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#1

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## **The Radicalization of Ukrainian Politics**

by Dominique Arel

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Prepared for the Roundtable

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Since the mystifying collapse of the Yanukovich regime, following the most puzzling disappearance of all security forces protecting government buildings last Friday, the establishment of a new political order has proceeded with breakneck speed, incorporating elements that were rarely if ever seen in previous cases of regime transformation, at least in the post-Communist world. Thus, a few hours ago, a draft composition of the Cabinet of Ministers was presented to tens of thousands of demonstrators on Maidan in an exercise of popular validation. There are reports that activists are calling into question the nomination of Arsen Avakov as Interior Minister, who has been occupying this position on a provisional basis since Saturday. This exercise in direct democracy, rather unique, if not unprecedented, for a large industrialized country, evokes the intimacy of pre-modern assemblies – its name itself (*Narodne viche*) has medieval roots -- but its political dynamics are conducive to radicalization. Particularly when the Maidan leaders are armed men who led the insurrection, paid dearly with their lives (as a collective), and are showing no intention of disbanding.

It was Maidan that rejected the short-lived agreement brokered by three European representatives last Friday, when Pravyi sector leader Dmytro Yarosh threatened to storm the Presidential Administration if Yanukovich did not resign (in the end, there was no police left to attack). And tonight, the leader of a “hundred” – the traditional Ukrainian name for a civilian armed grouping – opposed the nomination of Avakov, who happens to be the only minister of the entire cabinet hailing from Eastern Ukraine (Kharkiv). [Avakov remained in the Cabinet —DA] A constant narrative of the Maidan experience has been the lack of trust shown by Maidan activists towards politicians of all stripes, including opposition politicians. Five days into the post-Yanukovich period, Maidan appears to have transformed itself into a popular organ of civic control, pressuring politicians to deliver on their promises to root out corruption and abuse of power, the two pervasive problems that have plagued Ukrainian politics since independence. This is a radical innovation, but one that ultimately clashes with the principles of representative democracy. The representation of Maidan is necessarily self-selected: it is those that are most opposed to the current system that go to Maidan.

The popular outcry over Avakov are indicative of a profound contradiction in Ukrainian insurrectional politics. The plight of regional divisions has been raised time and again throughout the Maidan, although there were growing indications that the Maidan appeal was carrying over to the East: the young Eastern cohort appeared as Europe-oriented in the polls, the revulsion at police brutality was high in the East, and large demonstrations even erupted, as in Kharkiv last Friday. Since then, Eastern Ukrainian elites, after a farcical interlude in the form of a “Congress” in Kharkiv announcing its rejection of the new constitutional order last Saturday, all fell in line to recognize the succession of votes (all with constitutional majorities) taken by the Rada over the weekend. After the Party of Regions repudiated its own leader and announced itself as the new opposition, the only actor not recognizing the new regime in Ukraine is Russia. Remarkably, the Russian position appears to have no supporters among Ukrainian officials in the East or South – with the potential exception of Crimea, although there has been no acts of defiance by Crimean officials thus far. [The Crimea parliament just announced a referendum on what would amount to independence –DA] This swift reorientation of Eastern elites towards the new order – Kharkiv governor Dobkin in 48 hours went from not recognizing the change of regime to announcing its candidacy for the May presidential election – had however no impact on the willingness of the

Maidan victors to include Easterners in a national unity government. This reinforces the pattern according to which political alternance in Ukraine means that one region (the South-East) gets to rule over the other (the Center-West), or vice versa (except that under Yanukovich, one city – namely Donetsk – and then one “Family”, got to rule over the whole country and it had become abundantly clear that the Party of Regions had no intention of abiding by the rules of alternance).

Post-insurrection, the center of gravity in Ukrainian politics has shifted to the interaction between former opposition parties and radical civic activists, leaving considerations of cross-regional national unity far behind in the list of priorities. The problem is that this breeds the perception of exclusion. Maidan was a civic uprising, embodying a wave of popular anger against state impunity (itself crystallized by police and mercenary violence) and corruption, a popular anger that increasingly resonated in the East, even if Easterners tended not to support the reality of Maidan itself, but in the end the East is excluded. With so many civic figures proposed in the Cabinet tonight, it is hard to imagine that respected public figures, or businessman, not tainted by a close association with the previous regime, could not be found. But it is also hard to imagine that any of them would have been “validated” by Maidan. The instant abolition of the 2012 language law, the one eliminating most incentives for Eastern Ukrainians to use Ukrainian, could be seen as a symbolic act away from national unity. Not that the law did not need to be phased out, but only after debates aiming at producing a balanced law which, unlike the 1989 law, would be short on declarations and high on creating incentives to learn and use Ukrainian in public spaces, while respecting the right of Russian-speakers, within limits, to use Russian in their daily lives. A petition yesterday by Lviv intellectuals, signed among others by Myroslav Marynovych and Taras Vozniak, called on the new authorities “to respect the cultural and linguistic needs of the residents of the east and south, so they will not feel like foreigners in Ukraine.” With Eastern Ukrainian elites rallying to the new order, conditions are ripe for developing an inclusive notion of what it means to be Ukrainian. The exclusionary symbolism of groups such as Pravyi Sector and Svoboda, while a subplot of what was otherwise an unprecedented civic uprising against a President — initially popularly elected, but who had made himself increasingly illegitimate by abusing the institutions of governance and eventually committing the irreversible act of using lethal violence against civilians — could have the opposite effect of persuading Eastern Ukrainians that important elements of the new order are hostile to them.

Maidan was ultimately about social justice, the desire to live in a “normal” state in which officials respect rather than abuse the individual. In the imagination of protesters, it is this “normality” that is “European.” The most crushing disappointment of the Orange period under Yushchenko, and with Tymoshenko twice as Prime Minister, was the lack of will expressed by Orange authorities to seriously tackle issues of justice and corruption, and this durable disappointment is a the root of the mistrust, evoked earlier, of Maidan activists towards opposition politicians. (And this social groundswell, incidentally, is a sure predictor that Tymoshenko stands no chance of becoming the next President). The announcement today that two prominent young Maidan activists, Tetyana Chornovol and Yehor Sobolev, will join the government to head, respectively the “Anti-Corruption Bureau” and the “Lustration Committee”, is a bold initiative sending the message that politics will no longer be conducted the post-Soviet way. Potential Western donors, set to get engaged in what could be an mammoth Western package of economic aid, are warning the about-to-be-officialized government that the pervasive culture of corruption (Ukraine ranks extraordinarily low in Transparency International) has to be tackled head-on. Whether the two Maidan radicals, with no administrative experience, will acquire the bureaucratic power to make substantive changes, and how lustration, or the policy of blocking candidates with certain political biographies from working for the state, will be applied in practice, are questions that cannot be answered now. Yet the creation of these new posts, and the reputation of the appointees, shows that the meaning of Maidan far exceeded the demands for a change in government. In the same vein, the request by the Rada that the International Criminal Court in The Hague investigates former President Yanukovich, and perhaps eventually some of his former close associates, for mass killing is important, as it makes it harder to argue that the prosecution of former political opponents is an act of political revenge by the new authorities.

Unless, of course, the ICC is presented as yet another case of Western intervention into Ukrainian affairs. The case against an unseemly “intervention” is not only heard in Russia, but also among Western analysts. Political support, in this view, is equated with intervention. But this was a discursive intervention, devoid, wild speculations aside, of concrete economic or security elements. In other words, the Maidan activists were on their own on the ground. When mass violence erupted last Tuesday, the French daily *Liberation*’s headline was “Trahis par l’Europe” (“Betrayed by Europe”). The “intervention” had been hollow. But it finally provoked serious engagement by Europe, in the form of personal sanctions, and then high-pressure mediation, the all-night session that produced an agreement in which Yanukovich lost everything, but his position. The accord, however, was rejected by the radicalized Maidan, meaning that the European “intervention” could not sway the dynamics on the grounds. The real issue, in the end, is Russia, not Europe. Talks of a new Cold War are totally besides the point. Russia cannot intervene, in the more classical sense of the word, because it has no allies in Ukraine (with the very important exception of Crimea). Russia may not recognize the new order, but the Party of Regions – the once almighty Eastern Ukrainian party – does. Russia may reduce the insurrection to the work of extremists, but even officials within the Ukrainian Orthodox Church Moscow Patriarchate are appealing to their “Russian brothers” to stop calling Ukrainians “Banderites and fascists”, as it is hurtful. Russia seems to have lost its grasp on internal Ukrainian political dynamics. Yet, Maidan or not, Ukraine trades as much with Russia as it does with Europe, and the close cultural, linguistic and memorial linkages, in addition to family links, of a great number of Ukrainians with Russia is a durable sociological fact. At this fundamental geoeconomic and geocultural level, Ukraine cannot escape being part to a certain degree of a Russian economic and cultural sphere. The real question, however, is political. Maidan can be seen as a stunning popular uprising seeking to change the nature of the political system in Ukraine to make it more congruent, in popular imagination, with a vision of how European politics operates. Maidan, even though it was initially framed as an act of foreign policy reorientation, became an act of domestic politics transformation. The challenge is to persuade Russia that the Ukraine’s EU aspirations are not directed against Russia, but constitute a political battle among Ukrainians. Persuasion comes with inclusion, and international mediation over political or economic matters in Ukraine without the inclusion of Russia are bound to fail. [The events in Crimea today make this challenge considerably harder –DA]

## #2

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### **The Fall of a Regime**

by Dominique Arel

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24 February 2014

My thoughts on the most dramatic events in modern Ukrainian history that have caught global attention:

1. It took the recklessness of (mostly) young radicals to tear the Yanukovich regime apart. Thursday morning, with thousands of police still encircling Maidan, and when many expected a state of emergency, official or effective, Maidan front-line activists went to the offensive, seeking to push back police forces to the positions that had been lost on Tuesday. The result was a blood bath, with nearly 60 deaths (in addition to the 25 who fell two days earlier), making Maidan the deadliest civic uprising in Europe since the crushing of Solidarity in Poland in 1981. The decision to engage in what could be called an act of mass killing in fact broke the spirit of the regime. In an all-night negotiation session with three European mediators, in the night of Thursday to Friday, Yanukovich had to concede just about everything, except his own position. A first contingent of deputies then defected from the Party of Regions. And, most crucially, the police, and eventually the army, abandoned him. By the evening, infuriated activists on Maidan were vowing to attack the Presidential Administration on Saturday morning if Yanukovich refused to resign. But there was no one left to attack, since the police had withdrawn. By the early hours of the night, all

government buildings were under the control of the armed Maidan militia and Yanukovich had ignominiously fled the capital. On Saturday, he was removed by parliament. These dizzying events could only occur because young people, far right or not, paid dearly with their lives to change the realm of the politically possible. Mass violence is often applied to break the will of insurgents. In this case, it broke the will of those giving the orders to kill or, in the case of Party of Regions deputies and officials, of those distressed by what their political patrons were doing.

2. The puzzle is why did the police withdraw on Friday, leaving Yanukovich defenseless. In challenges to authoritarian rule, this is always the most significant question, and the least predictable (inasmuch as anything can be anticipated in such times of troubles): will the chain of command hold, or will security forces defect, or abstain (which is a variation of defection)? Defections had already occurred in Western Ukraine, but there were no indications as of Thursday evening of trends to that effect in Kyiv. So what happened? One explanation, offered by political scientist Serhiy Kudelia, is that the agreement signed Friday morning with the EU representatives contained a clause regarding an international commission on inquiry on the killing of civilians. Security officials may have interpreted this as evidence that Yanukovich was abandoning them to a possible international indictment, breaking their trust in him. A complementary explanation is that this trust was fragile to begin with. In a statement read on Sunday in the name of the Party of Regions, MP Oleksandr Yefremov said that "a party that was a million strong actually turned out to be a hostage to one corrupt family." While this can plausibly be read as a desperate attempt to avoid responsibility, we knew from former Regions MP Inna Bohoslovksa, who defected in November after the first (non-lethal) violence against demonstrators, about the rising resentment within the party regarding the aloofness of the President and the gigantic looting of his "family". In this fateful moment, security officials may have wondered whether, in the end, it was worth protecting the despised autocrat. A third explanation is that after the massacre of Thursday, security elites lost their nerves. For the activists at the receiving end of snipers, there was no way of knowing that these developments were under way. The massacre on Thursday could have turned into an even greater massacre on Friday.

3. The spectacular demise of the Yanukovich regime immediately raised the specter of "regionalization", when a hastily convened "Congress" of deputies from eastern and southern regions, called up by the infamous Kharkiv duo of Mayor Kernes and Governor Dobkin, announced on Saturday its refusal to recognize the new constitutional order in Kyiv. Within a day, however, the threat turned into a farce: Kernes was now ready to work with the new authorities and Yanukovich was, for him, "history." Meanwhile, the announcement on a web site that Crimea had declared independence turned out to be a hoax. Even in Donbas, the early signs pointed away from separatism, despite an anti-Maidan demonstration. Customs officials reportedly prevented Yanukovich from chartering a plane, even when offered a bribe, on the grounds that his papers were not in order. (The same happened to former Interior Minister Zakharchenko and former Prosecutor General Pshonka). The symbolism could hardly be more powerful: armed state representatives in Donetsk itself telling the long-time undisputed regional boss that he can't leave. On Sunday, the official repudiation of Yanukovich by the Party of Regions struck deep into his heartland, since the MP who read the statement on TV, Yefremov, is actually a former governor of Luhansk. This is not to say that the regional factor in Ukraine will vanish, or that serious political challenges are unlikely to reappear in Donbas and Crimea. Yet there have been signs throughout this remarkable three-month Maidan that the civic revulsion against the regime spread to a notable degree to Eastern Ukraine, for reasons having little to do with Europe, namely, corruption and brutality. In other words, Yanukovich may have demoralized not only his entourage, but his constituency, making an organized regional mutiny against Kyiv unlikely. At least for now. This is where the Bandera symbolism bandied by the nationalist right (Pravyi sektor, Svoboda) could be an aggravating factor down the road. If there was a moment to dial down the appeals to Bandera for the sake of national unity, the historic civic uprising provided a unique one. The chances of it happening, however, are remote. The hasty overturning of the 2012 language law (which made Russian a so-called "regional" language) on Sunday was not a good sign (the deputies could have waited a few weeks, after some real debates).

4. With Eastern Ukrainian elites offering support, instead of resistance, the transitional authorities have a rare opportunity to bring together a coalition government, representatives of all regions. Ukraine never had one before, not under Kuchma (except for the culture and education ministries going to the opposition and a brief Yushchenko interlude), not under Yushchenko (the confrontation between the Prime Minister and the President when Yanukovich came back as Prime Minister in 2006-2007 was anything but a coalition), and certainly not under Yanukovich, when the great majority of key posts in Kyiv were actually captured by officials from a single town, namely Donetsk. The Party of Regions has atrophied, but 90 percent of the first wave of defections as of Friday evening (36 of 41) were deputies from Central and Western Ukraine, reinforcing the regional divide (a half dozen of these deputies were former Tymoshenko Bloc deputies who had defected the other way as soon as the Court annulled the 2004 Constitution in 2010). A first step in the direction of regional inclusion may have been the nomination of Arsen Avakov, a former governor of Kharkiv, as interim Interior Minister (and member of Batkivshchyna, the Tymoshenko-Yatsenyuk formation). The real challenge will be to include officials from the East who were affiliated at some level with the Party of Regions (pretty much everyone who wanted to make a political career had to be, with Eastern Ukraine acting as a one-party state, except for the satellite Communist Party). Moreover, with Russia giving no indication that it will abandon its hard line regarding Ukraine (recalling its ambassador and alluding to the physical safety of its citizens in Ukraine are ominous signs), the inclusion of Eastern Ukrainian elites in the new government could be seen as a matter of national security. The problem is that Maidan activists, such as Pravyi sector and Svoboda, are most unlikely to see it that way (Pravyi sector Yarosh called for the banning of the Party of Regions) and their role in the interim process remains volatile – in Kyiv and Western Ukraine.

5. The 2004 Constitution is thus back in force. We should not forget, however, that it did not fare very well in the maelstrom of Ukrainian politics. While we learned that it could have been worse (i.e., the 1996 Constitution under Yanukovich, September 2010-February 2014), the 2004 Constitution was a disaster in its attempt to distribute power between the President and the Prime Minister. The prolonged conflict between Tymoshenko and Yushchenko after 2008 paralyzed the government and directly led to the election of Yanukovich in 2010, since Tymoshenko lost a part of her disheartened electorate (who decided to stay home instead of voting). In the short term, the paralysis will not reoccur, since the interim President, Oleksandr Turchynov, is also the Parliamentary speaker, and with the new/old Constitution, parliament can remove the Prime Minister. Yet finding a workable and durable constitutional solution will be the tall order facing Ukrainian political elites in the coming year. A litmus test of the seriousness to substantially alter how politics is conducted (the key demand of Maidan) will be the office of the Prosecutor, which has always been – going back to Stalin, and surviving all governments of the post-1991 period, including the Yushchenko period — an arm of the executive branch. Selective justice, the foundation of the authoritarian post-Soviet order, whether in Russia or Ukraine, starts with the Prosecutor General, and selective justice is the intimidating weapon that the executive has been yielding against political and economic competition (including internal competition, this is how officials within the ruling structure are kept in line – the principle of the blackmail state). Orange elites lost the trust of civil society precisely over their failure to address these systemic issues of justice and corruption. In terms of political perception, that the new Prosecutor General is a deputy from Svoboda may not appear to be a wise selection, but only time will tell.

