much more than just a common language and geographic group of people. The nation goes beyond space and time – it is primarily a chain of generations joined by duty fulfillment of an ancient contract, a duty of living in harmony with nature, and thus able to civilize, enabling the realisation of moral precepts and cultivate virtue. The nation is a "moral essence." Being a member of such a community brings many benefits – among other things the ability to use a large repository of centuries of accumulated experience - and the specific duties: to not betray the spirit of the ancestors, preserving their achievements and pass them on to posterity (E. Burke, *Reflections...*, pp. 91-92). The agreement establishing the state, growing and appreciating in the process of organic growth is more than just the work of the people – it is a mapping of the eternal order and as such is binding on

Burke, however, does not deny citizens the right to change anything in the country because he understands the need to make reforms. However, they must be partial, prudent and based on the appeal to the past (Ibidem, pp. 153).

Burke argues that in a good society, nothing is completely new or completely old. Nothing should happen suddenly, changes need to occur, but almost imperceptibly. Only this way prevents from destroying the intricate social network links, so extremely difficult to create and very easy to break as we see in the aftermath of the Kiev's unrest.

Traditional society, respecting the experience of ancestors, cultivating the habits and superstitions is the only place where freedom can be something permanent and not threatened. In fact it has been achieved here what is extremely difficult - the right balance between freedom and coercion and order. Order results in a sense of security and confidence, coercion is not severe (contrary to the claims of those who are demanding his immediate lifting) but bland and extremely useful: for it restricts freedom by preventing resurgence of anarchic and destructive instincts so apparent to the "Maidan Jacobins" behaviour.

In the opinion of Burke existing society, along with its extensive system of do's and don'ts is not the enemy of freedom. Breaking the traditional structures does not result in enlargement of freedom but its complete annihilation. Freedom is not possible in contrary to the public, but only thanks to it. True freedom is the one which is social, civilized, limited and rational: *"Always acting as if in the presence of canonized forefathers, the spirit of freedom, leading in itself to misrule and excess, is tempered with an awful gravity"* (Ibidem, pp. 32). So conceived freedom is a value which must be safeguarded.

Burke believes that revolutionary approach of rationalists is contrary to common sense. Although Maidan opposition has willingly take the position of Roman politicians and heroes, their theories coming from abstract principles, based on the disaster contempt for tradition and all forms of human experience cannot lead to the construction of a better society, as a simple cure applied to complex reality must turn into poison. Unfortunately, the man being the product of depraved conduct vanity really believes that his will is the source of power and his desire and passion should be the highest and only law. The belief in falsehood, however, does not make falsehood more real: *“Men have no right to what is not reasonable, and to what is not for their benefit”* (Ibidem, pp. 60).

Revolution means a break in continuity, the destruction of centuries of achievements. Enacting a new law seeks support not in the customs and superstitions but in the democratic principle of majority. Such laws, however, have little power when traditional social order is destroyed when the opportunity arises and *“tyranny of a multitude”* plunging the former communist country into anarchy which led Crimean people to detach themselves from Ukraine.

In light of recent developments in Ukraine there are traces of historically recurring patterns of political thought and behaviour.

Ukrainian Revolution is clearly now approaching atrocities of the same scale as the French Revolution which was meant to bring *“liberté, égalité, fraternité”* ("Liberty, equality, fraternity [brotherhood]") has had the opposite effect. Lack of structure in newly created governments struggle for power in both Revolutions broke the social contract and traditional structures examined by E. Burke, attempting to build a new society from the ground up.

To understand these similarities between both examples few questions should be asked when observing the Ukrainian Revolution in the context of the Burkean analogy: What are the foundations of the Ukrainian Revolution? Was social contract broken? Are sudden changes bringing the desired outcome?

In order to answer these questions let us look closer to the beginning of the Maidan Revolution.

The onset of violence

On 21 November 2013, the Ukraine decided to align itself closer to Russia and halt its preparations for signing a European trade and political agreement in order to *“ensure the national security of Ukraine”* and *“restore lost trade volumes with the Russian Federation”* after considering the effects on trade relations with Moscow, legislators said and despite the outcry from most of the EU member states, it was Ukraine's *“sovereign right to make a decision which path she wants to follow,”* German Foreign Minister Guido Westerwelle acknowledged.

After this move, Arseniy Yatsenyuk Ukrainian, opposition leader and a former Minister of Economy called for President Viktor Yanukovich to step down, saying: *“If Yanukovich is refusing to sign the agreement,*

then it is not only state treason but also grounds for the impeachment of the president and the dismissal of the government."

