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UKRAINE'S EUROMAIDAN: QUESTIONS FROM THE (R)EVOLUTION

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Why Does All This Matter?

The pictures of Kyiv on fire in early 2014 have attracted the attention of the world's media, with Molotov cocktails, barricades and injured journalists making headlines. This is in sharp contrast to the previous two months, when hundreds of thousands of people were coming every Sunday to the main square – Maidan Nezalezhnosti (Independence Square) – in peaceful protest.

Many in Europe still remember the optimistic mood conveyed by the photographs of the so-called Orange Revolution of 2004, aimed at securing fair and democratic elections. But events in the winter of 2013-2014 are quite different from those of ten years earlier. Some Ukrainian journalists have already branded the events as “a revolution of responsibility,” meaning that, compared to the Orange Revolution of 2004, people are finally taking responsibility for events and for their future. In 2004, there was a single leader, Viktor Yushchenko, with a single unaltered goal, even during the protests – to put an end to the massive rigging of the presidential elections. The authorities, at the time, made no attempt to crack down but understood the need for negotiations and agreed to the involvement of foreign mediators. In 2013-2014, there are no foreign intermediaries, and even the special envoys from the EU (European Union) and the US (United States) cannot be considered as mediators.

Whereas in 2004 Ukrainians referred to the ‘awakening of the nation’, in 2013-14 they identify the protests as an “awakening of civil society and citizens”. The people assembling in the streets were not waiting for politicians to make decisions; they showed high levels of self-organization, commitment, responsibility and compassion.

For the protesters standing in the city centre it is not enough simply to change the government or to punish those who are guilty of brutal crackdowns. People have realized the need to change the system. Little does it matter to most whether they have a parliamentary or presidential republic, as long as they have a free, independent and responsible state which stands against corruption and safeguards human rights.

The Ukrainians did what the Armenians could not do in September 2013, when Armenia's President Serzh Sargsyan declared the country's intention of joining the Russian-led Customs Union, instead of pursuing its European aspirations or balancing between two unions, as part of their official foreign policy of complementarity. This change of course happened unexpectedly, after Sargsyan visited Russia.

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Some experts expect a spillover from the current events in Ukraine. Above all, they expect a spillover of democracy and political change in countries such as Belarus, Russia and Azerbaijan, whose flags can also be seen waving at the “Euromaidan” demonstrations in Kyiv. It is not rare to hear it said that, if Ukrainians fail, “we will never be able to even dream about freedom and democracy.” However, what is expected is no domino effect comparable with that of the early 1990s, but a point of no-return in favour of democracy and real sovereignty for the post-Soviet states.

(R)Evolution?

The protesters’ slogan, “Come to Maidan not for the politicians, but for yourself,” demonstrates that, despite the political fatigue felt by the citizens and the disappointment with politicians who have not lived up to the high expectations placed on them by the people in 2004, Ukrainians are not ready to give up on their need for democratic rights.

In most European countries, when protests take to the streets, the cafés, banks and offices in those districts typically close. In Ukraine, for two months before the 19 January clashes, none of the cafés or offices in the city centre closed their doors or boarded up their windows; instead, they actually allowed people to come inside, warm up, and enjoy free tea. Football fans (ultras) belonging to the different clubs organized themselves to patrol their towns, and to keep the people coming to the small “maidans” in their cities safe.

Whether they were famous singers and writers, celebrities like Miss Ukraine 2013, CEOs such as the Director of Microsoft Ukraine, or students, journalists, academics, workers, investment bankers, retired officers having served in Afghanistan, directors of think tanks, mothers with small children, small businessmen, or office workers able to join in only after 6 p.m., the faces in Euromaidan were all different but united.