6. In spite of the extraordinary developments on the ground – the uprising, the fall of the regime, the swift convergence of elite support – the broader picture is bleak. Ukraine is on the verge of bankruptcy – as Yatsenyuk reminded us this morning – and Russian discourse remains confrontational. When this all began, Europe was not interested in subsidizing a regime that had squandered and pilfered its own economy (Anders Aslund estimates that the billions of dollars lost by the Yanukovich government virtually equalled the amount that Russia was willing to commit in December – at a steep political price down the road). The conditions have now drastically changed. Politically, if Eastern Ukrainians, it seems to me, have to be included in the transformation process, despite the bad blood of the past few years, Russia, at the geopolitical

level, has to be included in negotiations with the EU, as it was in the all-night negotiation session a few days ago that led to a stillborn agreement (that Russia, incidentally, refused to sign). Exclusion only breeds resentment and Russia has a number of destabilizing cards to play, beginning with an economic blockade (rehearsed last August) and Crimea. The question is how to restore trust between the two states, under conditions where one party (Ukraine) knows that its counterpart questions its right to exercise self-determination in the original meaning of the term (the right to choose not only its own government, but its own rules to govern), while the other party (Russia) sees a common heritage (among ethnic Russians and Russophones of Ukraine, the distinction rarely holds in Russian narratives) threatened by developments that appear as "foreign." Overcoming the mistrust based in these clashing conceptions of identity – couched in the language of state and economic interest -- will be the most difficult, and most dangerous, challenge facing Ukraine in the coming weeks and months.

### #3

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#### **Dear Kremlin: Careful with Crimea**

by Timothy Snyder

Foreign Policy, 26 February 2014

Russia seems to have made a bad bet in Ukraine. Its foreign policy, tactically agile as ever, was strategically unsound. It was certainly possible, as Russia proved in November, to bribe Ukraine's then-President Viktor Yanukovich not to sign an association agreement with the European Union. It was also possible to promise a \$15 billion loan in return for a policy of repression in Ukraine. After accepting the money in principle, Yanukovich illegally forced a package of legislation through parliament that was closely modeled on similar laws in Moscow restricting freedom of speech and assembly. Right after the Kremlin freed up a \$2 billion tranche of the promised loan, the Yanukovich regime gave orders for the mass shooting of protesters.

Yet all did not turn out as planned. Moscow's strategic goal was to draw Ukraine into the Eurasian Union. This institution, meant to rival the European Union, will come into being in 2015. The prospective members at this point are Russia, Belarus, and Kazakhstan, none of which can be accused of a democratic surplus.

Putin has made clear that for him the Eurasian Union is meaningless without Ukraine. He, like everyone else, understands that the Russian empire without Ukraine is without glory. But the Eurasian Union cannot possibly have democratic members, since their citizens, in trading with and emigrating to Russia, would spread dangerous ideas. Thus, Ukraine had to become a dictatorship.

The problem with this was the Ukrainians themselves. Instead of backing down in the face of batons, rubber bullets, and a sniper massacre, they made a revolution. Although this amounted to an act of almost unbelievable self-organization, determination, and simple physical courage, it would not have happened without Russian foreign policy. If the Kremlin had no Eurasian dream, it would not need to be so concerned about the character of the Ukrainian regime and the suppression of Ukrainian civil society. It was precisely the mass killing last week that made the Yanukovich regime inconceivable in Ukraine, not just to its opponents but to many of its allies. Now, Yanukovich has fled and parliamentary rule has been restored to Ukraine.

In overreaching, the Kremlin has lost a leader it could manipulate, and provoked the kind of revolution that its propaganda apparatus likes to blame on Washington and that its foreign policy is designed to stop. What now? There seem to be two alternatives. One would be a reconsideration of the totality of Russian foreign policy, and a genuine recognition that both Russia and Ukraine have, first and foremost, an interest in good relations with their common major trading partner, the European Union, as well as with each other.

The other alternative is to deny reality and continue to pursue the Eurasian dream. This would entail maintaining the line Moscow has so far taken in the crisis, namely that Ukrainian activists

are fascists, terrorists, and gays. It could, perhaps, also translate into a Russian attempt to lay claim to some part of Ukraine. The greatest potential for mischief is to be found in the Crimean Peninsula, in the extreme south, where Russia has a naval base and where much of the population is ethnically Russian. (The photo above shows members of Russia's Black Sea Fleet at their base in Sevastopol, Ukraine.) The policy which seems to be under consideration in Moscow has three parts: first, to claim, as Prime Minister Dmitri Medvedev has already done, that Russian interests in Ukraine are under threat; second, to extend Russian passports to Ukrainian citizens in Crimea; and third, to claim a right of protection -- which, in the case of Russia's neighbors, Georgia and Moldova, has already resulted in the creation of Russian protectorates. As of this writing, Russia's Black Sea Fleet is on alert, and a Russian parliamentarian is in Crimea discussing passports and the possibility of a Russian annexation.

It should go without saying that an attempt to seize Ukrainian territory would be a disaster in the short run, ruining Russian credibility around the world and likely starting a major war. In the long term, such an action, even if it were to succeed, would set a rather troubling precedent -- for Russia itself.

If Russia excludes its own borders from the general international standard of inviolability, it might face some unwanted challenges down the road. If Russia's external frontiers are flexible zones, to be pushed in various ways with appeals to the rights of ethnic brethren and passport holders, then what will happen, down the line, in Russia's eastern Siberia? There, Russia holds major natural resources along its border with China, the world's longest. Some 6 million Russian citizens in eastern Siberia face 90 million Chinese in China's bordering provinces.

Beijing pays attention to Ukraine because it has a major stake in Ukrainian agricultural territories. It will likely note the developing Russian doctrine on the flexibility of Russia's external borders. China also has a stake in eastern Siberia. It needs fresh water, hydrocarbons, mineral resources such as copper and zinc, and fertile soil for its farmers. The Chinese economic relationship with eastern Siberia is a colonial one: China buys raw materials and sells finished goods. Beijing actually invests more in eastern Siberia than does Moscow. No one knows the exact number of Chinese citizens in eastern Siberia -- in part because the last Russian census declined to count them -- but it certainly dwarfs the number of Russians in Crimea, and is expected by Russian analysts to increase significantly with time.

It seems rather risky for Russia to develop, on its own border, a challenge to the basic premise of territorial sovereignty. Beijing and Moscow currently enjoy good relations, and Chinese leaders are too sophisticated to consider open threats to eastern Siberia. But down the road, as demographic pressures mount and Russian resources beckon, a Russian doctrine of the ethnic adjustments of Russian borders could provide Beijing with a useful model.

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#### **Forget Kiev: The Real Fight Will Be for Crimea**

by Andrei Malgin

Moscow Times, 24 February 2014

*Andrei Malgin is a journalist, literary critic.*

Amid the numerous reports of events in Ukraine in recent days, observers have largely overlooked the situation in Crimea. But I am convinced that the Black Sea peninsula could become the center of major events in the near future.

Demonstrators in Crimea have been toting signs reading "Putin is our president" and "Russia, we have been abandoned, take us back!" Late Sunday in the city of Kerch, someone took down the Ukrainian flag above the city administration building and hoisted the Russian flag in its place. At the same time, armored vehicles from the Russian military base in Sevastopol blocked all

entrances to the city — essentially protecting it — after local authorities refused to recognize the new Ukrainian government. What's more, a throng of 20,000 demonstrators spontaneously appointed a local businessman and Russian national to head the city. He immediately announced his refusal to transfer local tax revenues to Kiev and claimed personal authority over the city's police force.

Now that President Vladimir Putin is no longer tied up with the Olympics, I have no doubt he will use the "interests of Russians" in Crimea as a pretext for supporting the separatist movement there, just as he did with South Ossetia in 2008. Putin does not even need to send troops to Crimea; they are already there, in accordance with a bilateral agreement with Ukraine. Former Ukrainian President Viktor Yushchenko had planned to cancel that agreement, but his successor, recently impeached President Viktor Yanukovich, extended it.

I was actually born in Sevastopol. Interestingly, my birth certificate lists my birthplace as "Sevastopol" but makes no mention of "Ukrainian SSR," even though Soviet leader Nikita Khrushchev gave Crimea to Ukraine four years before my birth. Crimea was part of Russia until 1954, at which point Khrushchev presented the region to Ukraine to commemorate the 300th anniversary of the historical decision by the Pereyaslavskaya Rada, the precursor to the Ukrainian parliament, to unify the country with Russia.

However, Khrushchev's spontaneous gesture was implemented somewhat sloppily, and the Sevastopol legislature never officially acknowledged it. Khrushchev had forgotten that in 1948, Stalin issued a decree removing Sevastopol from the jurisdiction of the Crimean administration and making it an autonomous entity under Moscow's direct control. As a result of this confusion, Russia gave Crimea to Ukraine but retained Sevastopol.

Surprisingly, that arrangement did not bother anybody for several decades. Nobody could have imagined that the Soviet Union would one day split into separate republics and that the borders between them would have to be redefined. For the most part, the residents of Sevastopol were seamen, their families or support staff. The city was a large naval base, and it remains one to this day. The majority of residents are Russian who receive their salaries in rubles even though, administratively, the city is Ukrainian. This has proved a constant source of tension and a source of endless debate between Ukrainian and Russian nationalists. In recent years, the city has been managed by two separate administrations — the city administration appointed by Kiev, and representatives of Russia's Black Sea Fleet, a massive organization that owns almost everything in Sevastopol, right down to the kindergartens.

My father was in the military, and he moved our family from Sevastopol to the Moscow region while I was still an infant. I cannot rightfully call the city my hometown, although we did visit it a few times when I was a schoolboy. During those visits to Sevastopol, I never once saw a sign written in Ukrainian and never heard anyone speaking Ukrainian in the streets. Of course, that was a very long time ago.

The Soviet Constitution first mentioned Sevastopol as part of Ukraine in 1978, and that moment began the city's gradual but ultimately unsuccessful assimilation into Ukraine.

Many people considered it extremely unfair that the Belavezha Accords, signed after the collapse of the Soviet Union, formally included Sevastopol as part of Ukraine. However, the presidents who signed those accords came to power through legitimate elections and their respective parliaments ratified the agreements. I don't know why President Boris Yeltsin did not raise the question of Sevastopol, or the Crimea in general, with Ukraine in 1991. I once read the memoirs of a member of the Ukrainian delegation to the accords. He wrote that the Ukrainian side was certain Yeltsin would insist that Russia regain Crimea following the Soviet collapse and it was very surprised when he never made such a demand.

The only way Russia can alter the current situation now is to start a war in Crimea. Many

observers believe that, despite Putin's blustery statements, he has no real desire to fight with anyone. His goal in supporting separatists is not to annex additional territory to this already vast and difficult-to-manage country, but to ensure that any republic breaking away from the Soviet empire becomes burdened with internal unrest and conflict. This would explain Moscow's actions in the self-proclaimed Transdnestr republic, South Ossetia and Abkhazia, and it is why Putin might seek to foster instability in Crimea.

There is little doubt that Putin will aggressively play the Crimean card now and that Moscow will encourage and provide ample funding to all Ukrainian separatist movements.

Crimea has always been a source of anxiety for Kiev, and it is unclear just how far Putin will go this time in his efforts to intensify those difficulties.

## #5

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### **Russian-Sponsored Territories**

by James Meek

LRB Blog, 28 February 2014

[James Meek is a British writer and journalist –UKL]

Over the past twenty years Russia has removed a set of territories from other countries. It removed the eastern part of Moldova, now known as Transdnestria; it removed the north-western Black Sea part of Georgia, Abkhazia; and it snipped away the territory controlling Georgia's main road to the Caucasus mountains, South Ossetia. The intention now appears to be to carry out the same operation in Crimea, removing it from Ukraine.

In each case, the procedure, not necessarily planned as such, has nonetheless followed a similar pattern. The territories contain large populations who, with varying degrees of justification, objected to the governments handed them in the post-Soviet order of newly independent states. The Slavs of Transdnestria feared Moldova would force them to speak Moldovan, and would unite with Romania. The Abkhazians wanted greater autonomy within, or independence from, Georgia. The South Ossetians, historically close to Russia, feared being cut off, within Georgia, from their northern kin in Russia, on the other side of the mountains.

In each case, clandestine Russian military support, helped by the presence of Russian bases in or near the territories concerned, found willing takers in the form of local military, paramilitary forces and self-proclaimed 'Cossacks'; Russian troops only became involved openly as 'peacekeepers'. In each case, the internationally recognised governments supposedly in charge of the discontented territories took military steps to enforce their claim. The presence of 'peacekeepers' and Russian-armed militias led to clashes, giving the Russian military cause to intervene decisively on the side of the separatists. (Newly independent Georgia's first military response to Abkhazian separatism was particularly heavy-handed.)

Russia's explanation is that the territories concerned should never have been allowed to go beyond Moscow's caring embrace, and that in each case, they are fulfilling the wishes of, and protecting, the majority of the territories' inhabitants. There is some truth in the latter point; but it is a dangerous argument for Moscow to make, given that it could be equally applied, against Russia, to Chechnya.

Russia has always stopped short of incorporating the three Russian-sponsored territories of Transdnestria, South Ossetia and Abkhazia – let's call them the RSTs – into Russia. But their status, whatever it is, has never been recognised by more than a handful of Russian allies, itself a small group. The RSTs exist as anomalies, outside international law; the only other comparable places in Europe are the Turkish-sponsored North Cyprus, which would rather move from its sponsor towards the EU, and Nagorno-Karabakh, where Armenia's actions at least have clarity.

Russia effectively controls, backs and has responsibility for the RSTs, but has always denied invading and conquering them (or liberating them, as many local people would put it). At the same time, Russia is as sensitive to any perceived violation of its own post-1991 borders as China or the US. As the RST scenario begins to play out on the Crimean peninsula, with its majority of disgruntled Slavs and a large minority of Tatars, deported en masse by Moscow within living memory, it is time to treat the RSTs as symptoms of a particular Russian problem; and to ask Russia to decide, in fact as well as in law, where it believes its borders stop, and the borders of other countries begin.

## #6

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### **On Lustration, Ioulia Shukan (France), Facebook, 26 February 2014**

[Ioulia Shukan is Assistant Professor at the University Paris Ouest Nanterre]

Lustration is a new claim of protestors on Maïdan, as well as of civic and party activists. For some, general presidential and legislative elections are the easiest way to clean up the political system, to renew practices and to promote democratic government. For others, lustration should go further and establish both individual and collective guilt of certain categories of the personnel. Yuri Lutsenko, former minister of Internal Affairs in Timoshenko government, defends in an interview to the French *Le Monde* that responsibility should be established in three cases:

- the crime of power usurpation in 2010
- the vote of draconian laws on January 16, 2014
- a disproportional use of State violence against protestors

According to Lutsenko, people identified as responsible should be convicted, expropriated and precluded from occupying public positions for 5-10 years. In addition to those backward-looking measures, a new future-oriented recruitment procedure should also be introduced. Lutsenko suggests to use a polygraph machine (lie detector) for recruitment of new police officers and judges.

If a candidate lies about his involvement in violent actions against peaceful demonstrators (or involvement in corruption), it will be disqualified. Several points remain however unclear in those new high expectations regarding lustration. What is the score of potentially concerned persons? What is the precise list of protected positions, which the disqualified persons will be deprived of? How to prevent a risk of instrumental use of lustration? And last but not least, are there political leaders able to implement such a voluntaristic public action?

## #7

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### **On the Far Right in the New Government, Facebook, 27 February 2014**

Ivan Katchanovski (Adjunct Professor, University of Ottawa)

The far right in Ukraine has now achieved the level of representation and influence that is unparalleled in Europe. A member of Svoboda, a name adopted by the Social-National Party in 2004, became the Minister of Defense. Svoboda members also control the prosecutor general office, deputy prime-minister position and ministries of ecology and agriculture. Paramilitary Pravyi Sektor has de-facto power at least in some Western Ukrainian regions, such as the Rivne and Volyn Regions. Parubiy, the commander of "Maidan self-defense," has been appointed the head of the National Security and Defense Council, and Yarosh, the leader of Pravyi Sektor, is expected to become his deputy. Parubiy headed in the 1990s "Patriot of Ukraine," a paramilitary wing of the Social-National Party. He and several other activists of Patriot of Ukraine were tried for beating Communist-led demonstrators in Lviv on November 7, 1997. In his interview, Parubiy

said that main TV channels in Ukraine then broadcast videos of him personally beating the demonstrators. But the trial was moved to another region because of pressure from the far right. The criminal case was closed due to the statute of limitations. Parubiy is now a MP from the Fatherland Party. But he also has provided support to Pravyi Sektor which includes Patriot of Ukraine.

Andreas Umland (University Kyiv-Mohyla Academy)

Parubiy can, in my opinion, not be counted as a radical nationalist any more. He clearly was one in the 1990s, but is not any longer - an evolution through which Andriy Shkil and Serhiy Kvit apparently also went (with the exception of their historic discourse). "Svoboda" is probably still to be counted as ultra-nationalist, but has a foreign policy agenda and electorate untypical for far-right parties. It might be in a transformation leading to a moderation - or it may not be. Time will show. "Svoboda's" behaviour was, with the exception of the 1 January Bandera march which they conduct every year, largely constructive during the last three months. Obviously, they are not a centrist force and may be creating too many problems in the East and South. But what is the alternative to them in the government coalition? The Party of Regions? The Communists?

**#8**

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### **Why Was the Governor of Volyn Handcuffed?**

Volyn News, 20 February 2014

<http://www.volynnews.com/news/society/yak-bashkalenka-prykuvaly-naruchnykamy-do-stseny-yevromaydanu/>

[translated by Alisa Zavialova for UKL]

As the governor of Volyn oblast refused to resign himself, despite of the requests of thousands of protestors, he was handcuffed to the metal construction just of EuroMaidan stage in Lutsk.

This happened during the radical protest actions in Lutsk on the 19 th of February. Right on the EuroMaidan stage where the protestors brought Oleksandr Bashkalenko he was doused in cold water from a 5-liter water bottle. The protestors explained their actions by saying that they wanted Bashkalenko to feel the same that protestors on Maidan in Kyiv, that are also being doused in cold water by riot police even in the freezing cold.

The protestors set up a sort of "professional desk" for him made of police shields. They equipped him with paper and pen and ordered to write his resignation statement. However, he refused saying that he still feels like he would be able to benefit Volunian people keeping his position. After, the protestors decided to take physical actions of influence and handcuffed him to the metal tube right on the stage.