In the aftermath of these events people have begun flocking to Kiev's Independence Square and home of the 2004 Orange Revolution which began a chapter which brought about horrifying accidents, which we have now been witnessing for the last three months.

It is also worth mentioning that the most prominent political party which traditionally engaged in Bandera celebrations is the nationalist Svoboda party, which has been particularly active in the anti-government rallies that have been taking place in Kiev over the past several weeks. It is this party which organised a march in January to mark the 105th anniversary of the birth of Stepan Bandera, Ukraine's Nazi supporter during WW II.

It was the Svoboda party that was primarily responsible for an anti-government rally which turned violent, when on 19 January 2014 protesters attacked riot police. *"The young people started throwing firecrackers and smoke pellets at officers and hit them with sticks,"* Ukraine's UNIAN news agency reported.

The day after, rioters in the rage of fury started to throw Molotov cocktails, stones and fireworks at police lines and law enforcement officers responded with plastic bullets, stun grenades and arrests.

In order to prevent an escalation of public unrest, the democratically elected president of Ukraine ordered the formation of a group of state officials to work on the settlement of the political crisis. In his address to the Ukrainians, published on his website in 20 January 2014, Yanukovich said he would use all means dictated by Ukrainian law to ensure public security and order in the country.

Russian Foreign Minister Sergey Lavrov asserted that the violence which was consuming the Ukrainian capital Kiev was in "no small part" being organised from abroad, adding that no EU country would accept such disorder within its own borders. He went on to say that *"as it turns out, these agitators have not even considered the interests of the Ukrainian opposition itself, in so far as they have attempted to incite violence (...) When something like this happens within a European country, no one questions the need to curb the disorder and violence with firm measures."*

Lavrov criticised some European states for handling the Ukrainian crisis in such an offhand manner, warning that their interference could cause the situation to spiral out of control. He was especially critical of the fact that members of several European states have rushed to Independence Square in Kiev to participate in the anti-government demonstrations despite having diplomatic relations with Ukraine and said *"it's just distasteful, and it is, by the way, fueling the situation."*

Russian Foreign Minister also criticised the protesters for *"violence, attacks on police, arson, Molotov cocktails and explosive devices"*, characterising their actions as a *"complete violation of all European standards of behaviour."*

"Why are there no voices condemning those who seize government buildings, attack the police and adopt racist and anti-Semitic slogans? Why do European leaders actually encourage such actions, when they

would quickly move to punish them at home? What would be the reaction from the European Union, if members of the Russian government began to openly express support, including personal visits, to rioters in London, Paris or Hamburg?" Sergei Lavrov added at the annual Munich Security Conference at the beginning of February this year.

Former Ukrainian Minister of Foreign Affairs, Leonid Kozhara also criticised Western involvement in the crisis by saying at a meeting with Lavrov on the sidelines of the Security Conference in Southern Germany that: *"We [Ukrainians] refuse to be a pawn in this geopolitical game of chess. This is humiliating and harmful to the Ukrainian people. We do not want anybody to interfere with our strategic partnership with Russia, but we are also drawn to the European Union."*

Consequently, on both occasions we meet strong basis to believe that these concerns are justified, especially when we recall that in December 2013 US Senator John McCain addressed a crowd of anti-government supporters in Kiev, pledging broad US support for the pro-European movement appearing on stage with leaders of the three opposition parties leading the protests - including the far-right Svoboda party declaring that: *"Those brave men and women should know that they are not alone. Their friends across the world stand in solidarity with them."* Also earlier that same month, US Assistant Secretary of State for Europe and Eurasian Affairs Victoria Nuland in her speech given at the U.S.-Ukraine Foundation Conference spoke openly that America *"have invested more than 5 billion dollars to help Ukraine to achieve these and other goals"* and will continue to *"promote Ukraine to the future it deserves."*

The initial reaction

To save country unity, under the anti-protest legislation passed on 23 January 2014, protesters that were blocking entrances to government buildings were about to face prison time, while a fifteen-day detention period was envisioned for those taking part in demonstrations that were not sanctioned by the police. Fifteen-day jail terms were applicable to demonstrators covering their faces with masks or helmets and anybody found to be erecting tents, stages or other makeshift structures without approval from city authorities. The legislation approved by Yanukovich also envisioned up to a year of hard labor in prison for anyone convicted of libel, including on the Internet.