**#9**

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### **'Shut the f\*\*k up, b\*tch!'**

Notorious far-right Ukraine leader attacks prosecutor

Russia Today, 28 February 2014

Ukrainian radical nationalist leader Aleksandr Muzychko went on with the rampage against regional authorities, lashing out at a local prosecutor with obscene language, punches and threats. The radical claimed the prosecutors were "sabotaging" their job.

Muzychko, who is a member of the Right Sector radical movement, arrived at Rovno (Rivne) Oblast prosecutor's office after he heard claims that a criminal investigation into a local murder is being delayed.

The controversial "activist," known for taking part in the Chechen conflict against Russian troops,

for his recent Kalashnikov brandishing in front of regional authorities and for making openly anti-Semitic statements, decided to take the matter into his own hands.

Without going into detail, Muzychko grasped a procedural prosecutor he found present at the workplace, nearly strangling the clerk with his own tie and shouting at him in dirty language.

The prosecutor asked to be given a chance to explain the situation, but the heated radical did not want to hear any explanations.

"Shut the f\*\*k up, you b\*tch! Your f\*\*king time is over," he uttered, threatening to rope the clerk like a dog and lead him to the people on Maidan.

Muzychko was furious to learn the regional prosecutor was not at his workplace because he was "in hospital." Calling the prosecutors useless "chairwarmers," he accused them of deliberately shirking their job.

"Does it mean I have to elect my own prosecutor, if these animals do not want to work? What is this, a sabotage? Should we have mayhem, anarchy in the country, they will keep sitting here and covering [the criminals]?"

The clerk tried to intervene in the radical's speech, but received a slap on the face.

"If you think I am goodie because I've come without my rifle, you are gravely mistaken. I've come with a pistol. Work!" local paper rivnepost.rv.ua also quoted some of Muzychko's words that were not caught on film.

According to the paper, the radical threatened that otherwise he will have the clerk lynched by an angry mob.

The confused prosecutor later explained the situation to journalists, saying that Muzychko has probably been "misinformed." According to the clerk, the suspected murderer of the local woman in question has been kept in detention without any formal charges placed on him only because the investigation was in progress. Now that the police have found some evidence, the charges will be brought against the man.

Meanwhile, the new Ukrainian authorities cast a blind eye on extremist actions of the armed Right Sector apparently in return for the group's active help in overthrowing the government of ousted president Yanukovich.

Since the start of the turmoil in Ukraine, atrocities committed by the Ukrainian radicals have been routinely dismissed by coup d'état supporters as "propaganda" and mostly ignored by the Western media. However, with people like Muzychko appearing on YouTube, it is becoming increasingly difficult for the new authorities to veil the situation in the country as "peaceful protests."

**#10**

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**Address of the Party of Regions Faction to the Nation**

23 February 2014

from the Party of Regions website

[translated by Nykolai Bilaniuk for UKL]

Dear compatriots!

We are experiencing one of the most difficult and tragic periods in the history of our country. It turns out Ukraine was deceived and robbed, but even that is nothing compared to the grief faced

by dozens of Ukrainian families who lost loved ones on both sides of the confrontation. Ukraine was betrayed, and the people were pushed to butt heads. All the responsibility for this lies with Yanukovich and his closest entourage. We, the Party of Regions faction in the Verkhovna Rada of Ukraine and members of our party, strongly condemn the criminal orders that resulted in human casualties, in an empty treasury, in huge debts, and in shame in the eyes of the Ukrainian nation and the whole world, as a result of which our country was brought to the brink, threatened with division and loss of national sovereignty. Any attempts to influence the situation and to convince the President were not heard. A party that was a million strong actually turned out to be a hostage to one corrupt family.

The Party of Regions faction represents the interests of more than ten million voters in Ukraine, and more than one million party members.

Party of Regions people are normal, hard working types who love their land and their people. they are industrialists, scientists, workers, doctors, and teachers.

We came to Parliament to serve Ukraine and its people.

The Party of Regions faction lets it be known that differences of opinion, and sometimes differences in ideology, are not an obstacle to working together for the good of Ukraine. There are different opinions, but we have one goal - a united, strong, and independent Ukraine.

We condemn the flight and cowardice Yanukovich.

We condemn the betrayal.

We condemn the criminal orders that undermined the common people, soldiers, and officers.

However, attempts at total intimidation, taking the law into one's own hands, and destabilization in the regions are not acceptable in a democratic society.

Dear fellow party members!

We appeal to all of you, members of parliament from the Party of Regions in the Verkhovna Rada, and in oblast, municipal, and local councils, to all the patriots of our Party. We will do everything possible to protect you and save you from the same mistakes and crimes that have been made at the top.

The Party of Regions, which keeps in its ranks over a hundred MPs, continues to work for the people who believed in us, and for the good of the whole country.

**#11**

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**Appeal by Lviv Intellectuals Against a Witch Hunt**

Espresso.tv, 25 February 2014

[translated by Nykolai Bilaniuk for UKL]

We call upon the Verkhovna Rada, members of the newly appointed government, and the acting president of Ukraine to conduct a balanced cultural and linguistic policy.

Ukraine has experienced tragic days. Hundreds of children of our country were killed, and thousands wounded. With tears in our eyes we bury our dearest, those who were murdered by the Yanukovich regime. At the same time we hear with alarm inflammatory phrases about the need to go on the offensive in the east and south of Ukraine. We call on the Verkhovna Rada to be prudent. The crimes of the regime should be investigated without delay, and all their instigators, organizers, and those carrying them out should be punished severely. But the

investigation of crimes by murderers and thugs, and bringing them to justice should not be replaced by a "lynching tribunal" or witch hunt. The most important thing is to ensure that punishment for the murderers is enforced, and that the country will see consistent and deep reforms.

We are aware that for decades in eastern and southern Ukraine, a policy of deliberate cultural colonization and de-ukrainianization was carried out, in which ordinary people became participants. But we are against the persecution of people on the grounds of their place of residence or language of communication, because the only beneficiaries of such a policy are the enemies of Ukraine.

We call on the Verkhovna Rada, members of the newly appointed government, and the acting president of Ukraine to conduct a balanced cultural and linguistic policy. Thousands of residents of eastern and southern Ukraine are disoriented and do not understand what is happening, because they only hear Moscow's propaganda. We have the opportunity to build a new, honest, and equitable Ukraine and preserve her territorial integrity. But we should not impose on Donetsk or Crimean residents the lifestyle of Halychyna. On the Maidan, Russians, Poles, Belarusians, Armenians, Jews, Georgians, Tatars and others stood side by side with Ukrainians.

All of them were united by a sincere love for Ukraine and a hatred of tyranny. And for this they paid a terrible price, the price of their own blood.

We must respect the cultural and linguistic needs of the residents of the east and south, so they will not feel like foreigners in Ukraine. We should demonstrate a fundamentally new quality in Ukraine, which will not artificially divide its citizens into different "brands". And we urge that politically marginal people not be permitted to risk bloodletting and attempt to destroy the territorial integrity of our country.

Yurij Shukhevych  
Ihor Kalynets  
Myroslav Marynovych  
Ivan Vakarchuk  
Roman Ivanychuk  
Taras Vozniak  
Antin Borkovskij  
Zvenyslava Kalynets  
Natalia Ivanychuk

**#12**

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**Batkivshchyna MP Hennadii Moskal:**

**Ukraine averted greater bloodbath -**

Moscow assisted with plan to violently suppress protests  
by Kyiv Post Staff, 24 February 2014

The top law enforcement official for Viktor Yanukovych, the disgraced former Ukrainian president who is now a fugitive fleeing mass murder charges, had planned an even greater bloodbath to suppress anti-government protests, according to a member of parliament who said he has documents to prove his allegations.

Hennadii Moskal, a member of parliament with Yulia Tymoshenko's Batkivshchyna Party and Ukraine's former deputy interior minister, said the plan called for surrounding Kyiv's Independence Square with rooftop snipers whose mission would have been to wipe out the anti-government EuroMaidan protesters. Moskal said he obtained documents outlining the plan and released part of them publicly on his Facebook page in order to ensure that law enforcement officers bring criminal charges against Yanukovych and others responsible for the plan.

Whatever the aim of Yanukovich and former Interior Minister Vitaliy Zakharchenko, whose whereabouts is also unknown, at least part of the plan seems to have been implemented. Snipers working behind police lines on the south side of Independence Square killed at least 88 protesters from Feb. 18-20 before a temporary ceasefire took hold. Yanukovich signed a compromise agreement with opposition leaders on Feb. 21, but then fled Kyiv on Feb. 22 after his security and law enforcement officers abandoned him. Parliament impeached him the same day. An arrest warrant charging him with mass murder was issued.

A joint statement by Zakharchenko and then-acting SBU head Oleksandr Yakymenko said their agencies would use "all legal measures" against protesters at 6 p.m. on Feb. 18 if "lawlessness would persist" in central Kyiv.

The documents Moskal said that he obtained identified the special operations by two code names – Boomerang and Wave.

The plans called for the deployment of 22,000 police officers, including 2,000 Berkut riot police, and 224 Security Services of Ukraine anti-terrorist Alpha Group officers, including seven snipers.

The documents also show that the plans called for the use of armored vehicles, various grenades and auxiliary units such as, bomb squads, emergency services, communication personnel and traffic police.

Moskal told the Kyiv Post the documents accounted for only 10 percent of the operations' entire plan and said he would disclose the rest if authorities do not investigate and open criminal cases in the matter. He said he will cooperate with investigations.

Moskal said he published the materials to pressure the interim government into investigating the alleged operation.

He also said that, according to the documents, Russia played a role in the planned mass murders.

Moskal said that the former first deputy head of the general staff of the Russian Armed Forces' Main Intelligence Directorate played a major role in planning the operations. Moskal said the Russian's advice was needed because former acting Security Services head Oleksandr Yakymenko and Zakharchenko were not qualified to conduct such an operation. Yakymenko was a pilot and Zakharchenko was an economic crimes unit officer.

An e-mailed inquiry to Russian President Vladimir Putin's spokesperson Dmitri Peskov wasn't immediately answered. The Russian Embassy in Kyiv was unavailable for comment.

According to Moskal, Zakharchenko gave the orders to shoot. On Feb. 20, Zakharchenko said publicly that police were authorized to use firearms to defend themselves.

Also guilty of giving orders, Moskal said, are" ex-Deputy Interior Minister Viktor Ratushniak, former department head of public safety Oleksiy Krykun, ex-commander of the Interior Ministry's troops Stanislav Shulyak; chief of the main Interior Ministry department in Kyiv Valeriy Mazan; ex-head of the Security Service of Ukraine Oleksandr Yakymenko and his first deputy Volodymyr Totsky; Security Services of Ukraine head for Kyiv and Kyiv Oblast Oleksandr Shchoholiev; and SBU Alpha Group commanders.

They could not be reached for comment. Many of their mobile phones, listed in the documents, are turned off or out of service.

Many of the operations' plans coincide with the actual events that took place during the police raid of Feb. 18-19.

The raid began at 8 p.m. on Feb. 18 and left 26 people dead, including 10 police officers and more than 1,000 injured. At least 60 people died on Feb. 20, mostly from deadly sniper fire. Three police officers died on the same day. In all, nearly 100 people (88 according to the Health Ministry's latest count) have been killed in EuroMaidan protests since January.

At least some of the murderous plan outlined in the documents mirrors what happened.

For example, operatives used the roof of an adjacent building to access the House of Trade Unions, EuroMaidan's then-headquarters on Kyiv's Independence Square. Police attacked the House of Trade Unions sometime after midnight on Feb. 19. During the chaos, the building caught fire and burned throughout the night and into the morning.

The new perimeters that security and police forces set up after their raid resemble one of the proposed plan's objectives.

The plan called for electricity to be cut off as it was on Feb. 18. KyivEnergo, the electricity utility owned by billionaire Rinat Akhmetov – a major backer of Yanukovych – would have been responsible for electricity to the building.

Channel 5 – a TV channel that was critical of the authorities and is owned by lawmaker Petro Poroshenko – was actually cut off as per the plan.

Also, plans called for the metro entrances and exits of Maidan Nezalezhnosti and Khreshchatyk to be shut, as they were.

Road access to the center was to be tightly controlled or blocked, as it was on Feb. 18-20, with people spotted traffic police armed with Kalashnikov rifles.

Also, an armored vehicle was used to storm the barricade as per the police plan, but protesters set the vehicle ablaze with numerous Molotov cocktails.

The plan listed the names and mobile phone numbers of the state security and police officers that were responsible for each of the 24 disclosed assignments.

Only one person was reachable: Volodymyr Kotov, an explosives specialist. He told the Kyiv Post that his service didn't take part "because there was no sign of explosives in the city center and no order for his group to take part in the operation."

He said that Boomerang is a common term that police and the secret services use for anti-terrorist operations, adding that he was not aware of operation Wave.

Another event that adds legitimacy to Moskal's claims and the documents' authenticity is the use of snipers. In the operations' plans, seven Security Service of Ukraine Alpha Group snipers were to be used and stationed atop four buildings on Khreshchatyk.

On Feb. 20, sniper fire killed dozens of protesters from positions along Institutska Street that runs perpendicular to Khreshchatyk Street. The most senior sniper listed was Lieutenant-Colonel A. M. Bychkivsky whose code name listed is "Myron."

According to audio recordings made public on YouTube, allegedly of the radio communication of snipers on Feb. 20, a person named "Myron" is heard coordinating his actions with others.

#13

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### **Yanukovych's Fall: The Power of Ukraine's Billionaires**

by Christian Neef in Kiev

Spiegel Online International

[translated by Nykolai Bilaniuk for UKL]

The protesters in Kiev were largely responsible for the fall of the Ukrainian president. But his way out of office was paved by two of the country's most powerful oligarchs. Made rich by Viktor Yanukovych, the pair made early preparations for his departure.

Nobody told Ukrainian parliamentarian Yuri Blagodir that you had to be physically fit to be a representative. But last Thursday, the ability to run fast suddenly became a key skill. Just before 10 a.m., the parliament in Kiev was finally assembling in an effort to find a way out of the spiraling chaos that had gripped the country. Then came the order to clear the building.

Gunfire rang out, explosions shook the government quarter and special police and secret service units rushed to the scene. The opposition, it was said, intended to storm the parliament and the seat of government.

Blagodir, 40, ran up the street along with the other parliamentarians, away from the city center and away from the parliament building. They felt like they were running for their lives -- a pack of representatives being hunted by the people they represented.

It was afternoon before they returned to their workplace and the greatly anticipated special session only began at 5 p.m. For Yuri Blagodir, the session was of particular importance. Just a day earlier, he had still been a member of the Party of Regions, the governing party led by President Viktor Yanukovych.

Thursday was to be the first day of his new political life. A day prior, he had posted the following on his website: "The events of the last three months have shown that the official response to the crisis can only lead to civil war and the disintegration of the state." He joined three other Party of Regions members in renouncing their membership. A day later, 10 more representatives turned their backs on Yanukovych and huge numbers of functionaries across the country did the same.

It marked the beginning of the rapid end of Yanukovych's grip on power. It was his worst-case scenario: By the end of the day on Thursday, a third of his parliamentarians had abandoned him.

The reason was clear. Civil war no longer seemed merely a theoretical possibility. Snipers had opened fire on protesters in the city center, killing dozens with shots to the head, neck or chest. Over 50 people were killed on the streets of Kiev that day -- a day which was supposed to be one of mourning for the protesters who lost their lives that Tuesday. In total, according to Ukrainian authorities, 88 people died in the conflict last week.

An Understanding with the Oligarchs

As government loyalists and protesters battled it out on and around Independence Square, the rest of the city was ghostly silent. The subway was closed, as were shops, restaurants and banks. Only ambulances sped through the city streets. In front of the Radisson Hotel, Polish Foreign Minister Radoslaw Sikorski climbed into a car to drive with his counterparts Frank-Walter Steinmeier, from Germany, and Laurent Fabius, of France, to a meeting with Yanukovych in an effort to re-establish peace.

Parliamentarians, meanwhile, began debating a crisis solution of their own -- even as others were pouring oil onto the fire. The country's secret service head demanded that the battle against the "terrorists" be fought to the bitter end. And former head of government Yulia Tymoschenko, still locked up in Kharkiv at the time, said that the many deaths in Kiev were the result of "negotiations with the dictatorship that were hopeless from the outset." It was essentially a call for a violent

overthrow.

Yet by then, it had long since become clear that a solution to the crisis would not be found on Independence Square. Nor would it come from Moscow, Washington, Berlin or Brussels. Rather, it would have to come from parliament -- together with those people who had supported the president. The opposition was faced with the prospect of winning them over in order to establish a political majority.

More than anything, though, the opposition had to reach an understanding with the two men who controlled roughly half of Yanukovich's party: Rinat Akhmetov and Dmitry Firtash, the two most influential oligarchs in the country.

"The two knew that, were Yanukovich to fall, they would be the biggest losers. That is why they did everything to prevent the radical solution sought by the protesters on the Maidan," says Vadim Karasev. Karasev was an advisor to President Viktor Yushchenko, who came to office following the 2004 Orange Revolution only to lose it a short time later due to deep differences with his one-time ally Tymoshenko. Currently, Karasev heads up one of Ukraine's most important think tanks.

Our meeting with Karasev took place in an empty café at the Premier Palace Hotel, across from where Kiev's Lenin monument stood until it was pulled down by radical nationalists in December. "If Yanukovich had attempted to solve the crisis with violence, he would have lost, but the oligarchs would have too," Karasev says. "Tymoshenko would have replaced him immediately and then we would have seen a repeat of what happened after the Orange Revolution: the dispossession of the rich. But all of Ukrainian politics depends on them. The men who became rich thanks to Yanukovich want guarantees for their holdings."

### Pulling Strings

Akhmetov and Firtash: Those two names have repeatedly surfaced in Kiev in recent weeks. But they have been careful to stay out of the spotlight and declined interview requests. It was reported over the weekend that they were both in London. Still, they both have been busy pulling strings in recent weeks.

Akhmetov is the more important of the two. The 47-year-old is worth \$15 billion and is head of the holdings company System Capital Management, which controls more than 100 companies with some 300,000 employees. They include metallurgical and pipe factories, banks, real estate firms, mobile phone enterprises and a large media company. He is the de-facto ruler of Donbass, the home of Ukrainian heavy industry, and owns the football team Shakhtar Donetsk. He is also among the leaders of Yanukovich's Party of Regions.

In recent weeks, Ukrainian protesters have staked out houses of his in both Donetsk and London. They held up signs reading: "Just one phone call from him and the killing will stop."

Only once did Akhmetov show himself to the protesters. He drove up in his Mercedes and told them that he was prepared to talk. The worst for him, he said, would be if he "could no longer walk through Donetsk and breathe Ukrainian air." Akhmetov, who started "at zero" 25 years ago, as he likes to emphasize, didn't want to belong to the losers.

He comes from a poor mining family. "We lived in just 20 square meters (215 square feet) and had no toilet or sink at home," he has said. But then, at the beginning of the 1990s, following the collapse of the Soviet Union, he made his first million trading coal in the mining city of Donetsk.

Nobody knew him at the time. He only entered the spotlight when Akhat Bragin, who was president of the Shakhtar football team at the time, was assassinated in an explosion during a game in 1995. Bragin was the godfather of Donetsk. Akhmetov had had business dealings with Bragin and became his successor at Shakhtar. Just before, he had founded his first bank in Donetsk. He later said that he became rich via "a few

risky deals immediately after the disintegration of the Soviet Union."

A short time later, the former automobile mechanic Viktor Yanukovych, previously convicted of robbery and assault, was named head of the Donetsk regional government. A business relationship developed between him and Akhmetov -- one which ultimately blossomed into a friendship. When Yanukovych became head of government in Kiev in 2002, Akhmetov's career looked to be on the rise.

### The Rise

The budding oligarch of course went on to back Yanukovych's 2004 presidential candidacy. But when he failed -- after seeking to ride Russian support and clumsy electoral fraud to the presidency, and touching off the Orange Revolution in the process -- things began looking grim for Akhmetov as well. The country's new leadership, under Yushchenko, began confiscating parts of his steel conglomerate, accusing him of having obtained them illegally.

Then, in 2005, he was accused of involvement in economic crimes and police began raiding his properties and offices. He fled to Monaco and stayed there for a time, avoiding the unpleasantness at home. Ultimately, though, he returned and became a key sponsor of Yanukovych's Party of Regions. When Yanukovych finally did become head of state in 2010, the future looked bright for Akhmetov.

The second oligarch, Dmitry Firtash, 47, followed a similar path to his riches. After serving in the army, he became a fireman and began his business career with a deal that profited him \$50,000: In Hong Kong, he traded 4,000 tons of evaporated milk from Ukraine for cotton from Uzbekistan.

Later, he went to Moscow where he lived in the Rossiya Hotel in Moscow, located across from the Kremlin. It is where Soviet businesspeople gathered and while there, he got to know key players in the Turkmen natural gas industry. He quickly entered the trade, receiving natural gas in exchange for foodstuffs.

He too advanced quickly. He bought a chemical factory in Estonia and later purchased an Austrian firm which specialized in natural gas transportation. In 2004, he joined the Russian gas company Gazprom in opening the company RosUkrEnergo, which specialized in transporting natural gas to Western Europe.

It was this company which later put him at odds with the Orange Revolution: A dubious 2009 deal between Prime Minister Yulia Tymoshenko and her Russian counterpart Vladimir Putin ruined Firtash's business. He and Tymoshenko became bitter enemies.

When Yanukovych ascended to power, it was good for Firtash as well. He expanded his empire and today, with his media conglomerate Inter Media Group, controls several television channels.

There are, of course, differences between Akhmetov and Firtash. For one, Firtash is worth less than a billion dollars, in contrast to the monumentally rich Akhmetov. Furthermore, he works closely with partners in Russia whereas Akhmetov's business empire is more focused on Europe. But the two have divided the political playing field between them and they control their country's political scene as though it were a business joint venture. Key positions, whether in ministries or in parliament, are all occupied by their people. Yanukovych's economics minister, for example, came from Akhmetov's team while the deputy prime minister, in charge of natural gas issues, answered to Firtash. It is a loveless marriage of convenience, but it has held.

In the last parliamentary elections, Akhmetov filled roughly 60 spots on the Party of Regions list with his people while Firtash chose 30. That is how politics in Ukraine is done: Whereas Putin took power away from the oligarchs in Russia, they are still at the controls in Ukraine.

The pair came to the conclusion well before the current crisis that Yanukovych would not be

around for much longer. They began carefully looking around for alternatives. Akhmetov, for example, had always gotten along well with Tymoshenko, in contrast with Firtash, and began supporting Arseniy Yatsenyuk, who took over the leadership of her Fatherland alliance when she was incarcerated. Firtash, for his part, backed Vitali Klitschko's party UDAR.

"In reality, Firtash early on placed people in Klitschko's UDAR Party, a former head of secret service, for example," says Vadim Karasev. "The contacts were made via the head of the presidential office."

"It may sound hard to believe," Karasev says, "but Firtash was looking for an alternative for the eventuality that Tymoshenko was released and claimed the right to the presidency. It would have been advantageous were Klitschko already there, as a puppet of Firtash."

That's how Akhmetov and Firtash built up options for a possible future without Yanukovych. When the protests broke out on Independence Square in November and both oligarchs saw how obstinately Yanukovych reacted, they began to distance themselves. It was clear to both of them that if worse comes to worst, and the West imposed sanctions on Ukraine, their businesses would be the first to be affected.

Akhmetov made it known that he was in favor of negotiations between the government and the opposition. Firtash also quickly called for a peaceful resolution of the conflict, emphasizing that people on both sides of the barricades were Ukrainians.

#### Letting Yanukovych Fall

Last Tuesday's bloody conflicts tipped the scales. On Wednesday both Akhmetov's and Firtash's TV stations changed their coverage of Independence Square: Suddenly the two channels, Ukraina and Inter, were reporting objectively on the opposition. The message of the oligarchs was clear: We're letting Yanukovych fall.

And in parliament -- where the majority party had barely budged a millimeter in the past weeks -- the mood suddenly changed: Suddenly they were looking for a compromise after all. It became clear on Thursday what this would mean: the forming of a broad coalition, the return of the old constitution and, with it, a reduction of the presidential powers as well as an accelerated presidential election.

Friday was a cheerful day, with bright blue skies. There was still sporadic gunfire but on Independence Square it was hard to believe that, just a few days earlier, people had been gunned down there.

Shortly after noon Yanukovych addressed the people as though he were still calling the shots. He declared that he would "initiate" new elections, constitutional reform and the formation of a new government with national support. Then, things began moving very fast. On Friday evening, parliament got back its full former powers, dismissed the hated interior minister and ultimately Yanukovych himself and smoothed the way for the release of Yulia Tymoshenko.

#### #14

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#### **Yanukovych Removed, But Not Impeached**

Mychailo Wynnyckyj's EuroMaidan Diary  
Kyïv, 22 February 2014 (mid-day)

Today Ukraine mourns and celebrates simultaneously. In the rain, the ground on Maidan was particularly black and sticky – a stark reminder of the fires that burned throughout the city center for days just recently. Blood stains have been covered with flowers, and memorials set up at each spot where a person was killed during the fighting on Feb 19-20. The coffins of heroes who lost

their lives to sniper fire and riot police grenades were brought to the stage in pairs all day today – each was sent off in a moving ceremony in the presence of tens of thousands of demonstrators.

The mood was somber, but at the same time joyful – yesterday and today, the revolution scored massive political victories: Yanukovich was stripped of his powers as President, and new Presidential elections have now been scheduled for May 25; Yulia Tymoshenko - the symbol of the political repressions of the regime – was released from jail; Interior Minister Valeriy Zakharchenko was removed from office together with Viktor Pshonka, the Prosecutor General; the amendments to Ukraine's Constitution that had been cancelled by the Constitutional Court in 2010 were re-enacted. Even though the former opposition leaders tried very hard to implement all of these things legally, we live in revolutionary times, and these times call for some legislative innovativeness. Each one of the victories needs some commentary.

First of all: the Constitutional changes. Last night, Parliament voted to reenact the Constitutional amendments adopted under questionable procedural circumstances in the final days of the 2004 Orange Revolution. Accordingly, Ukraine became a parliamentary-presidential republic with significant powers transferred from the Presidency to Parliament. However, the bill that Parliament passed last night by a Constitutional majority has not yet been signed by Yanukovich, and indeed today, when asked about his bill during his televised interview from Kharkiv, he stated outright that he would not be signing the bill. Nevertheless, Parliament has decided to act as if the 2004 Constitution has been legally reinstated.

This morning, Parliament opened its session with an announcement by deputy speaker Koshulynsky (Svoboda) that Speaker Rybak (Party of Regions) and First Deputy Speaker Kaletnik (Communist) had both resigned. Nestor Shufrych - a close confidant of Viktor Medvedchuk, and a high ranking member of the government team - spoke from the Parliamentary rostrum, saying that because Ukraine has reenacted the 2004 Constitutional amendments last night, if the President resigns his functions are to be carried out by the Speaker of Parliament, and therefore the key issue before Parliament today is the election of a new Speaker. Within a few minutes, Koshulynsky announced that two candidates for the post of Speaker had been nominated: Turchynov (Batkivshchyna) and Poroshenko (Independent). Poroshenko immediately took the floor to state that he was taking his name off the ballot, and Tymoshenko confidant Turchynov was elected Speaker.

Given that Rybak resigned, and Turchynov was elected by a wide margin, no possible questions can be raised as to the legitimacy of Turchynov as Speaker. However, there is a question as to which version of the Constitution regulates Turchynov's function as Speaker of Parliament. Specifically, according to the 1996/2010 Constitution, if the President is incapacitated or resigns, his powers are temporarily transferred to the Prime Minister. On the other hand, according to the 2004 version of the Constitution, the effective Vice President of Ukraine (i.e. the Acting President in case of incapacity or resignation) is the Speaker of Parliament. Ukraine is currently in a very unclear legal situation: which version of the constitution is valid? Technically, Parliament voted to reinstate the 2004 version last night. But the President did not sign that bill, so it's not yet law. According to strict legal formality this means the 1996/2010 version of the Constitution is still in force, but Ukraine's Acting Prime Minister Arbutov was nowhere to be found today. When queried by a reporter on this issue, Yatseniuk was unequivocal: in his opinion, because Parliament has reinstated the 2004 Constitution by a Constitutional majority of over 300 votes, regardless of whether the bill has been signed or not, in case of incapacity or resignation, Speaker Turchynov would be Acting President.

After Turchynov's election, Parliament proceeded cautiously: first MP's voted to confirm Arsen Avakov (Batkivshchyna MP and former mayor of Kharkiv) as Acting Interior Minister. Then Pshonka was removed from the post of Prosecutor General, and Tymoshenko was freed from jail. All three of these votes were unquestionably legitimate and legal. Then Turchynov called a recess – apparently to arrange for Tymoshenko's release, and to try to locate Yanukovich to notify him of the new political reality in the country. During this recess, Viacheslav Kirilenko (MP

Batkivshchyna) was interviewed by the Parliamentary television station "Rada". His claim that Yanukovich had signed his own resignation spread like wild fire, only to be dashed when the President's television interview was broadcast at approximately 4pm.

With Yanukovich's location now established (although it is unclear whether the President had been contacted at this point) Turchynov tabled a resolution, the legitimacy of which will be hotly debated in coming months and years. Indeed Yuriy Miroshnichenko – Yanukovich's representative in Parliament – stated outright today that the document voted on today was a "political" resolution rather than a strictly legal one. The issue revolves around Article 111 of the Constitution which defines an extremely cumbersome impeachment procedure: first, a special Parliamentary Investigative Commission must be created to investigate any crimes that the President is suspected of committing; then that commission submits its findings to both the Supreme Court and the Constitutional Courts, which both must rule, and only then Parliament can vote on impeachment. Ukraine's "revolutionaries" – led by Turchynov and Yatseniuk – decided to take a short cut today. They tabled a simple resolution according to which the President is relieved of his duties, but not removed from office. In a testament to the mood in Parliament today, this resolution was supported by 328 MP's. Accordingly, Yanukovich formally remains the President of Ukraine until a new President is elected on May 25, but with no powers.

Was this decision constitutional? Only the Constitutional Court can rule on this question, and such a ruling can only come if requested by at least 50 MPs. Under current circumstances, it is highly unlikely that 50 MPs will sign a request to the Court to rule within the next 3 months, and thereafter the point will be moot.

As it stands, Parliament is proceeding with the establishment of some semblance of order in the country. Formally, the deal signed by Yanukovich on 20.02.2014 (negotiated with the aid of EU mediators) requires the President to sign the Constitutional changes adopted by Parliament on Friday, by Sunday. When these amendments come into force, it will become fully legal for Parliament to form a majority coalition and then to begin voting on specific cabinet posts. Given the current mood, I have no doubt that regardless of whether the requisite bill is actually signed or not, when the deadline passes tomorrow, the new majority will vote on a new Prime Minister and cabinet. This is likely to happen tomorrow.

Of course as of today, another new reality (in addition to the effective ouster of Yanukovich) has come about in Ukrainian politics: Tymoshenko is free. When Tymoshenko was released tonight, she was asked whether she would be running for the Presidency and she answered that she would definitely be running. Personally I believe this would be a disastrous decision, but it is clear that her speech at Maidan tonight was largely orchestrated as a pre-election event. Rather than express my own opinion of Tymoshenko's speech, I quote the following Facebook post:

"How sad, how truly sad to watch Tymoshenko trying so hard to rouse the crowd on Maidan whilst not knowing that the world she knew has changed beyond all recognition. Sadly she is now an out of date politician in a world she does not understand. If she runs for the Presidency I think she will unlikely get past the first round, better that she should just retire gracefully and write her memoirs as there is no place in Ukrainian politics for her today." (Martin Nunn – Facebook 22.02.2014)

Tymoshenko repeated several times that she is deeply saddened that she was unable to take part in the revolution, but that she now "guarantees" that she will "never let this happen to the people again." The paradigm of this statement is clearly pre-revolutionary: Ukrainians today no longer believe that someone in government should be their "protector". On the contrary, they have shown that they will not tolerate being "ruled" – they want representative rule-based government, and they are willing and able (as Klitschko painfully found out yesterday) to ensure that those in office govern in a way that is accountable to the people. Tymoshenko seems to believe that Ukrainians want/need to be "ruled". I fear that if she actually wins the upcoming Presidential election, we may have another Maidan before her term is over.

If one is to judge by my Facebook stream (highly unrepresentative), Tymoshenko does not enjoy much popularity anymore, but realistically her victory in the upcoming Presidential election may be a very real possibility. Internet social media users tend to be from the educated middle class. Tymoshenko's electorate is very similar to that of Yanukovych – except that hers hails from the western and central regions of the country, rather than the east. Tymoshenko voters tend to be aged 50+, poorly educated, and primarily from the working class. Although this is the most active segment of Ukraine's electorate, after the Maidan it may no longer be decisive.

But the question of who will be Ukraine's next President is a matter for future debates. Although tonight the Maidan celebrated its victories (and simultaneously mourned its dead), the revolution is not fully resolved just yet. Yanukovych is still alive and well, and on Ukrainian territory. He remains an important persona in Ukrainian politics. As I found out from many friends on Maidan today, last night I was not the only one tracking what was assumed to be the President's plane on [flightradar24.com](http://flightradar24.com) until 4:30 am Kyiv time. The aircraft we were all watching on radar landed in the Arab Emirates, but as it turned out, Yanukovych was not on board. Today, Yanukovych was interviewed on television from Kharkiv. He called today's events in Kyiv a "coup d'etat", and reiterated that he remains the legally elected President of Ukraine.

It must have been exceptionally painful for Yanukovych to watch his precious Mezhyhiriya residence opened to journalists and ordinary citizens today. There, they found evidence of hasty packing, and multiple works of art and collectibles (e.g. a collection of vintage cars) that were left behind. They also recovered documents that demonstrate the scope of Yanukovych's massive corruption machine, and others that show his regime was systematically targeting opposition journalists and civil society activists. In Yanukovych's private quarters, they found his famous golden toilet, and also a Viagra equivalent at his bedside. Strolling through the gardens, the private zoo, and the golf course, journalists gasped at the opulence of the palatial mansion and grounds. Amazingly, given the extreme security measures in place at this site previously, the guards at the entrance to Mezhyhiriya simply allowed journalists to enter today – without even suggesting the need for special permission. Clearly, they were just as fed up with his regime as the Maidan revolutionaries.

In the wake of today's events, and after having lost all support from Ukraine's police and security forces, it is difficult to see how Yanukovych could possibly return to effective office as President. However, it is conceivable that Yanukovych could (for example) try to establish himself as the leader of an erzatz-Ukraine that includes the three eastern Ukrainian oblasts (Kharkiv, Luhansk and Donetsk) and the Crimean republic. Clearly this would require him to regain the loyalty of local elites and to negotiate Russian support, but such a turn of events cannot be discarded yet.

The above scenario is heavily dependent on the decisions eastern Ukrainians will make as to their own self-identities during the coming days. The Maidan in Kyiv was heavily supported by western Ukrainians who were prepared to fight and die for a Ukraine defined by its current borders, with its capital in Kyiv. However, few central and western Ukrainians are prepared to fight for Donetsk or Kharkiv to be a part of Ukraine if the residents of these cities are not themselves interested. Eastern Ukrainians have traditionally demonstrated very strong regional identities (e.g. in multiple surveys), and now they themselves must decide whether these regional identities are stronger than their Ukrainian national identity. During his interview today, Yanukovych clearly stated that he would be travelling throughout the southeastern oblasts in the immediate future, and would be "trying to find answers to the current crisis from those who have remained calm in the face of violence and banditry in Kyiv."