As a revenge, on 25 January 2014 protesters in the city of Vinnitsa occupied the city council building, breaking a feeble cordon of interior troops. A triumphant mob cheered and poured into the building as the doors flung open, only to find that more police were blocking the stairs to the upper floors. Armed with improvised clubs from pieces of broken furniture, dozens of aggressive rioters pounced at the police in an attempt to ram their way through. They tore off officers' protective helmets and shields. The police stood their ground, having apparently not received an order to retaliate.

The conflict began to escalate as a result of this, with the government asserting its right to react when Interior Ministry head Vitaly Zakharchenko said *"Those who remain on Maidan and in the occupied buildings will be considered extremist groups. In the event of danger, if the radicals spring into action, we will have to use force"*, as quoted by ITAR-TASS

He also addressed the leaders of the opposition, urging them to show 'political maturity and wisdom': *"This is not a game of war. Here we have real victims – the policemen burning alive, the extremists shooting off the people. They are hiding behind the backs of women and children, they crave for chaos. But one does not build a strong state on blood."*

An analysis of the opposition: are they really the 'good guys'?

Opposition protesters, however, painted a different picture of the recent violence, claiming the Berkut special police force is responsible for shooting at rioters and wounding several people.

Ukraine's prosecutor general has strongly denied that police could have used any lethal rounds in the clashes, stressing that both the orders given to the officers and the ballistic evidence rule out such a possibility.

According to the prosecution, it is some *"unidentified individuals who purposefully aim at destabilising the situation in the society"* that are responsible for the deaths amid the clashes in Kiev.

Similar ammunition was reportedly used in the killing of a police officer who was shot dead in a separate incident.

To cool the situation down, top government posts were offered to protest leaders and a review of the constitution was promised. Yanukovich proposed the post of prime minister to Arseny Yatsenyuk and Vitaly Klitchko was offered the post of deputy prime minister for humanitarian affairs, Justice Minister Elena Lukash said after the president's meeting with opposition leaders. Nevertheless, opposition rejected the governmental proposal.

Even though the Ukrainian president has promised a government reshuffle and amendments to the anti-protest laws that triggered violent clashes in Kiev, saying: *"We will make a decision at this session [on January 28]. I will sign a decree and we will reshuffle the government in order to find the best possible professional government team,"* and Ukrainian Prime Minister Mykola Azarov announced his resignation in a bid to quell the deepening political crisis created by protests in the former Soviet nation, and the escalation of violent protests was growing.

Clashes continued despite an appeal for peace and an offer of negotiations by the President and opposition leader Vitaly Klitschko has called for people from all over Ukraine to come to Kiev and help oust Yanukovych.

The mood of the protesters has become increasingly aggressive. After speaking to the core group on Independence Square, Yaroshevsky said that rioters *"indicated that they would not be willing to move away from this position regardless of what the opposition or any other politician says (...) their main goal right now is to topple the government, topple the president. That is what they stand for. We also heard that the opposition leaders speaking on the stage were on numerous occasions booed by the protesters at Independence Square."*

These so-called peaceful protesters have been for months putting up with nasty slogans like “Україна — понад усі!” which is just the Ukrainian translation of “*Deutschland über alles*” – “*Germany above everything*,”-the famous Nazi slogan.

The problem is that both Klichko and Yatsenyuk stood side-by-side with these people, standing alongside Svoboda leader Oleh Tyahnybok by forming “opposition triumvirate” and voicing resistance to Putin’s influence over the region.



Above: Vitaly Klichko (rear) and Arseny Yatsenyuk (right) standing with Svoboda leader Oleh Tyahanybok

Svoboda is currently Ukraine’s fourth biggest party and holds 36 seats in Parliament. It is also part of the Alliance of European National Movements, along with the BNP and Hungary’s Jobbik.

The party has played a leading role in the protests. Its Member of Parliament, Igor Myroshnychenko, claimed responsibility for the toppling of the statue of Lenin and it led the occupation of the city hall, where a white power logo was displayed along with the slogan “Ukraine above all!”

Moreover, there are a few photos of three opposition leaders with Ms. Victoria Nuland, smiling and standing very close to each other. *“This fact indicates that the Ukrainian extreme right is serving the political purpose of the apparently moderate leaders, who in fact wanted a revolution,”* said Mark Almond, Professor of History at Oxford University.

“So there is a danger that the extreme right that does exist, the extreme nationalists and indeed near Nazi elements, are actually serving the political purpose of the apparently moderate leaders. That is to say they want to overthrow the existing state, they don’t trust elections, because they fear that even if they win the elections there’s a sufficiently bigger body of support for Yanukovich that his political movement would survive and come back again as it did after the failures of the Orange Revolution,” he added.

“It's a very unstable situation, and I think that Vitaly Klitchko, Yatsenyuk, Parshenko - these leaders whom the West courts - are playing with fire, and so is the West. They want a collapse of Yanukovich's government, a revolution of a sort. They, of course, then want to glide safely into the presidential office and into the seats of power, but they will have depended upon the heavy mob, these extreme nationalists of Ukraine who chant anti-Russian slogans, anti-Jewish slogans, and who of course have got a taste of violence, and, who will see themselves if they are able to overthrow Yanukovich, as the people who brought about the revolution. And of course we've seen in the past once you move from having elections as the basis of political power to the crowd in the street, to the storming of the government buildings, that can slide out of control: the people who think they are the leaders today could find themselves marginalized, the people who today are willing to use incitements to violence by denouncing the current government as being tyrants could find themselves being targeted by the same people who are throwing Molotov cocktails tomorrow. I think it is a rather sinister sign not only for Ukraine that the democratic countries of the EU and the US, their governments and democratic institutions in Brussels, are siding with a rioting mob in the streets (...) Yanukovich's government refused to sign the association agreement with the EU - that sparked the protest. In other words, Yanukovich has a negative rating for the EU and for America; he didn't do what we wanted. What if a government inside the EU was to begin to say that we don't entirely agree with this or that, would they also see a sponsored crowd on the streets, would they also see inside a country inside the EU a threat to the constitutional order if you don't follow the line that the bureaucrats in Brussels have laid down?” Almond concluded.

The escalation of violence

Unfortunately, the worst scenario imaginable took place on 18 February 2013, when rioters used one of the captured trucks against law enforcement, driving it straight into police lines.

Protesters were attempting to reoccupy Kiev City Hall and a Molotov cocktail was thrown at building of the office of the ruling Party of regions as a fire started inside. After this the rioters broke in and ordered the staff out. Molotov cocktails have also been used against police. *“This is a glaring violation of the law. The offenders must appear before a tribunal which will determine the measure of punishment for them. This is not my caprice, it is my duty as a guarantor of the Constitution - to ensure peace in the country, the peace of the citizens and justice for everyone,”* the President declared.

The leaders of the opposition should immediately dissociate from the radicals provoking bloodshed and clashes with law enforcement, demanded Yanukovich: *“If they do not wish to abide, they ought to declare that they support the radicals. In that case they would be treated respectively.”*

Viktor Yanukovich went on to claim that opposition leaders demanded full power without elections, which is unconstitutional.

“I told the [opposition leaders] many times – elections are close. If people trust you, you will be in power. If they do not, you won't. But both must occur legally, according to the Constitution of Ukraine,” Yanukovich stated.

As the situation in Kiev intensified, violence spreaded to the west of the country. Hundreds of young rioters in the western city of Lviv seized the regional administration building and stormed the Lviv Central Internal Affairs Directorate, Interfax reported.

Meanwhile, the southern Ukrainian Autonomous Republic of Crimea urged President Viktor Yanukovich to come up with *“decisive action and emergency measures”* to end riots and restore constitutional order. This paved the way for recent developments we have seen in the Crimea region.

“The peaceful Crimea is extremely concerned with the latest surge of violence in central Kiev. The carnage on the capital’s streets proves that the opposition has taken manifold concessions on part of the government for a show of its weakness, and has used the amnesty law as a break before a new attempt of a forceful power grab,” Crimea’s Supreme Council said in a Tuesday statement.

According to the statement, the general mobilisation – called by *“extremist”* groups like the Right Sector and the Svoboda Party – is nothing but the start of a civil war in Ukraine.

Even though the President of Ukraine and the opposition reached a deal in 21 February and Viktor Yanukovich announced an early presidential election and a return to an earlier constitution in concessions aimed at finding an end to the bloody political crisis gripping the country, Ukraine’s parliament voted Saturday to impeach the president as opposition parties rushed to consolidate their apparently growing hold on authority. They also issued an arrest warrant for him for alleged *“mass killings of civilians”*, which only proves Burkean opinion that: *“In the groves of their academy, at the end of every vista, you see nothing but the gallows”* (Ibidem, pp. 75).