Yanukovych remains dangerous. He can continue to claim to be the legitimately elected President - at least until the May 25 election. The interim government in Kyiv faces massive economic problems, and Yanukovych could use this to his advantage – conducting a campaign in the east that paints the revolutionaries as a band of crooks who have overthrown the legitimate government, and then mismanaged the country. This will be an exceptionally difficult story to sell

to the eastern Ukrainian electorate, but with Russian help and advice, it could yet conceivably be done. Furthermore, many of the hired thugs (“titushky”) that the Yanukovich regime imported into Kyiv during the past few weeks reportedly are still here, and they could still cause significant disturbances (e.g. burglary, car fires, street fights) that could be used to perpetrate the image of a descent into anarchy as a result of the “revolution”.

Destabilizing the situation in Kyiv, and simultaneously playing up the regional identity of the east while positioning himself as the “legitimate President whose country was robbed from him”, could be a successful strategy for Yanukovich if sufficient Russian support could be arranged. The best that he could hope for if this strategy is successful would be a lifelong Presidency in a criminalized buffer state on the Ukrainian-Russian border (similar to Abkhazia, TransDnistria, or Kaliningrad oblast). But even this option, from Yanukovich’s perspective, is likely preferable to exile or trial.

Unfortunately, this option is likely also in Putin’s interests. Today’s events must be seen as absolutely disastrous for/by the Kremlin. Yuriy Lutsenko actually verbalized the threat today from the stage of Maidan when he wished that Russians would soon feel the same taste of freedom as Ukrainians experienced tonight. For Putin, Maidan is a deadly threat to his own regime because a domino effect is inevitable: the average Russian will now ask “if the Ukrainians could throw off their authoritarian regime, why can’t we do the same with ours?” And so, the Kremlin is likely to try to undermine the image of revolutionary success in Ukraine in whatever way it can during the coming weeks and months. One obvious way of doing this would be to help Yanukovich establish himself as the “President-in-exile” in a Ukraine that includes only the eastern regions of the country, but claims legitimacy over the rest. In reality, such a Yanukovich-led “Ukraine” would only control three eastern oblasts, and the government would be fully dependent on the Kremlin, but it could be “spun” in the Russian media as the “legitimate Ukraine” (in contrast to the “bandit Ukraine”), and therefore worthy of protection and a better example to the Russian people than the revolutionary government in Kyiv.

I sincerely hope I’m wrong because such a split of the country will unlikely occur without some violence – not in Kyiv, but certainly in the east. In any case, as long as Yanukovich is alive and/or in Ukraine, the revolution is not yet complete.

Sorry for the pessimism, but in my opinion, the fat lady is clearing her throat, but not yet singing. In other words, this revolution is far from over yet...

God help us!

Mychailo Wynnyckyj PhD  
Kyiv-Mohyla Academy

**#15**

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### **The Vote in Parliament**

Mychailo Wynnyckyj’s EuroMaidan Diary  
Kyiv, 20 February 2014 (midnight Kyiv time)

*Mychailo Wynnyckyj is Director of the Doctoral School at the University Kyiv Mohyla Academy*

I’m receiving a lot of queries as to what just happened in Parliament. Here’s the explanation:

Today, after the morning massacres had calmed down a little, opposition politicians began calling for MP’s to gather in Parliament at 3pm. Deputy Lyashko and others pronounced guarantees to Party of Regions MP’s that no demonstrations would be held near the building during this special session - apparently some government MP’s had expressed concern for their own safety in the wake of that morning’s violence and deaths.

The session did not start until around 5pm, and MPs gathered very gradually. Initially, only 227 registered (minimum quorum: 226), but as the evening wore on, more and more MP's from the Party of Regions and nominal independents arrived. By 10pm, 238 had registered to vote.

The key test came just after 10pm when the speeches ceased and a draft document was put to a vote. In the end 236 voted in favor of the "Postanova" that orders the following:

1. All Interior Ministry troops currently in Kyiv are ordered to cease fire and return to barracks.
2. All live ammunition and lethal weapons that have been issued to government forces are to be returned immediately.
3. Blocking roads and rail lines for the purpose of limiting the movement of people is to cease.
4. All anti terrorist operations currently undertaken by the State Security Service and Interior Ministry are to be stopped immediately.
5. Circumstances that have led to deaths and casualties are to be investigated and the guilty brought to trial forthwith by the Prosecutor General.
6. The Cabinet of Ministers is ordered to provide financial compensation to all victims of the recent violence and their families.
7. Activists arrested for their participation in protests are to be released and all criminal cases against them closed.
8. It is now the exclusive right of parliament to declare a state of emergency.

All of the above was passed as a "Postanova" - a one time legislative order that has the force of law, but according to Ukraine's Constitution, and unlike other laws, need not be signed by the President. Postanova's are signed by the Chairman/Speaker of the Parliament, or in his absence, by one of his Deputies. Tonight's session of Parliament was chaired by Svoboda MP Koshulynsky, and he has signed the document making it legal.

Two points of significance:

1) Parliamentary Speaker Rybak and First Deputy Speaker Kaletnyk (Communist Party) were not present at tonight's session; neither were 167 deputies from the Party of Regions, nor any of the Communist MP's. Nevertheless, a temporary majority was assembled with all members of the 3 opposition parties and most independents in attendance together with 20+ Party of Regions MPs who have now effectively defected from the government camp. According to rumors many Party of Regions MPs left the country today - including (according to some reports) Speaker Rybak. Does this signal a permanent end to the pro-Yanukovych majority in Parliament? If so, it signifies the beginning of the end of his regime.

2) Although a Postanova is a legislative order that has the force of law, and cannot be vetoed by the President, it is unclear what happens if Yanukovych issues a Presidential Decree cancelling the Postanova. Furthermore, it is unclear which should take precedent: the Law on Counter-Terrorism which has been the formal document used to authorize the use of lethal force and abrogation of civil rights during the past 2 days, or the one-time Postanova. Finally is highly unclear whether Interior Ministry forces will obey this Postanova at all.

After passing their document, Ukraine's 3 opposition leaders immediately left Parliament for the Presidential Administration building where, reportedly, they were joined by 3 visiting EU foreign ministers. Apparently they will attempt to collectively convince Yanukovych to accept the need for constitutional changes - these are to be voted on tomorrow. Whether enough votes can be gathered, and whether Yanukovych will budge are all open questions...

Stay tuned!

Mychailo Wynnyckyj PhD  
Kyiv-Mohyla Academy

#16

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## **Why Ukraine's Yanukovich Fell But So Many Analysts (Including Me) Predicted He Would Survive**

by Lucan Way

The Monkey Cage Blog (Washington Post), 26 February 2014

Last weekend marked the remarkable downfall of Ukrainian President Victor Yanukovich at the hands of protesters in Kiev. It was an outcome that almost no one predicted when demonstrations began in late November against the president's decision to reject integration with the European Union. At the time, the democratically elected Yanukovich was among the most popular politicians in Ukraine, with a parliamentary majority facing a weak and fragmented opposition. Why did he fall and why did so few see it coming?

One important reason for the stunning collapse of Yanukovich's regime was that he chose the wrong type of repression to suppress protests. By repeatedly engaging in extremely provocative and public displays of repression – *high-intensity coercion* – Yanukovich simultaneously stoked protests and undermined the unity of the pro-government coalition. Yanukovich would likely have survived if he had simply sat tight and let the protests peter out. Protesters might have remained on the square, but they would have increasingly been viewed as a small nuisance rather than a serious challenge to the president.

To understand why Yanukovich fell, we need to understand something that Yanukovich failed to grasp: the dynamics of what Steven Levitsky and I call *high-intensity coercion*. High-intensity coercion involves high-visibility acts that target large numbers of people, well-known individuals or major institutions. Such coercion includes large-scale violence such as firing on crowds, as occurred in Mexico City in 1968 and Tiananmen Square in China in 1989. This can be contrasted with *low-intensity coercion*. Low-intensity coercion involves repressive actions that are largely out of the public eye: low-profile physical harassment, kidnapping and torture of low-level activists and supporters; the use of security forces or paramilitary thugs to vandalize opposition or independent media offices; and to harass, detain and occasionally murder journalists and opposition activists. It also includes non-violent measures like firing opposition activists from their jobs.

Low-intensity coercion is the bread and butter of almost all contemporary authoritarian regimes. Such coercion is used primarily to raise the costs of opposition and preempt serious challenges. Low-intensity coercion can also be used to discourage protest activity by raising the costs of protest and thereby encouraging people to give up. It was the primary form of repression used by the USSR under Brezhnev (1964-1982), as well as Putin's Russia, Singapore and Belarus today. High-intensity coercion, by contrast, is quite rare. It is used primarily to halt major opposition challenges, for example the use of tanks to clear protesters in Tiananmen square in China and the bombing of parliament by Yeltsin in Russia in 1993.

High-intensity coercion is rare because – especially in the current era of global communications technology – it is quite risky. It has two effects that may undermine authoritarian stability. First, when applied sporadically or inconsistently, high-intensity coercion is more likely to stimulate greater protest rather than discourage it. Highly visible and dramatic acts of repression that are considered illegitimate heighten the populations' anger at the regime and therefore encourage more protest; such repression may also function as a focal point, bringing together disparate groups opposed to the regime for various reasons. For such repression to work, it must be applied consistently.

Second, high-intensity coercion often undermines unity at the top. In an era when everyone with a cellphone is a potential documentary filmmaker, large-scale abuse is impossible to hide, often triggering worldwide condemnation and sanctions against top elites. As a result, high-intensity coercion may encourage elite defection by those who do not want to take responsibility for the regime's illegal actions. Violent repression may also threaten the domestic legitimacy of

the security forces, which, in turn, may undermine internal discipline and morale. And if the crackdown fails, top officials face prosecution or other forms of public retribution. Orders to repress protesters force coercive agents to tie themselves to the old regime in ways that put them at risk should the opposition take power.

Such risks mean that in the contemporary era, only the most cohesive authoritarian regimes have been able to carry out regular and consistent high-intensity coercion without breaking at the seams.

Thus, the Assad regime in Syria, consisting basically of a single extended family, or the Mugabe regime in Zimbabwe, founded in violent revolutionary struggle, have both been able to carry out extensive repression while maintaining tight cohesion. These regimes are cohesive because they are held together by family ties or shared history of struggle – rather than *simply* patronage. (In Russia, Yeltsin's regime was hardly cohesive; however his attack on parliament was widely supported by Western powers at the time.)

By contrast, Yanukovich's regime was based on pure patronage. With weak ties to Yanukovich, his supporters were only united by their desire to make money and enjoy the fruits of their corruption. These were not the kind of people willing to risk losing their vacation homes — much less going to jail — so that Yanukovich could hang on. Much better to run for the exits than risk international isolation or worse.

In a nutshell, Yanukovich fell from power in part because he failed to understand the ways in which high-intensity coercion both stimulated protest and threatened cohesion within his own ranks. First, high-intensity coercion was arguably the primary factor stimulating the protests. Thus, protests began in late November in response to Yanukovich's decision not to sign the European Association Agreement. However, the demonstrations only became large and sustained after Nov. 30, when police violently and publicly attempted to clear the central square.

After that, surveys of protesters in December showed that the single issue that united protesters most was not the failure to join Europe (54 percent) but the police beatings Nov. 30 (70 percent). Such repressive measures might have worked if Yanukovich had remained firm. But instead, Prime Minister Mykola Azarov apologized for the actions and held back. The result was the worst of both worlds for Yanukovich. He was perceived as both abusive *and* weak.

By early January, protest momentum had begun to die down. A promised infusion of Russian financial assistance in December had bolstered perceptions of Yanukovich's strength. At this point, many – including me – argued that Yanukovich would survive if he simply sat tight and waited the protesters out – “not giving away anything serious, and letting the protests peter out.” If Yanukovich had simply avoided provoking the protesters, their protests likely would have died out of their own accord or dwindled to such a small number as to be considered a minor nuisance. (Only a few – including Oxana Shevel and Taras Kuzio – predicted that he would fall.)

However, Yanukovich again overplayed his hand, using his parliamentary majority to force through a series of draconian laws that appeared to forbid any form of protest. But this again only generated even more protest as demonstrations spread to regional governments. In mid-January, Kiev saw its first serious violence. And yet again, Yanukovich responded inconsistently. Rather than hunkering down, Yanukovich offered a major concession in response to renewed protests by firing the loyalist Prime Minister Azarov. But this did nothing to tamp down protests, which only became stronger. Surveys of protesters again showed that the main motivating factor for protesters was not Europe but opposition to Yanukovich's “violent repression against protesters.”

Then, on Feb. 19-20, Yanukovich made the fateful decision to do something that *no* leader in post-Soviet Ukraine had ever done: order security personnel to open fire on protesters in public. On the morning of Feb. 20, snipers in broad daylight opened fire on protesters in the center of Kiev – killing significant numbers of them. This action destroyed the regime in one fell

swoop. Not only did it completely isolate Yanukovich from the public at large, his own supporters began defecting in droves – including the mayor of Kiev. At this point, Yanukovich suddenly was deprived of support and had no choice but to flee. After he left the capital, his own Party of Regions completely distanced themselves from Yanukovich, blaming the deaths entirely on the president.

In sum, the fall of Yanukovich was hardly inevitable. It may have taken patience by Yanukovich to wait out the protests (in Iran anti-government protests in 2009 took six to seven months to completely peter out). But there is little reason to think that Yanukovich would not still be in office if he had simply done nothing but wait.

**#17**

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### **Ukraine in Context**

by Serhiy Kudelia

Foreign Affairs, 27 February 2014

The gist of Ukraine's Euromaidan was aptly summed up in leaflets recently distributed around Kiev that featured a big X over former President Viktor Yanukovich's crown-bedecked head. Indeed, current events in Ukraine bear more in common with Europe's anti-monarchical grassroots uprisings of the seventeenth and eighteenth centuries than with more recent rebellions. The Ukrainian protesters' primary motives were not nationalist grievances or democratic yearnings but popular repulsion at the unconstrained, arbitrary, and corrupt power of an absolutist sovereign and his retinue.

In the seventeenth century, Europe's absolutist monarchs faced no institutional constraints and could exercise power unilaterally. Neither parliament nor the court could overrule their judgments. And not only was power concentrated in the hands of the ruler but the rest of the "government" was designed to serve his or her needs. The monarchs formed their courts out of coterie of loyal minions who received exclusive access to privileges and rents, including noble titles and life-long public offices. These officials could, in turn, redistribute some of their private goods among their own servile lieutenants, but the monarch retained ultimate power to grant or revoke their privileged status.

Of course, such absolutist regimes were greatly varied, which, as the political scientist Francis Fukuyama noted in *The Origins of Political Order*, affected the patterns of their subsequent transformations. A stronger absolutism, which evolved in Russia, presumed the full subordination of different social groups to the monarch and an absence of space for autonomous action. Its stability depended on the coercive dominance of a single actor. So, for centuries, Russian emperors brutally suppressed rebellion at the first sign of it. In doing so, they managed to avoid the revolutionary upheavals that shook monarchs across Europe. The Bolshevik revolution succeeded only after the imperial court imploded from within.

By contrast, eighteenth-century France developed a weaker absolutism. The system was more decentralized and more dependent on the compliance of provincial elites, whom the king had to buy off. Weak absolutism thus required a balance of power between the king and the rent-seeking coalitions around him, with neither side dominating. Yet existing institutional checks, such as the Estates General and the courts, eventually proved ineffective in constraining the king and his aristocratic coalition. The non-nobles, as a result, had to bear the entire burden of paying for the state and the tax-exempt ruling class. The French Revolution thus started as a popular uprising against all elites.

Fast-forward a few centuries. Yanukovich entered his presidency to greet an empowered parliament, strong oligarchic cliques, and established traditions of patrimonial government. The system was ripe for absolutism, but not necessarily the old Russian model of strong absolutism. Namely, internal regional pluralism, a vigorous civil society, and prior experience with social

mobilization acted as safeguards -- and paved the way for recent events.

## Power Rules

In September 2010, a few months after Yanukovich's election, he pushed for a return to the presidential system (Ukraine had had a mixed system), which formalized his dominance over the legislature and the executive branch. Regional ties to his native Donetsk or personal ties to his family became two of the main criteria for government appointments. By September 2013, officials from Donbas, the metropolitan area that contains Donetsk, controlled half of all government ministries, including the lucrative energy ministry and the interior ministry, and occupied high-ranking positions in two-thirds of the country's oblasts. (Officials representing Yanukovich's family interests were in charge of the ministries with the largest rent-seeking opportunities, such as tax collection and duties, and oversaw the security apparatus.) Allies also held 40 percent of top jobs in the country's prosecutorial agency and 60 percent in the highest economic court. Meanwhile, Ukraine's venal bureaucracy, which had gone largely unreformed since the Soviet times, was all too happy to settle into the president's personal rent-collecting entourage.

Yanukovich fully subordinated the judiciary and opposition through coercion and reshuffling. The show trials of opposition leaders, rare even in Ukraine's tumultuous recent history, raised the costs of opposition activity to new highs. Major businessmen who had previously supported the more Western-oriented opposition had to switch their loyalties or risk their property. They were under siege in another respect as well: Yanukovich privatized major state assets and had his son or front companies buy them, thus expanding his family's holdings. He redistributed budgetary funds within his close circle through rigged government contract bids. The companies of his main oligarchic allies, Rinat Akhmetov and Dmytro Firtash, and of his son received more than half of the total value of contracts awarded over the previous two years (about 18 billion dollars).

Yanukovich's increasingly absolutist rule led to a gradual change in the power balance within the ruling coalition. Like other absolutists, once Yanukovich marginalized the opposition, many of his former allies became the next targets on the list. One of them, Valery Khoroshkovsky, a multimillionaire and former security service chief, fled to London. Others, including old Donbas cronies, just fell out favor as the amount of money available for Yanukovich to give out decreased. Eventually, he encroached too far on the property rights of some of its members. His unilateral withdrawal from the talks with the European Union over an Association Agreement, which most Ukrainian oligarchs had strongly favored, was the last straw in a bundle of arbitrary maneuvers that threatened their business interests.