The involvement of the European Union

To see the bigger picture of EU contribution that escalated at Maidan square conflict we should recall comments of the European Commission President Manuel Barroso made in a press conference held in Milan in 9 December 2013, when Barroso twice appealed to Ukrainians to *“have the courage and go out and fight.”* Remarks from high ranking European officials have been dutifully echoed in the Western media which portray the strife in Kiev as the manifestation of a clash of civilizations, Russian and European, in what some have taken to call, *“the heart of Europe.”*

The truth is that Europe has been courting Ukraine into an associate trade membership for the past four years. Russia has warned Ukraine that a step towards joining the European Union would be *“trade suicide”* and result in billions in lost trade revenue - and that joining the Russia-led Customs Union is more beneficial.

The European Commission promised that moving west to Europe would save Ukrainian exporters nearly \$490 million over 10 years, as 95 percent of goods would have zero customs duties. However, Ukrainian goods are most probably not as likely to sell in Europe. As The Foundation for Effective Governance indicates that: *‘Joining the Customs Union with Russia, Belarus and Kazakhstan will be cheaper for Ukrainian producers and will help to save country’s industrial capacity. Technical standards of the Customs Union countries are similar to those of Ukraine. Because of this Ukrainian goods and services are already*

competitive in these markets. Joining the Customs Union does not require Ukrainian businesses to bear additional costs but expands their sales market. On the contrary, in a free market with the EU, there is a risk that more competitive European manufacturers will drive their Ukrainian peers out of business, as has happened with engineering in Latvia and shipbuilding in Poland.

Ukraine's membership in the Customs Union will make its exports more competitive. Duty free conditions will apply to energy and raw materials on the territory of the CU. Ukraine will pay less for natural gas and other important resources. As a result, production costs of Ukrainian goods will decrease, which will make them more competitive in the global market. This is particularly beneficial for the chemical industry and metallurgy, which depend greatly on gas supply. Cheaper natural gas will save money for population to spend after gas and utilities bills are paid. Ukraine will feel this effect much faster than from the FTA with the EU.ⁱⁱ

It is well known that fostering good relations with its neighbour is no less important to Ukraine, as, according to official data published on Ukrstat.org, in 2012 it exported 25.6 percent of its goods and services to Russia, whilst importing 32.4 percent from it.

Russia claimed that Ukraine's choice to team up with Europe will come at a cost of 35 billion Euros worth of Ukrainian goods, which will force it to default on its sovereign debt, of which Russia owns a great portion.

Ukraine's lack of currency reserves, paired with its huge deficit and Moody's sovereign debt rating cut to Caa1 from B3 puts them at *"very high default risk"*.

Ukraine's government reserves are so depleted they may no longer be able to keep national energy company Naftogaz afloat and may be forced to privatise it.

Meanwhile, Ukraine remains deep in the debt hole of the International Monetary Fund (IMF), and the uneasy negotiations on unfreezing the latest loan are ongoing. The 2010-agreed \$15.5 billion loan was frozen after Ukraine received about \$3 billion as the IMF said the government did not meet the fund's demands.

Kiev still had to pay back its earlier debts, however, transferring some \$3.74 billion to the IMF in 2012.

By the end of 2013, Kiev received the fund's latest demands, which included drastically increasing the gas bills of Ukrainians while freezing salaries at the current level and doing additional budget cuts. The Ukrainian former Prime Minister Nikolay Azarov has called the move *"the last straw"* in EU talks, saying that the European block has ignored Kiev's calls for help to negotiate new IMF credit but Moscow indicated it would then help Kiev with loans and the two will be able to negotiate more favourable prices for gas and oil.

Though one of the architects of the EaP, Sikorski was forced to admit recently that *"...the EU seriously overestimated the attractiveness of its offer,"* a report in The New York Times dated 3 February 2014

indicated that, rather than leave well-enough alone, American and European diplomats were planning to counter Russia's bailout package while Vladimir Putin was distracted by the Sochi Games.

If that was indeed the plan, it indicates that these diplomats were making two very dubious assumptions. First, they seemed to believe, against all evidence: historic, economic, and otherwise, that the Ukrainian people are united in their desire to join Europe.