Although many expected it, however, an open oligarchic revolt, along the lines of the Fronde against Louis the XIV in France, never happened. Although some elites offered indirect support to the opposition, including billionaire Ihor Kolomoyskiy, key businessmen remained loyal to Yanukovich until his final days. Like in other weaker absolutist states, as grassroots groups on the streets of Kiev and other cities tried to force Yanukovich out, the state institutions and his support coalition remained largely intact. The ruling Party of Regions stuck together and stalled the opposition's initiatives in the parliament, including by adopting tough sanctions on protesting. Similarly, the court system, which played a crucial role in settling the Orange Revolution, remained subservient, jailing numerous protesters. Finally, there were no major defections from within the security apparatus. The top brass followed Yanukovich's orders until the day he fled Kiev.

Such elite loyalty might seem particularly surprising; as political scientist Milan Svoblik has shown, betrayal by regime insiders has been the leading cause for the fall of autocratic rulers since the end of World War II. Yet it had precedents, particularly in states where the composition of the ruling elite was based on kinship ties, tribal loyalties, or, like in eighteenth-century France, an exclusive patrimonial relationship. Despite long-lasting unrest on the streets, Yanukovich was able to hold his regime together for a long time thanks to the clientelistic web of personal

dependencies and individual insecurities that he had learned to exploit so well. Political and financial backing from Russia also helped Yanukovich avert impending economic disaster, which could have accelerated his regime's collapse. As a result, once the regime started to sink, most of the crew waited for the captain to jump first before following his lead.

### Democratic Puzzle

Yanukovich's biggest weakness, and the source of his ultimate demise, proved to be his inability to establish authority over central and western Ukraine, including Kiev, which had voted for his opponents in the 2004 and 2010 elections. Over 80 percent of protesters on the Maidan, Kiev's Independence Square, arrived from these two regions. During his years in office, Yanukovich showed little sensitivity to their views, often adopting educational and cultural policies that were inimical to them. The last of those was his reversal on Ukraine's commitment to integrate with the European Union, which had been endorsed by overwhelming majorities in these regions. That move served as a trigger for protests, but it was the authorities' subsequent heavy-handed attempt to suppress riots that really fueled the uprising. According to the polls conducted over the last three months, two-thirds of protesters consistently named the government's harsh repression of protesters as the main reason for their own decision to come out to the Maidan. Less than a fifth named authoritarianism or integration with Russia as motives.

Unable to contain the revolt spreading through hostile regions, Yanukovich tried to use yet more lethal force in Kiev. Violent escalation, including random killings of protesters by snipers, only served to reinforce the impression of absolute power gone wild and strengthen the key motivation for opposing it. With two remaining options -- ordering mass bloodshed or surrendering his powers -- Yanukovich recognized the limits of his loyal troops and signed a deal with the opposition to shift most of his formal powers to parliament. This also sealed his fate. The moment the agreement was finalized, the coercive basis of his rule crumbled.

Yanukovich's fate was similar to those monarchs -- including Louis XVI -- who either failed to self-limit their powers or attempted to cling to them against all odds. Yanukovich successfully destroyed institutional constraints and subordinated other elites. But he underestimated what violence against citizens would do to his system. Although nationalist or democratic ideals played a role in motivating some protesters, it was ultimately their shared belief in the need to punish the sovereign's transgressions that united them. And it is this public commitment to the principle of restrained power that puts Ukraine on a democratic path, which many other European states traveled long ago.

It will take years for Ukraine to put all the institutional pieces of the democratic puzzle in place. Although the country has revived parliamentary primacy, it still lacks rule of law, genuine political parties, and a meritocratic civil service. Just like many other states exiting weak absolutism, it also has a parasitic, interconnected political class, which is very good at using populism and predation to prosper. The immediate challenge for Ukraine will be to cleanse itself of these vestiges of the past and start building from scratch those state institutions that would make its democratic progress irreversible. And if Ukraine's new political leaders are ever tempted by absolutism, they should think back to this month and to the people's spirit of resistance, which Yanukovich failed to heed. Ultimately, Ukraine's future will depend on the will of citizens rather than the opportunistic choices of elites. And it will be much more secure because of that.

**#18**

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### **Revolution in Ukraine: Take Three**

by Mykola Riabchuk

Eurozine.com, 28 February 2014

*Mykola Riabchuk is Visiting Research Fellow at the Institute for Human Sciences in Vienna*

Bohdan Solchanyk, a 29-year-old PhD candidate at the Ukrainian Catholic University, was shot dead by a sniper in the very centre of Kyiv on Thursday last week – alongside dozens of other protesters killed that day, as the government implemented the so-called "antiterrorist operation". I knew Bohdan personally, and I really wish all terrorists in the world were like him.

I knew him as a friend of my daughter. He was one of many bright people all over Ukraine with whom she networked in carrying out various projects or exchanged ideas and news via Facebook. Many of them were leftist, and some rightwing, but their heated ideological debates never became personalized. They learned to distinguish between ideas and people – something rather unusual in my generation and virtually non-existent among our predecessors.

Bohdan had always taken a reconciliatory stance. "When so many people are frustrated but passive", he argued, "any civic activity should be welcomed, regardless of our ideological disagreements. People transform themselves in the process of cooperation – when they gather in the streets, paint placards, write petitions, publish their own newspapers or journals or leaflets, fight for their legitimate rights and interests."

He was at the Maidan protests from the very beginning and was irrepressibly optimistic: "Look at these people", he told my daughter enthusiastically, "look at their commitment and solidarity! One simply has to stay with them, and fight for a better country!"

It is still not quite clear who ordered the bloodbath that day, but the fact is that most victims received very precise shots in the head or the chest – clear proof that the main goal of the "operation" was killing. The very labelling of the protesters as "terrorists" was actually entirely new in Ukraine. Until Yanukovich's return from Sochi, the protesters were smeared as "radicals", "fascists", and "putschists" in the pro-government propaganda, but the top officials refrained, in most cases, from this language. As long as they negotiated (or pretended to negotiate) with the leaders of opposition, they preferred to distinguish the "fascists" and "radicals" from those protesters with "healthier" intentions, promoting the latter group in order to distance themselves from the former.

The sudden emergence of the Putinesque term "anti-terrorist operation" in Yanukovich's post-Sochi parlance was ominous. It meant that everything was permitted and one should expect the worst. In 1999, as Anne Applebaum points out in the *Washington Post*, "the term granted Russian soldiers carte blanche to destroy Grozny, the Chechen capital. This is why so many reacted with horror when the Ukrainian defence ministry warned that the army "might be used in anti-terrorist operations on the territory of Ukraine."

The ruthless killing of nearly a hundred protesters completely delegitimized the regime – both domestically and internationally. Despite the regime's expectations, the protesters on the Maidan did not run away after the bloodshed but stood defiant. New people from all over the country rushed to support them, bypassing police cordons and transport blockades. Local councils in western regions took matters into their own hands, subordinated the local police, and renounced obedience to central government.

The prospect of civil war in a country of 46 million has finally forced the EU to shift its focus from words to deeds, and make sanctions against Ukrainian officials a reality rather than merely the subject of wishful thinking. This predictably triggered the split within the ruling party, as more and more of its members rushed to distance themselves from the government's criminal policies. Within a day, the regime fell like a house of cards, something that resembled the collapse of the Soviet authorities in 1991, and of their east European satellites two years prior to that.

Back then, the Ukrainian democratic and national liberation movement was hijacked by the communist *nomenklatura*, who could get along fine without party membership but not without their old habits. In 2004, Ukrainians made a second attempt to complete unfinished business. They staged a spectacular non-violent Orange Revolution that brought new people to power but

failed to enforce much-needed institutional change. They allowed their leaders to play with the rules rather than by the rules. And the resulting lawless, dysfunctional democracy compromised itself to such a degree that the Orange electorate punished their leaders by staying at home and observing how supporters of Yanukovich voted him into office by dint of a slight majority.

The result, as we know, was disastrous. In less than four years, the president and his team destroyed any remnants of an independent judiciary, privatized the police and security services and effectively monopolized both Ukrainian politics and the country's economy, both of which were handed over to the "Family" – the president, his two sons and their close friends, mostly from the Yanukovich's native Donbas region.

Under the circumstances, the third Ukrainian revolution turned violent, following the Romanian rather than Polish, East German or Czechoslovak pattern. Alexander Motyl, professor of political science at Rutgers University, predicted this a year ago. Then he wrote that in a society so humiliated and exploited as that in Ukraine, the masses are very likely to turn violent the moment the oppressors start to look vulnerable and weak, and individuals or groups with violent agendas are anyway at large. "The first two conditions", he argued, "are already present in Ukraine and both will only intensify as the economy continues to stagnate and Regionnaire abuse of the population continues. The third could easily emerge, especially if a brittle, sultanistic regime resorts to violence itself. Weak regimes often employ violence in the hope of quashing internal opposition. More likely than not, their violence only induces radically inclined individuals and groups within society to respond with violence".

Restoring order is the major task for the new Ukrainian government. Alexander Motyl believes that, "following the extensive institutional destruction wrought by Yanukovich and the Party of Regions, Ukraine will have to be reconstructed from top to bottom. Mere reform will no longer be enough. Even 'radical reform' may not quite accurately capture the magnitude of change that Ukraine will have to endure to emerge from the 'Yanukovich Ruin' politically energized and rejuvenated, rather than enervated and ossified".

But the problem is that the new Ukrainian government faces not only this strategic task but also numerous routine issues; like paying domestic and international bills, maintaining social order and curbing attempts at mob justice against the most hated members of the *ancien regime*. The EU's guardianship is highly important in these circumstances, but probably even more important is the emergence of new people with no history of corruption, or nepotism or of dubious business activities. Established politicians like Yulia Tymoshenko or Viktor Yushchenko should stay out of the political process: for the sake of the new Ukraine they had a chance to build in 2005, a chance that they pathetically failed to fulfil.

The Maidan should remain – at least for some time – and watch the new government's next moves. The main threat to the revolution comes not from Moscow or Kremlin-sponsored Crimean separatism. Nor does it come from the far-right groups that won some prominence during the struggle. The biggest threat comes from within – from old habits and old boy networks, from sophisticated corruption schemes and the funds of oligarchs (the unsavoury size and sources of which may be impossible to determine in full), and, finally, from the lack of much needed know-how as well as political will on the part of the revolutionaries. The rapid falls of *anciens regimes* are often deceptive. In most cases they are as resilient as the second model of James Cameron's Terminator.

The two Ukrainian revolutions – of 1991 and 2004 – rather pitifully illustrate the rule. The new revolution, however, was not nearly so peaceful. It cost the lives of so many bright and courageous people, that Ukrainian politicians simply have no moral right to spoil it by pursuing their selfish, partisan and parochial goals.

#19

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## **Enough Talks About Spheres of Influence**

By Catherine Ashton

Kommersant (Russia), 23 February 2014

[original English version, circulated by the "For Ukraine" newsletter]

*The head of European diplomacy Catherine Ashton replied to the article by Sergei Lavrov in Kommersant.*

In a recent article, Russian Foreign Minister Sergey Lavrov recognised how recent developments in Ukraine have sometimes – misleadingly – come to be seen as a standoff between West and East; as a zero-sum geopolitical game pitting one integration scheme against another.

He is right: this has been a common perception. But if we leave aside polemics and basic misunderstandings, and compare the visions set out in Mr Lavrov's article with those of the European Union, we can find a path of convergence and synergy.

The EU and Russia share the vision of a Common Economic Space from the Atlantic to the Pacific, strengthening our people-to-people links as well as our economies in the face of increasing global competition. This vision can become a reality if we build it on the basis of shared values, including respect for the independence of our neighbours and their freedom to pursue their own paths.

The EU's valued strategic partnership with Russia has already helped to deepen our economic ties, with 1 billion euro worth of trade each day. This brings growth to all our countries, and jobs to our citizens.

I welcome very much Mr Lavrov's clear and open statement that the on-going Eurasian integration process aims at harmonisation with that of the EU. This would be a strong step forward, helping to bring peace, stability and prosperity to all our neighbours.

The recent EU-Russia Summit was a chance to discuss all these issues with President Putin. We had a single item on our agenda: our strategic partnership, its shortcomings and potentials. We agreed that EU-Russia relations have great potential. President Putin stressed Russia's commitment to promoting stability and prosperity in our common neighbourhood, and he recognised that the EU's Eastern Partnership shares these very aims. But he also raised some concerns about the possible economic implications of the Eastern Partnership for Russia's economic interests.

Russia should have nothing to fear. Its historic, economic and social links with its neighbours are not under any threat. Global trade is the driver of growth for us all. And free trade has positive spill-over effects for others, creating greater demand and new business opportunities for everyone. Independent studies confirm that the EU-Ukraine Association Agreement, including a Deep and Comprehensive Free Trade Area, would not impact negatively on trade between Russia and Ukraine.

In fact, Russian businesses are particularly well placed to benefit from a more stable institutional framework in neighbouring countries, and from the more dynamic economies and stronger demand that will come from that. Russian-owned businesses in Ukraine would of course also benefit from immediate further access to the EU's internal market. And even if damaging surges of imports were to occur, there are safeguards that can deal with this under the rules of both the WTO and the existing agreements between Ukraine and Russia.

Russia already enjoys free trade agreements with most of its neighbours, including Ukraine. Like Russia, the EU is an important trading partner in the region - the first for most of its eastern partners. So it is only natural for the EU to offer free trade agreements to these countries. But no

one is being forced to choose; these countries can perfectly well have free trade agreements with Russia and the EU at the same time.

I was pleased that we agreed at our Summit to continue bilateral consultations on these important economic issues. We encourage Russia, as a member of the WTO since 2012, to embrace the great opportunities that come with genuine trade liberalisation. Our EU-Russia Partnership for Modernisation, which aims among other things at the alignment of technical standards for products, is another important tool to help boost our trade. In this context, we are working towards greater compatibility between different free trade regimes.

Russia's wish to see more countries join its Customs Union is an important factor in all this. We understand that wish. And we believe that those countries currently in the Customs Union also stand to benefit from closer ties with the EU. As President Barroso stressed at the Summit, we hope soon to make substantial progress towards a comprehensive new agreement between the EU and Russia, and we remain committed to the goal of an eventual free trade agreement. Based on WTO principles and respect for free choice, other countries may indeed wish to join such a very large free trade area from the Atlantic to the Pacific. But we need to move step by step, underpinning mutual trust and credibility by first fulfilling existing commitments.

And we insist that countries' strategic decisions need to be respected: those who may join the Customs Union in the future must do so of their own free choice. Georgia and the Republic of Moldova wish to deepen their political association and economic integration with the EU. There is no contradiction between this aim and maintaining good relations with Russia, and we expect our Russian partner to respect these countries' sovereign choices.

History and experience have told us that external pressure is not only unacceptable, but that it brings no long term solutions. In fact the sudden and unexpected change of mind by the Ukrainian President – after his country had negotiated its association with the EU for over five years – has led to the deepest political crisis in Ukraine since its independence because it thwarted the aspirations of millions of Ukrainians, not just for more trade with the EU, but for improved governance and better living conditions.

The situation in Ukraine is at the top of the EU's agenda. I was back in Kyiv a few days ago for my third visit since the onset of the crisis, meeting the President, the Government, as well as the opposition and civil society leaders. It is clear that Ukraine is at a critical juncture. What the EU is doing is not interference. We are trying to help Ukraine find a way out of the current crisis and towards a perspective for development.

I will continue to follow closely events in Ukraine. In the middle of a crisis it is often necessary to focus on short-term needs, and ending the violence and intimidation is our most pressing concern. But in our engagement we will focus too on the longer term – stability, rule of law, democracy and prosperity for the people of Ukraine, for the wider region, and for the benefit of us all.

When the European integration process was launched in the early 1950s, many doubted that such a bold scheme could work. But it has bolstered peace, security and prosperity in a way few believed possible, and become the largest integrated economic space and trading bloc in the world. Six founding members have become twenty eight today, attracted by the promise of mutual benefits, democracy and rule of law, combined with respect for the free choice of sovereign nations.

Today, nations to the east of the EU are also looking to integrate their economies more closely with ours and to reform their political institutions in line with the principles we have all committed to as members of the Council of Europe.

There is no reason why the EU and Russia should not be the closest of partners too, moving from a partnership of necessity to a much more ambitious and comprehensive partnership of choice.

Let us live up to our mutual responsibility of supporting a democratic Ukraine to regain political and economic stability. For the EU this is not about creating spheres of influence but about respect for the choice of the Ukrainian people – to create new opportunities with the EU without severing its traditional links.

Enough of the futile arguments about spheres of influence. Now is the time to act responsibly, to focus on supporting efforts in Ukraine to find a way out of its political crisis. The country needs an inclusive government that can work with the Rada in tackling the most immediate tasks: economic and financial stabilisation, constitutional reform and preparation for the next elections. It needs to regain confidence of the Ukrainian people.

The EU and Russia need to live up to the challenge of supporting this process now. This will also help us move forward in realising the huge potential for partnership between us.

**#20**

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### **What's Happening in Kiev Right Now is Vladimir Putin's Worst Nightmare**

by Julia Ioffe

The New Republic, 18 February 2014

I will not explain to you what is happening in Kiev tonight other than to say that it is Vladimir Putin's worst nightmare.

The last time that this many people came out to the Independence Square (the Maidan) in Kiev, nine years ago, protesters undid the election of Victor Yanukovich and brought to power a Western-friendly government. In the process, they scared the living daylights out of Putin. The reforms he began at the beginning of his term to limit electoral competition, sideline his critics, disable civil society, and atomize the population took on a renewed urgency. Out of the turmoil in Ukraine in 2004-2005 came the strange Russian concept of "sovereign democracy" (our way, when we're good and ready, i.e., never) and the often terrifying pro-Kremlin youth group Nashi run by a man who used to run with a gang that beheaded its victims. There was a wave of color revolutions in the former Soviet Space around then, in Georgia, in Kyrgyzstan, but the Orange Revolution in Ukraine was different because Ukraine is different. Ukraine is Slavic. Ukraine speaks Russian, even though the Western part insists on having its own tongue. Kiev is the cradle of Russian civilization. Ukraine, in Putin's mind, is almost just another province of Russia, one that, by some accident of history and politics, has a different government and a different name. He is said to have said as much to George W. Bush in 2008. "Don't you see, George, that Ukraine is not even its own state?" he is reported to have smirked.