Ukraine, to be sure, is one country but it is made up of two civilisations, one that looks to Russia, and one that looks to the West. They speak different languages and have had, as recently as the century just past, different historical experiences, said James Carden, a former advisor to the U.S.-Russia Bilateral Presidential Commission at the State Department from 2011-2012 in the American Conservative magazine, earlier this year.

Considering the fates of Kharkiv in the East and Lviv in the West. On the eve of the First World War, Kharkiv (then Kharkov) was situated firmly within the Russian Empire; Lviv (then Lwow) was part of the Austrian-Hungarian Empire. In the interwar years, Lviv was part of the Second Polish Republic while Kharkiv lay within the newly formed USSR. During the Second World War, Lviv became Lemberg which experienced the horror of life under the German General Government, while Kharkiv was occupied, liberated, re-occupied, and re-liberated from the *Reichskommissariat* Ukraine by the Red Army. It was with the establishment of Soviet hegemony over Eastern Europe that both Lviv and Kharkiv found themselves under the flag of the USSR, he added.

Second, the idea that Putin will be so distracted by the Olympic Games that a renewed approach to Ukraine by the EU would go unnoticed betrays a deep misunderstanding as to what Russia's political elite will countenance. To Russia this is not simply an economic issue, but one with profound security implications as well.

The geopolitical consequences of Ukraine becoming closer to the EU would be irreversible to the Russian security. If Ukraine joined NATO, Russian military bases would have to withdraw from its historic base in Sebastopol, home to the Russian Black Sea Fleet and one of the busiest ports in the Black Sea. For Russia it would also mean becoming more and more encircled by NATO forces including already former communist countries such as Poland, Lithuania and Latvia amongst others aiming at neutralising its military power.

Worth noting is the fact that the EU-Ukrainian Association Agenda which came into effect last summer has a specific Foreign Policy and Security Protocol in which the EU and Ukraine are to "*further strengthen convergence on regional and international issues, conflict prevention, and crisis management.*" They are to work together to "increase interoperability" and "explore further concrete ways of achieving higher convergence in the field of foreign and security policy." In other words, the EU is preparing Ukraine for eventual accession to NATO.

In the book entitled *Soviet Fates and Lost Alternatives*, the historian Stephen F. Cohen writes that if the neoconservative project of expanding NATO to include Ukraine succeeds: "*The Kremlin has publicly warned that the West's 'relations with Russia will be spoiled once and for all' and 'the price to pay will be high.'* Privately, it is said that it would be seen as a 'declaration of war.'"

The most recent escalation: Russia intervenes in the Crimea

The standoff between Russia and the West over the fate of Crimea, an autonomous Ukrainian region with an ethnic Russian majority became a foretaste of this prognosis when Crimean authorities have refused to recognize the legitimacy of the new central government in Kiev, which was installed after the ouster of President Yanukovich in late February. It is also not recognised as legitimate by the majority in Kharkiv, in Donetsk, in Luhansk and a number of other cities of Ukraine, with majority Russian populations.

Crimea's Parliament declared independence from Ukraine on 11 March 2014, adding in its statement that if the popular vote passes, the country will become independent and will immediately request annexation by Moscow. This notion was backed by more than 95 percent of Crimeans, who voted for joining Russia and seceding from Ukraine during Sunday's Referendum.

On 18 March 2014, Russia and Crimea signed a Treaty of Accession of the Republic of Crimea and Sevastopol in the Russian Federation following President Putin's request to the Parliament to ratify the agreement that would see both Crimea and the city of Sevastopol joining Russia.

We must bear in mind that President Vladimir Putin believes in the preservation of early twentieth century religious Russian thinkers (Nikolai Berdyaev, Vladimir Solovyov, and Ivan Ilyin) in that he wants to unite the legacies of both the Russian and Soviet Empires into a solid path-dependent ideology. This ideology assumes that Western countries (or NATO) spread liberal and deleterious values fundamentally hostile to Russia's tradition and intentionally aim to ruin Russia's historically unique culture that combines autocracy, Orthodoxy and Slavic brotherhood by extending its front line into the heart of Slavic civilisation.

According to Putin's 2008 speech in Bucharest (which drafted the currently implemented plan) the south of Ukraine consists of "Russians alone" whose interests need to be protected. Hence it makes sense for Putin to build a Eurasian bloc to balance against the European Union by linking together the currently isolated "enclaves" of Pridnestrovie and Crimea through a mainland channel along the south of Ukraine but from Russia's point of view an independent or Russian-annexed Crimea is hardly the most desirable solution.