If it can happen in Kiev, in other words, it can happen in Moscow.

When the pro-democracy protests broke out in Moscow in the winter of 2011-2012, I sometimes wondered why the police would so violently clear winter sit-ins in subzero temperatures when it seemed obvious that, give them a few hours, and the protesters would get sick of standing knee-deep in the snow and go home. Or why, for example, the police bothered to arrest two former members of Pussy Riot today. Why sweat the small things?

But Putin and the system he built *do* sweat the small things because Putin sees dissent as a slippery slope. He knows the cold has never stopped a single Russian revolutionary. One day people are camping out in a snowy fountain in Moscow, the next they've set up camp and put up barricades in the center of town, bringing traffic to a halt, sowing chaos, and toppling the government. It is the authoritarian take on the broken windows theory, turned upside-down.

What's been happening in Kiev this winter is a textbook case. Protesters came out to the Maidan to show their opposition against Yanukovich (once again). Despite the cold, they didn't go home. They were peaceful, but only at first. The police tried to clear the Maidan, but didn't use enough

force to finish the job. This brought out more protesters and, this time, they began to set up camp—and barricades. They turned the city's main square, a stadium, and one of its main streets into a war zone. They took over government buildings. The more Yanukovich negotiated with them, the more the negotiations chipped away at his legitimacy and his power.

All this after Putin had promised Yanukovich \$15 billion, but that's another story.

I have yet to interview Putin on the matter, but years of observing the man and the system he's built all point to one thing: he is watching Ukraine very closely and shaking his head. Instead of swiftly clearing the protests before they had a chance to gather momentum and not allowing them into the political system, Yanukovich dithered, thereby weakening himself.

In contrast, look at Putin's Moscow. The opposition has been fractured and scattered to the winds. They pose no clear or present danger to Putin's rule. Moscow traffic moves as much as traffic in Moscow can move. There are no hobo opposition camps, no barricades. Moscow, to the stranger's eye, has no complaints. This is Putin's coveted stability in action, and it is in stark contrast to the lack of it in Kiev. Moscow's liberals are watching Kiev with a mix of horror, envy, and admiration: they're just like us, but look at what they've been able to do against a president they didn't like. Which is why Russian state controlled television is also showing a live feed of Kiev burning: you want to overthrow the government, well, watch the tires burn black through the night and the dead bodies stack up. This is what instability looks like, this is what democracy looks like.

Last time Kiev had protests, Putin put the finishing touch on killing democracy in Russia. This time, he is already busy tightening the screws. He is cracking down on DozhdTV, Russia's last independent television station. He has ordered a propagandist makeover of RIA Novosti, a state-owned but fairly modern news agency, installing a fire-breathing ideologue to run it (this guy, if you're curious). Today, Ekho Moskv, Moscow's largest radio station that is often sympathetic to the opposition, got a new general manager, a woman with a decade-long resume of faithfully serving the state propaganda machine. State TV is broadcasting Goebbels-like "documentaries" about the opposition called "The Biochemistry of Betrayal." People who don't agree with Putin have found their sources of income choked off; many are fleeing the country.

Putin is tightening the screws, because this is what stability looks like and that, to Putin, by all accounts a man deeply traumatized by the chaotic, painful collapse of the Soviet Union, is worth any price. And the more unstable Ukraine gets, the tighter he'll turn them. Just you wait.

**#21**

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### **Ukraine Needs to Design New Rules of the Game**

by Stephan de Spiegeleire

Den', 24 February 2014

*Stephan de Spiegeleire is Director of Defence Transformation at the Hague Center for Strategic Studies*

Current discussions about Ukraine often miss one crucially important point. One of the main reasons why the country is in such turmoil is because the entire political system is profoundly dysfunctional. The country - like so many other countries - is shot through with various societal cleavages. But the difference with these other countries is that in Ukraine these fractures can not be adequately mediated by the current political setup. That is why we keep seeing these seemingly unbreakable cycles of radical political alternance (Kuchma-Maydan-Yushchenko-Yanukovych-Maydan-the current opposition leaders) punctuated by ever more violent eruptions of popular dissatisfaction. If we want to break out of this infernal - and ever more lethal - vicious circle, the country will have to spend some time redesigning more sustainable rules of the game. There has been (and continues to be) too much constitutional amateurism in Ukraine. The lives

that have been sacrificed demand a more sustainable and effective institutional setup that is more likely to save than to take lives.

At this particular juncture in time, the political center of gravity has decisively shifted to the Ukrainian Parliament (the Rada). The Rada - in sharp contrast to the executive branch of government (or to most post-Soviet parliaments) in Ukraine - has remained a vibrant (even if often just querulous and irrelevant) forum for open political debate. But unfortunately the Rada reflects the country's aberrant political economy much more than it does the real electoral balance of forces on the ground. That means that important segments of the Ukrainian population are now only perversely represented in this Rada by deputies who care much more about their particularistic (often even purely venal) business interests and clientelist obligations than about their actual electoral constituencies. This structural flaw is in my opinion further triply aggravated by the absence of a bicameral parliamentary system in the form of a 'senate' that would represent regional interests more than political ones. The absence of a bicameral system in Ukraine means, first of all, that there is no formal representation of the diverging regional sensibilities other than through the party system, which itself has arguably become more region-based than it would otherwise be because of this. Secondly, it means that laws do not have to go through some form of substantive 'quality control' coupled with a political double-check as to how (also regionally) politically sustainable they would be. Thirdly, it also means that Parliament (and - as a consequence - the entire country) is far too easily swept up in a frenzy of short-term political passions without the benefit of a cooling-off period in a senate. We have seen the pathologies that result from these structural flaws repeat themselves time and time again over these past few years - and even days.

What can be done about this? Two solutions suggest themselves - one in the immediate short term (over the next few days), and one in the more medium-term (in the weeks running up to the upcoming elections).

In the short term, these structural design flaws in the Ukrainian political setup imply that the current majority in the Rada has to resist the temptation to jump ahead of itself. That it has to think hard and deep about how the other, currently essentially disenfranchised, part of the Ukrainian population would respond to any new law it passes. About how such a law would affect the trust of the entire population of Ukraine in the very idea of the rule of law, and also in the credibility of the current (hopefully transitional) political system. A quickly drafted important law like the one passed by the Rada today deposing the president fails these two simple criteria. It is legally highly questionable. It is far removed from (and did not even refer to) the constitutionally established procedure for impeachment. Even its very title would not pass muster in a more quality-insured legal-political system. And it is also politically quite inflammatory, as it suggests that, just like the previous Rada, this one is quite happy to rubberstamp one-sided and ill-conceived documents. Without ANY discussion. The Ukrainian citizens who voted for the Party of Regions have excellent reasons to be legitimately dissatisfied about their representatives. They might even be on board with a number of laws against the kleptocratic Yanukovich-regime of which they too have been the victims. But pre-empting the 24 hours he had to sign (or not to sign) the law returning the country to the more balanced 2004 rules of the game is not legally correct and - more importantly - not politically smart. Especially since this also flies in the face of the European politicians who helped draft the agreement. As Martin Luther King once famously said: "Darkness cannot drive out darkness; only light can do that." The legislative process today was just too dark. And the majority should really raise its standards.

But even more importantly - and this is an important challenge for the medium term - the country needs to have a much more serious, inclusive and actionable discussion about the fundamental rules of the game. The Rada is clearly not the right vehicle for such a discussion. There has been too much Rada-driven constitutional amateurism in Ukraine. The so-called '2004 constitution' was a good example of this. This mistake should not be repeated. It is therefore of paramount importance that a broader forum be convened with all key stakeholders to 'design' a new constitution. Not just politicians, but also NGOs, business representatives, churches, opinion

makers, civil servants, etc. Every important 'cleavage' in the societal fabric of today's Ukraine should have the feeling that it is represented in such a round-table discussion. The debate should not take place behind closed doors but on a public and televised 'agora' (the Greek word for maydan). People's individual inputs should be encouraged and analyzed. The discussion should not be about individuals, parties, specific groups or regions, but about the fundamental rules of the game that all of these should play by. It would almost certainly benefit from international expert support as resides in the Council of Europe's Venice Commission (of which Russia is a part). The main topic of discussion should be the design of an appropriate governance setup that would allow for a more equitable and efficient aggregation of Ukraine's society's different values and interests. Topics to be discussed should include issues such as the advantages and disadvantages of a bicameral parliamentary system, of having two (or more) official languages, of having a more genuinely federal system, etc. It should discuss how to ensure genuine separation of powers (with a special focus on a truly independent judiciary), how to eradicate corruption, the role of business interests, the electoral law, how to find a proper balance between 'Europe' and Russia etc.

The current majority in the Rada is in a great hurry to hold presidential elections. It remains an open question whether this is the optimal course of action. Tensions in the country continue to run dangerously high. Centrifugal forces, especially in the East and South, are real. Yanukovich's position remains controversial. Russia's attitude remains unpredictable. Some argue that all of this pleads for 'locking in' what they see as the 'progress' that has been made in recent days and weeks. I wonder whether a better case could not be made for some strategic patience. The country needs some time to calm down, to lick its wounds and to absorb the changes. The current majority, which now seems more inclined to want to appoint a more 'political' coalition, might instead decide to appoint a more technocratic (but selected and approved by the current Rada) 'suicide' government. This government, which could consist of a number of highly and broadly respected Ukrainian professionals without strong political affiliation, could just spend the next few months before presidential elections later this year, to pass a set of politically and economically painful reform laws that have been suggested by the IMF and the European Union for quite some time now. While this government would be taking these tough but necessary decisions, a constitutional round-table could be designing new rules of the game that could be submitted to a national referendum at the same time as the presidential elections. Whoever would then be elected the new president of Ukraine would also have to operate by the rules of the game that would have been inclusively designed. This would - hopefully - also diminish the personality factor to the benefit of a more balanced, considered and rule-based approach. None of this would necessarily have to take that long. A deadline sometime in the late fall might focus the minds of all sides and diminish the temptation to stall. And it might incidentally also allow the different sides to take their time to identify their most promising presidential candidates.

There is a general recognition across all of Ukraine (and beyond it - from Vancouver to Vladivostok) that far too much blood has been spilled over these past weeks. There is absolutely no excuse for that. People who have committed those crimes (on both sides) have to be prosecuted to the full extent of the law. Thanks to the unprecedented video footage of these events - in and of itself a tribute to the surprising 'openness' of the country - there is more than enough forensic evidence to get to the bottom of these crimes. Also here international assistance is likely to be helpful. So justice and personal accountability will have to play an important part in restoring the social fabric of Ukraine's society and in - hopefully - deterring future repeat occurrences. I for one have little doubt that the country is up to that task. But if we truly want to forge a more sustainable purpose for the blood that has been spilled so unnecessarily, we really have to go beyond that. It is people who kill. But poorly designed institutions can greatly enhance OR mitigate the likelihood that people will resort to such extreme measures.

The current Ukrainian majority can now go two ways. It can choose the typical 19th century European way: claim victory and impose revenge. If it does so, it will most likely set off the next cycle of political alternance and bloodshed. Or it can opt for the late 20th century European solution and look for a more inclusive and (thus) sustainable redesign of its own institutional setup.

The fact that we did not see Middle Eastern (Syria, Iraq, etc.) savagery - even if we came close - suggests that Ukraine is not inexorably doomed to civil war or break-up and that there is a workable and sustainable way out of this crisis. But in order to give this way a chance, the current majority really has to start thinking more inclusively about Ukraine's future.

**#22**

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**Ukraine Can Now Fix Its Economy, If It Moves Fast**

by Anders Aslund, Peterson Institute for International Economics  
Financial Times, 25 February 2014

Happily, Ukraine has achieved a democratic breakthrough. The country's economy, however, remains in crisis. There has been no growth for two years. Last year Ukraine's current account deficit was 8.9 percent of gross domestic product; its budget deficit represents 8 percent of GDP. The country is running out of currency reserves. It has not been able to borrow on international markets for a long time. Indeed, it was these economic ills that forced Viktor Yanukovich, the impeached president, to lead his country into the arms of Vladimir Putin's Russia.

Yet these problems are curable. Their main cause was a president who cared little about the health of Ukraine's economy. For the past four years Mr. Yanukovich's sole ambition has been to enrich his family and cronies. A reasonable estimate of the family's wealth is \$12 billion.

In order to eliminate corruption and embezzlement Ukraine needs a radical, comprehensive, and swift economic reform program with plenty of international financing, a large proportion of which should arrive soon. Two obvious agents for these reforms are the International Monetary Fund (IMF) and the European Union.

A radical reform program should be easier to undertake in Ukraine today than in many countries that have faced similar crises in the past. The country is ready; the catastrophe Mr. Yanukovich left behind is obvious to all. In Ukraine, financial stabilization primarily means an anticorruption program, which should be carried out fast to prevent new players from exploiting old opportunities.

The Russian threat is palpable; reform is now a matter of national integrity. Ukraine has many well-trained specialists and plenty of old reform plans on the shelves of its ministries. Now they can finally be implemented. The West is fully aware of Ukraine's conundrum and ready to provide substantial financing.

The first measure should be to identify and freeze the embezzled and extorted assets of the Yanukovich family and its closest conspirators. Kiev will need energetic international assistance to find and confiscate these stolen funds. They could significantly improve Ukraine's financial situation. The country's currency reserves also need to be secured. In sudden regime changes, such funds are often stolen.

Kiev has never stuck to any IMF program for a full year. This is one reason why any new stabilization plan should not last for more than 12 months but should be all the more radical. The IMF has long made clear what needs to be done. Presumably it will send a mission next week, and it can disburse a considerable amount by late March. The total financing needed for one year is probably \$15 billion; between \$10 billion and \$12 billion of this could come from the IMF, and the rest from the European Union.

To improve the balance of payments, Ukraine needs to devalue the hryvnia more. It has already fallen from 8 hryvnia per dollar to 9.8 hryvnia but could usefully fall a little more. Corrupt public expenditures accounting for several percent of GDP should be stopped immediately. They consist of subsidies to various companies, notably in the coal and gas industries.

For the past two decades, more or less the only way to get rich in Ukraine was to buy gas at low state-controlled prices and sell it at (much higher) market rates. This must come to an end. The

new government should stop gas subsidies, which alone would cut government spending by 2 percent of GDP. Some of that should be redirected to social welfare programs for the poor.

Since 2010, government procurement has been infested with corruption. Mr. Yanukovich handed contracts to his family and cronies on ludicrously favorable terms, paying approximately twice the market price. Competitive public procurement must be introduced.

The necessary reforms go deeper, however. A corrupt state needs to be cleansed, and the European Union is the best agency to do this. The new Ukrainian government is willing to comply with its demands for democracy and the rule of law. The European Union should then sign its long-delayed association agreement. This should happen no later than March. Sixty state agencies in various EU countries have already concluded so-called twinning agreements that aim to refashion their Ukrainian counterparts in their image. This is the great anticorruption reform.

A free-trade agreement with the European Union will open a vast market to Ukrainian producers. Agriculture is already booming. The country could easily become a major recipient of foreign investment.

It is hugely ambitious. But there are encouraging precedents. Georgia is an example of a former Soviet republic that has conquered corruption. Ukraine might consider asking for help from Mikheil Saakashvili, Georgia's former president, and his team. The thaw is coming. With luck, the seeds of Ukraine's potential will finally have the chance to sprout.

**#23**

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### **Best Road from Kyiv to Moscow? *Via* Brussels**

by Oleh Havrylyshyn, George Washington University

23 February 2014

[first published on UKL]

With the victory of the EuroMaidan, Ukraine is ready to address the root causes of its democratic and economic lags. These are many and include catch-up on 20 years of economic liberalization, legal and legislative reforms, and dealing with the East-West divide that was so important to the preparedness of Yanukovich to use violence against protesters. Yanukovich knew much of the population of the South-East supported him and his decision to not sign the EU Association Agreement. The regional differences are partly historical but on the issue of EU vs. Eurasia Union they may be to a large extent due to a "disinformation division" in Ukraine. Many Easterners believe in the myth that such a deal would mean a loss of exports to Russia, and consequently a loss of their jobs in Southeastern factories like Nord Refrigerators. This belief is not only wrong, it is a piece of propaganda pushed by those whose personal interests are threatened by the EU direction, and reinforced by Moscow's intentional restrictions on imports from Ukraine, which probably contravene rules of the World Trade Organization (WTO).

Most analysts note the overwhelmingly superior long-term economic benefits of integration to the 10-times larger EU economy, but as was common in the history of beneficial trade agreements, at least part of the population fears they will be the losers, certainly in the short-run. But, in this case, there is absolutely no reason to expect that exports to Russia would fall, either in the short or long term. On the contrary, they are likely to rise. To begin with, the Association Agreement contains nothing that restricts Ukrainian exports: it has a long period of phasing in, allowing adjustments by Ukrainian producers, and does not preclude any future trade agreements by Ukraine. WTO membership allows for multiple agreements, as the current negotiations by two members of the North American Free Trade Agreement (NAFTA) for free trade with the EU show. Furthermore, all econometric modelling of Ukraine's "natural" trade patterns, and many have been done since 1991, clearly show that Russia will always remain a large trading partner of Ukraine, with exports at about the current 25-30 % of the total. It then follows that the GDP growth stimulus of the EU

orientation will result in more imports from Russia, and unless artificial restrictions continue, more exports to Russia.

Sometimes the misperception of declining trade with Russia is due to using the wrong benchmark, namely regional trade in the Soviet era. Before 1990, external trade of the Soviet Republics and Central European socialist states was artificially oriented inward within the Comecon area. After its breakup, trade quickly turned outward, towards more natural and much higher trading shares outside the Bloc, in particular with Western Europe. Thus, instead of the earlier export shares to Europe of 5-20% (depending on the country), this soon reached levels of 60-80% in some countries of Central Europe, and in Ukraine over the last decade it has been about 25-30%. That the share to Russia fell around 20-25% was an entirely natural and predictable “correction” of the Soviet period distortion and is seen in all former Socialist countries. Indeed, the current geographic shares observed among the post-communist countries are quite close to the numerous projections made by economists since 1990, as noted regarding the 25-30% for Ukraine.

Thus, among economists, there is a broad consensus that the relative market shares of different destinations are now “about right” and were Ukraine to sign on to the Association and Deep Free Trade Agreements, the main impact would not mean changes in the shares, but rather, and more felicitously, an increase in the overall volume of exports. It is well-known that exports have been one of the main drivers of economic growth in low-income countries, amply demonstrated by the recent experience of China and other Asian countries. As integration with EU increases, lower tariffs will mean a growth of exports to the EU, without any diversion from exports to Russia, indeed the increased efficiency and capacity of Ukrainian exporters will stimulate sorely needed GDP growth. It is often said the Russian market is important because it accepts lower quality of manufactured products from Ukraine, but as efficiency improves, there is no reason for these lines to be dropped, and every reason for Ukrainian producers to also sell to a higher-quality Russian market segment. The example of Volkswagen’s investment in Czech Skoda factories as a platform for exports eastward has every chance of success in Ukraine. For instance, the Western company Indesit may invest in the Ukrainian company Nord to sell in Russia and elsewhere.

Where trade relation amongst former Socialist countries have been left largely to rational decisions of the market, as with Polish exports to Russia, the evidence against the “lost exports myth” is dramatic. In the mid-eighties, under the forced inward-orientation, these were about \$3 billion, then, as expected, they fell to a low of about \$1.3b. in the mid-nineties. As the regional recovery began under more natural trade-relations, this grew steadily reaching nearly \$4b at the time when Poland became an EU member (2004). After membership it not only did not fall, but in fact boomed, reaching \$10b in 2012. The path of Russian exports to Poland was entirely parallel, clearly a case of the fact that trade agreements in the end are a positive-sum game, as they always have been in history.

The importance of such a potential trade transformation is enormous. The lack of such a change in Ukraine so far is exactly the reason that Poland, which had a per capita income and standard of living in the Soviet period that was similar to that of Ukraine, by 2012, according to World Bank data, had one of \$12,800, more than three time greater than Ukraine’s 3,800, a figure that puts it in the company of Albania, Tunisia, El Salvador, and Paraguay. Some in Central Europe have leaped ahead even more: the Czech Republic, at nearly \$20,000, is moving rapidly to regain its interwar ranking as one of the most advanced and richest economies of Central Europe. New EU members with the poorest records have surpassed Ukraine: Bulgaria, which in the Soviet period was probably below or at best equal to Ukraine, now has a per capita income nearly twice as high, at about \$7,000.

Of course, all of the above evidence that EU integration need not reduce exports to Russia is an inconvenient truth for those wanting closer Moscow ties for different reasons—geo-strategic in Russia, personal finances in Ukraine. Therefore, we have seen in the past year widespread

efforts to claim exactly the opposite, to insist that more trade with the EU means less trade with Russia, indeed to take steps like restrictions to “prove” this practice. Those who favor closer ties with Europe for either political or economic reasons or both, should be working hard to dispel this myth. And, in particular, they need to reach out to the population of the South-East to convince them that the EU orientation is not meant to reduce exports to Russia. On the contrary, large exports to Russia are entirely natural and will be maintained and even increased. The title phrase implying that the best way to improve trade relations with Russia is via greater EU integration may seem paradoxical, even a cute fantasy. In fact, the concrete argument given here, and 25 years of Central European experience, confirms its verity.

**#24**

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**From:** Fredrik M Sjoberg <[fredrik.m.sjoberg@gmail.com](mailto:fredrik.m.sjoberg@gmail.com)>  
**Date:** Tuesday, February 25, 2014 6:37 PM  
**Cc:** "[Eherron@ku.edu](mailto:eherron@ku.edu) Herron" <[eherron@ku.edu](mailto:eherron@ku.edu)>  
**Subject:** Re: UKL466 (Crossing the Line in Ukraine)

Dear Dominique,

Hope all is well with you.

I very much look forward to seeing you at ASN this year. Actually, given what's happened in Ukraine, my co-author and I have decided to launch a new data collection initiative to better understand what's going on in Ukraine. We aim for presenting some first initial findings at the ASN (instead of the paper about the 2012 elections). Any chance that you can help spread the word? We are looking for contributions, see more at <http://igg.me/p/688702/x/6432619>.

Thanks a lot!

Sincerely,  
Dr. Fredrik M. Sjoberg  
World Bank - ICT4Gov Consultant  
New York University - Postdoctoral Scholar  
<http://sites.google.com/site/fredrikmsjoberg/>  
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**#25**

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**Situation in Ukraine**

European Parliament resolution of 27 February 2014 on the situation in Ukraine  
[www.europarl.europa.eu](http://www.europarl.europa.eu)

*The European Parliament,*

- having regard to its previous resolutions on the European Neighbourhood Policy, on the Eastern Partnership (EaP) and on Ukraine, with particular reference to its resolution of 6 February 2014 on the situation in Ukraine,
  - having regard to its resolution of 12 December 2013 on the outcome of the Vilnius Summit and the future of the Eastern Partnership, in particular as regards Ukraine,
  - having regard to the European Council conclusions of 19-20 December 2013,
  - having regard to the conclusions of the extraordinary meeting of the Foreign Affairs Council on Ukraine of 20 February 2014,
  - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas since the decision of the Ukrainian President and Government to suspend the signing of the Association Agreement, hundreds of thousands of people have spontaneously taken to the streets all over the country to demonstrate in favour of European integration; whereas in Kyiv the demonstrators have been peacefully occupying Independence Square

(Maidan Nezalezhnosti), calling for strong political change with a view to making the government review its decision;

B. whereas the authorities under President Yanukovich clearly violated the law by authorising the security forces to use live ammunition against the protesters and by deploying snipers on roofs in and around Independence Square, which since late November 2013 has been the epicentre of an anti-government and pro-European protest; whereas protesters and bystanders were executed on the streets of Kyiv, provoking international outrage and condemnation;

C. whereas, at the same time, three foreign affairs ministers from the EU travelled to Kyiv in an effort to mediate a compromise solution between President Yanukovich and the opposition; whereas they managed to broker an agreement on a roadmap for a peaceful and democratic exit from the crisis; whereas the Russian special envoy also facilitated the agreement, but without co-signing it;

D. whereas, as a consequence, the EU decided to impose targeted sanctions, including an asset freeze and a visa ban, on those responsible for human rights violations, violence and use of excessive force; whereas the Member States agreed, furthermore, to suspend export licences on equipment which might be used for internal repression and reassess export licences for equipment covered by Common Position 2008/944/CFSP;

E. whereas the citizens of Lviv and Donetsk took the initiative of using the Russian and Ukrainian languages respectively in their daily business of 26 February 2014 as a gesture of solidarity and unity for the whole country;

F. whereas the Verkhovna Rada adopted a resolution on 21 February 2014 denouncing the 'anti-terrorism' operations and demanding that the security forces withdraw from the centre of Kyiv; whereas, by doing so, the parliament demonstrated its determination to play a central role and to take control of the situation in the country; whereas, the following day, it voted on the dismissal of President Yanukovich, the return to the 2004 Constitution, early elections on 25 May 2014 and the release of former Prime Minister Yulia Tymoshenko;

1. Pays tribute to those fighting and dying for European values, and expresses its deepest condolences to the families of the victims, strongly condemns all acts of violence and calls on all Ukrainian citizens, along with political and civic leaders, to act with the utmost responsibility in this historic moment for Ukraine;

2. Firmly condemns the brutal and disproportionate action of anti-riot forces such as Berkut, snipers and others that led to the dramatic escalation of violence; deplores the deaths and injuries sustained on all sides and expresses its most sincere condolences to the families of the victims; warns that any further escalation of violence would be disastrous for the Ukrainian nation and could undermine the unity and territorial integrity of the country; stresses that it is now of paramount importance that all parties demonstrate a sense of responsibility, restraint and commitment to an inclusive political dialogue, and exclude extrajudicial retaliation; urges all political forces to work together at this critical juncture for Ukraine and to facilitate compromise solutions, taking clear distance from extremists and avoiding provocation and violent actions that might fuel separatist moves;

3. Welcomes the responsible role played by the Verkhovna Rada in assuming its full constitutional functions and filling the political and institutional vacuum created by the resignation of the government and the dismissal of the President, who was then ousted by the Parliament; takes note of the measures adopted so far by the parliament with regard, in particular, to the return to the 2004 Constitution, the decision to hold presidential elections on 25 May 2014, the decision to withdraw police and security forces, and the release from prison of Yulia Tymoshenko; stresses how important it is that the Ukrainian Parliament and its members continue to abide by the rule of law;

4. Commends the people of Ukraine on the orderly change in power and on their civic resilience in the past few months, and underlines the fact that this civic and popular protest serves as an example and will mark a watershed in the history of Ukraine; stresses that this democratic, civic victory should not be marred by any spirit of revenge or acts of retribution towards adversaries, or by political infighting; stresses that those who committed crimes against the citizens of Ukraine and who misused the power of the state should face independent trials; calls for the setting-up of an independent commission to investigate, in close collaboration with

the Council of Europe International Advisory Panel and the OSCE, the human rights violations that have taken place since the beginning of the demonstrations;

5. Supports the EU's approach, which combines intensified diplomatic efforts with targeted sanctions against those responsible for ordering human rights abuses related to political oppression; calls for the enactment of the targeted sanctions as agreed by the Foreign Affairs Council and urges the Member States to implement their own anti-money-laundering legislation to stop the flow of embezzled money from Ukraine, and to ensure the return of stolen assets deposited in the EU; considers that a truly independent investigation of the crimes committed should start immediately and that the targeted sanctions should be lifted as soon as the situation in Ukraine improves and such an investigation of the crimes committed starts to deliver results; calls for an investigation into the massive embezzlement of state funds and assets by the cronies and 'family' of ousted President Yanukovich, for the freezing of all their assets pending clarification of how they were acquired and, where they are proved to have been stolen, for the return of such assets by the governments of the Member States;

6. Urges the Commission, the Member States and international humanitarian organisations to deploy quick, robust and direct medical and humanitarian assistance for all victims;

7. Calls on all sides and third countries to respect and support the unity and territorial integrity of Ukraine; calls on all political forces within Ukraine and all the international actors involved to commit themselves to work for the territorial integrity and national unity of Ukraine, taking account of the cultural and linguistic composition of the country and its history; calls on the Ukrainian Parliament and the incoming government to respect the rights of minorities in the country and the use of Russian and other minority languages; calls for the adoption of new legislation in line with Ukraine's obligations under the European Charter for Regional or Minority Languages;

8. Recalls that the existing borders of Ukraine were guaranteed by the United States of America, the Russian Federation and the United Kingdom in the Budapest Memorandum on Security Assurances when Ukraine relinquished nuclear weapons and joined the Nuclear Non-Proliferation Treaty (NPT); reminds the Russian Federation that, together with the two other countries mentioned above, it committed itself in the same act to refraining from economic coercion designed to subordinate to its own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind;

9. Stresses the importance of not losing momentum in addressing the root causes of the crisis, and establishing people's trust in politics and the institutions; believes, furthermore, that this requires constitutional and structural reforms aimed at the creation of an effective system of checks and balances, a closer link between politics and society, the rule of law, accountability, and a truly independent and impartial judicial system and credible elections;

10. Welcomes the conclusions of the extraordinary Foreign Affairs Council of 20 February 2014 and, in particular, the decision to introduce targeted sanctions, including an asset freeze and a visa ban directed against those responsible for human rights violations, violence and the use of excessive force, and to suspend export licences for equipment that might be used for internal repression; notes the enormous impact that these sanctions have had on Ukrainian public opinion, and is of the opinion that these measures could have been adopted earlier; takes the view, however, that these sanctions should be maintained as part of the EU policy towards Ukraine during this transitional period;

11. Welcomes the release of former Prime Minister Yulia Tymoshenko from prison, and hopes that her release will symbolise the end of selective and politically motivated justice in Ukraine; demands the immediate and unconditional release of all the demonstrators and political prisoners who have been illegally detained, the dropping of all charges against them, and their political rehabilitation;

12. Urges all political forces to work together, at this critical juncture for Ukraine, towards a peaceful political transition, an ambitious and broad-based reform agenda and a European-standards-oriented government, to uphold the unity and territorial integrity of the country, and to facilitate compromise solutions for the future of Ukraine; calls on the interim authorities to guarantee democratic rights and freedoms to all democratic political forces and to prevent attacks against any of them;

13. Stresses that it is for the Ukrainian people – and for them alone – to decide, free from foreign interference, about the country's geopolitical orientation and which international agreements and communities Ukraine should join;
14. Condemns the attack on and destruction of the headquarters of the Communist Party of Ukraine and other parties, and the attempts to prohibit the Communist Party of Ukraine;
15. Reiterates that the Association Agreement / Deep and Comprehensive Free Trade Agreement (DCFTA) is ready for signing with the new government, as soon as possible and as soon as the new government is ready to do so;
16. Welcomes the fact that out of the three benchmarks set by the Foreign Affairs Council of 2012, the one on ending selective justice (including the imprisonment of Yulia Tymoshenko) has been met, while the remaining two, on justice and the election systems, these being the demands of the protest movement, are already the subject of profound change and reform, which will hopefully soon be completed by the new coalition government and supported by the new parliamentary majority;
17. Calls on the Commission to work together with the Ukrainian authorities to find ways to counterbalance the effects of the retaliatory measures adopted by Russia in order to stop the signing of the Association Agreement, as well as of possible new measures; welcomes the announcement by the EU Commissioner for Economic and Monetary Affairs and the Euro, Olli Rehn, of the EU's readiness to provide a substantial, ambitious, both short- and long-term financial aid package, once a political solution is in place based on democratic principles, a commitment to reform and the appointment of a legitimate government; calls on Russia to adopt a constructive attitude so as to create the conditions for Ukraine to benefit from bilateral relations with both the EU and Russia; urges the EU and its Member States to speak to Russia with one voice in support of the European aspirations of Ukraine and other EaP countries that freely choose to deepen their relations with the EU;
18. Expects the Council and the Commission to come forward as soon as possible, together with the IMF and the World Bank, with short-term financial assistance and a balance of payments facility, complemented with a long-term package, together with the EBRD and the EIB, of financial support to help Ukraine tackle its worsening economic and social situation and provide economic support to launch the necessary deep and comprehensive reforms of the Ukrainian economy; calls for an international donors' conference to be held without undue delay; calls on the Commission and the EEAS to make the best use of funds available for Ukraine under the existing financial instruments and to consider making additional resources available for Ukraine as soon as possible;
19. Acknowledges that widespread corruption at all levels of government continues to hamper Ukraine's potential to develop and is undermining the confidence of citizens in their own institutions; urges the new government, therefore, to make the fight against corruption a top priority in its programme, and calls for the EU to assist these efforts;
20. Stresses the urgent need to set up a truly independent and impartial judicial system;
21. Calls on the Council to authorise the Commission to speed up the visa dialogue with Ukraine; stresses that the swift finalisation of the visa liberalisation agreement – following the example of Moldova – between the EU and Ukraine is the best way to respond to the expectations of Ukrainian civil society and youth; calls, in the meantime, for the immediate introduction of temporary, very simple, low-cost visa procedures at EU and Member State level, together with strengthened research cooperation, expanded youth exchanges and increased availability of scholarships;
22. Takes the view that the DCFTA provisions do not represent any commercial challenges for the Russian Federation and that the Association Agreement is no impediment to Ukraine's good relations with its eastern neighbour; underlines that instability in the shared neighbourhood is neither in the EU's nor in Russia's interest; emphasises that applying political, economic or other coercion is in breach of the Helsinki Final Act;
23. Takes note of the decision to hold presidential elections on 25 May 2014; underlines the need to ensure that these elections will be free and fair; strongly encourages the Verkhovna Rada to adopt the necessary electoral legislation in line with the Venice Commission recommendations, including a renewed law on the financing of political parties that addresses the issues identified by GRECO and the OSCE/ODIHR; encourages international observation of the upcoming

elections and declares its readiness to set up its own observation mission for this purpose through a substantial European Parliament election observation mission; believes that legislative elections should be organised swiftly after the presidential elections and before the end of the year; calls on the Commission, the Council of Europe and the OSCE/ODIHR to provide reinforced pre-election support and a substantial long-term election monitoring mission so that the presidential elections scheduled for 25 May 2014 can be held in accordance with the highest standards and produce a result all contenders can accept; calls for detachment of European Parliament staff to the EU delegation in Kyiv for a transitional period leading up to the elections;

24. Welcomes the recent recognition by the Council that the Association Agreement, including a DCFTA, does not constitute the final goal in EU–Ukraine cooperation; points out that the EU stands ready to sign the AA/DCFTA as soon as the current political crisis is resolved and the new Ukrainian authorities are ready for a serious European perspective; stresses furthermore that Article 49 TEU refers to all European States, including Ukraine, which may apply to become a Member of the Union, provided that it adheres to the principles of democracy, respects fundamental freedoms and human and minority rights, and ensures the rule of law;

25. Stresses the importance of secure, diversified and affordable energy supply as a pillar of economic, social and political transition and of securing a competitive and prosperous economy for all Ukrainians; in this regard underlines the strategic role of the Energy Community, of which Ukraine holds presidency in 2014, as the only treaty currently connecting Ukraine and the European Union.

26. Expresses support for the civil-society and non-partisan initiative to set up a ‘Maidan Platform’, in order to develop a strategy to overcome the endemic corruption in Ukraine;

27. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the acting President, Government and Parliament of Ukraine, the Council of Europe and the President, Government and Parliament of the Russian Federation.

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