This conflict is about Ukraine, not Crimea. Russia has far-reaching interests in its neighbour and the upheaval in Crimea is a bargaining chip, not an end in itself. It is a way for Putin to make sure that Russian interests in Ukraine as a whole are accommodated as the country's political future is resolved.

Keeping Ukraine intact serves Russian interests better than splitting the country into separate states, which is why while Western countries recognised the new government in Kiev, despite the way it came into power and its connection to right-wing radicals. Meanwhile, the Russian government maintains that Viktor Yanukovich remains the legitimate president of Ukraine.

A coup in all but name

As a graduate of law, I strongly agree that this government has come to power through an anti-constitutional *coup d'état*. The way the former President, whatever one may think of him, the way in which he was deposed was illegitimate. It is very clear that in removing him, the Ukrainian Parliament failed to follow a constitutionally mandated procedure.

At the time the Parliament voted to remove Yanukovich, it had also recently voted to revert from the 1996 constitution to the 2004 constitution but Yanukovich had not yet signed the act into law. This may leave some question about which constitution was in effect at the time of Yanukovich's removal, but in this case it does not matter. The two constitutions prescribe identical impeachment procedures.

Article 108 of the Ukrainian Constitution provides four ways in which a president can be removed from power: 1) resignation; 2) inability to exercise presidential authority for health reasons; 3) removal from office by the procedure of impeachment; 4) his/herⁱⁱⁱ death but Yanukovich did not resign, he was not ill, and he did not die. That leaves only impeachment.

Thus, under the Ukrainian Constitution, there is a procedure of impeachment of the president, unless he himself certifies in a written form that he is wishing to leave. So first, a Commission on Investigation is created, so that the Commission can come to the conclusion that the president has broken the law [with] something that is justifying his impeachment. At the second stage, the Constitutional Court should be involved and it should give its own decision, its own judgment. And only at the third stage, the Verkhovna Rada, which is the Ukrainian Parliament, should then vote. The first two stages of this process were completely bypassed.

Putin conceded that Yanukovich has "no power" but if he could reset the situation to the status quo of 21 February 2014—which would require Yanukovich's return and would require a repudiation of the subsequent provisional administration and shortened timeline for elections—then he will have achieved a major political victory.

Therefore, Washington's decision to provide financial aid to the coup-appointed government of Ukraine potentially exacerbates the situation as it is perceived as a hostile action against Russia which even goes against US laws where in accordance with the amendments introduced to the 1961 law (Foreign Assistance Act) a few years ago whereby the provision of foreign assistance is prohibited to *'the government of any country whose duly elected head of government is deposed by military coup or decree'*.^{iv}

It is fair to say that the outcome of current situation will show what the future holds for both Ukraine and Russia-West relations, but to make this simulation of further events it is necessary to take strong facts into account.

For this reason we must acknowledge that there is little that the United States and its European allies can do to prevent Russia from pursuing its goals regarding Ukraine—unless they are willing to risk a military confrontation with a nuclear-armed power in its own neighbourhood. And no sane person advocates that. When it comes to Ukraine: *“The United States is not about to risk a conventional war over Russia's neighbours because our interests there are limited and the dispute might escalate to the nuclear level (...) Crimea is not worth Charleston,”* says Joseph Parent, a University of Miami Professor specializing in U.S. Foreign Policy. Indeed, President Barack Obama has made clear that a military response is not on the table in Ukraine. Even Senator John McCain concedes that U.S. military intervention is not an option.

Conclusion: The West must step back from its hostile position towards Russia and negotiate.

The United States can wound Russia's economy but Moscow would look for ways to respond and it is far from certain that the European Union would join the United States in applying the “crippling” sanctions some members of Congress are already discussing. As European-Russian trade and investment are more than ten times greater than U.S.-Russia trade and investment, Washington would be asking its allies to risk over \$170 billion in foreign direct investment in Russia and over \$100 billion in annual European exports.

Europe is much more dependent on trade with Russia (especially Germany), with the volume of trade valued \$460 billion. This is not a sum that is insignificant, least of all in times of this recession. Europe has very important investments in Russia and Europe is definitely interested to keep Russia as an important trade and economic partner.

The Obama administration and members of Congress should also think carefully about possibility of Cold War 2.0 with Russia and take seriously into account how China, Brazil, India, Japan or South Korea would react. It appears that few of these states are likely to put their ties with Russia on the line over Crimea.

To clarify Western misconceptions about the region, the United States and their European allies consider the referendum which took place in Kosovo without the agreement of Belgrade, as fully legitimate and by this way they had set a precedent where they have said that referendums can be a way out of belonging to a country if the majority in this or that region thinks so.

Moreover, the US and EU should have taken into account that Ukraine is a country bordering Russia and is very important to her, not only because of linguistic and cultural ties but because of economic and security reasons. Ukraine has a joint border with Russia of 1450 kilometres and so when the United States was supporting in Ukraine anti-Russian forces and recognised the illegitimate government without paying attention to the signals coming from Moscow that Russia is extremely worried with the meddling from the United States and the European Union in the internal developments in Ukraine it was obvious that Russia would object to this actions.

History is awash with examples of far-off countries headed by governments that various U.S. administrations felt to be less than friendly, and the United States has rarely hesitated to act. Even a

cursory accounting for U.S. led or financed acts of regime-change would include the overthrow of Iran's Mossadegh in 1953, Guatemala's Guzman in 1954, Chile's Allende in 1973, Congo's Lumumba in 1964, Panama's Noriega in 1989 not to mention Castro and Grenada in 1983.

Therefore, in order to secure Ukraine's future and friendly relations with Russia the U.S. and the EU have to come to terms with the fact that Russia, like them, has legitimate national interests it is intent on protecting. They have to embrace a realistic approach to foreign affairs and deblur the lines of international law because if we want to be fair, those lines need to be fixed.

In my opinion, to restore the disturbed *status quo* and achieve a win-win situation in the region, the West has to take a "tri-part approach" to the solution and, most importantly, return to the implementation of provisions set out in the agreement of 21 February 2014 in Kiev between the Ukrainian opposition and the legal Ukrainian President, Viktor Yanukovich.

As we probably know, both parties had taken certain obligations, one of which was to create a coalition government which would represent all the regions of the country even the eastern regions including all political parties. They had an obligation to disarm immediately military formations, they took an obligation to start the constitutional reform and we must not forget that this was guaranteed by signatures of three foreign ministers of France, Poland and Germany representing the EU.

Nonetheless, the key role in re-establishing natural order in Ukraine may be played by Britain who jointly with the U.S., Russia and the Ukraine signed the Budapest Memorandum in 1994, an agreement pledging to respect Ukraine's sovereignty and current borders and containing security "assurances" to Kiev from the other three signatories.

I strongly believe that this goal can be only achieved by the UK's strong advocacy for the fulfilment of the Kiev agreement which should be reflected in the Burkean approach to the rule of law, combined with condemnation of the unlawful revolution which caused tremendous tragedy to the people of Ukraine.

Ultimately, it is clear that the West will be unable to protect the rest of Ukraine without negotiating with Russia. It is both unable and unwilling to inflict enough damage on Russia to prevent such a course of action by hard power and the EU is unable to enact sanctions that inflict sufficient damage on Russia without greatly harming its own fragile economy. Therefore, the position needs to be revised to one whereby Russia's concerns are acknowledged and listened to. What's more, its fears over its security and NATO expansion on to its doorstep should be understood. One need only ponder the likely reaction from the UK if Russia were to, say, attempt to influence the outcome of the Scottish Independence Referendum and subvert Scotland in to its sphere of influence.

Moreover, Britain should also try to persuade the American government to re-embrace the Reagan administration policy towards Eastern Europe in the 80's and to not neglect the aspirations of the people of Eastern and Southern Ukraine who most emphatically do not see the overthrow of their democratically

elected president by radicals in Kiev as something to be celebrated, bearing in mind Margaret Thatcher's motives behind her reaction to the Falkland Islands invasion in 1982.

Otherwise, by supporting illegitimate government in Ukraine with its neo-Nazi Svoboda Party which has in its control the deputy premiership, three ministries and the Prosecutor General's office, the Western powers are not only exposing Ukraine and its Jews but the whole Europe to catastrophic prophecy of Edmund Burke's *Letters on a Regicide Peace* who once predicted "rivers of blood" brought by the barbaric children of the Enlightenment.

ⁱ <http://www.state.gov/p/eur/rls/rm/2013/dec/218804.htm>

ⁱⁱ http://www.feg.org.ua/en/cms/projects/debaty/ts_es.html

ⁱⁱⁱ <http://www.president.gov.ua/en/content/chapter05.html>

^{iv} 22 US Code § 8422 (<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section8422&num=0&edition=prelim>).