Compared to 2004, the uniqueness of the current protests is that for a long time there was no single leader. When the Western media identified Vitali Klitschko, a leader of the UDAR (Ukrainian Democratic Alliance for Reforms) party and a famous boxer, as a leader of the protests, it was only partially true. For the first few weeks, demonstrators standing in the maidan were not allowing any politicians to come to the stage, saying this was not their protest, since they had already had their chance in Parliament. Only later were the three opposition leaders – Vitali Klitschko, who came to politics only in 2006; Arseniy Yatsenyuk, a leader of the Batkivshchyna Party (formerly led by the imprisoned Yulia Tymoshenko); and Oleh Tyahnybok, a leader of the nationalist “Svoboda” party – allowed to join the protests (but not lead them). Politicians and members of Parliament were necessary, since it was easier for them to communicate with the government and to protect people in some situations, but the protests gave birth to a plethora of activist leaders coordinating their groups or initiatives. Now, when the Opposition Troika go to negotiations, a mandate is first received from the people in Euromaidan.

The escalation in demands and the consequences of the events of the last two months are reminiscent of a snowball effect. Those who came to the main square on 24 November 2013 were mostly young people, protesting only against the sudden decision of the Ukrainian government to postpone the signing of the Association Agreement with the EU. The reaction – and the statements issued – by Prime Minister Azarov and members of the ruling Party of Regions, *de facto* rejecting their responsibility, together with the various crackdowns, led to even more people turning out on the streets, demanding the resignation of the Cabinet and the punishment of the police officers responsible for the repression.

“*Ukraine is Europe*” was probably the most popular slogan seen on the protesters’ posters within the first weeks. However, with the brutal actions of the police and the perceived unaccountability of the government, the slogan was replaced by complaints about internal contradictions and generalized discontent. If the Kharkiv Agreement of 2010 (allowing the Russian Black Sea Fleet to stay in Ukrainian waters for an additional 25 years, in exchange for a questionable discount on the price of gas) led only to tough political discussions, the 180 degree turn-about in Ukraine’s European prospects was perceived as totally unacceptable.

The new maidan very quickly came to be known as the Euromaidan, not only to distinguish it from the 2004 Orange Revolution, but also to emphasize the driving force behind current protests. In order to off-

set these feelings, the members of the Party of Regions, including then Prime Minister Azarov, in support of the Presidential policy painted the EU as a monster. They claimed the EU wanted Ukraine to sign a damaging agreement, resulting in people losing their jobs, and a visa liberalization regime with “the EU asking to legalize same sex marriages.” That did not stop Mr Azarov from moving to Vienna the day after his resignation.

International reaction was quick. As a result of the first crackdown, the North Atlantic Council, NATO’s supreme decision-making body, condemned the use of excessive force against peaceful demonstrators in Ukraine and called on all parties to refrain from provocation and violence. In addition, the OSCE Chairperson-in-Office underlined the need for Ukraine to abide fully by its international commitments and to uphold freedom of expression and assembly.²

The European Parliament’s resolution of 6 February 2014 on the situation in Ukraine states: “despite international pressure, the Ukrainian authorities continue to pursue a policy of intimidation, repression, torture and violence against protesters, which has resulted in more than 2,000 people being injured, many people being abducted and at least six people killed.”³ The text continues with a statement that the Parliament: “welcomes the democratic spirit and resilience of the Ukrainian people after two months of courageous protests which have met with a brutal response from the authorities”.

The adoption by the Ukrainian Parliament on 16 January 2014 of legislation limiting human rights included criminal prosecution for defamation, the labelling of NGOs working with foreign donors as “foreign agents” and profiteers, measures prohibiting the collection of evidence against policemen and judges, and a ban on wearing helmets and driving more than five cars in convoy. This caused a reaction both inside and outside the country. The Council of the EU, in its conclusions, stated that: “These legislative acts would significantly restrict the Ukrainian citizens’ fundamental rights of association, media and the press, and seriously curtail the activities of civil society organizations. The EU calls on the Ukrainian authorities to ensure that these developments are reversed and that its legislation is brought in line with Ukraine’s European and international commitments.”⁴ The UN High Commissioner for Human Rights Navi Pillay also stated: “Such provisions will roll back the enjoyment of human rights for the people of Ukraine, stifle debate and dissent, and jeopardise the democratic achievements of the past two decades.”⁵

Numerous statements were also made by the OSCE to halt the violence against the media, and to thoroughly investigate all incidents involving journalists during the protests.⁶

Where do the Armed Forces Stand?

In contrast to recent events in Egypt and Turkey, the Ukrainian Armed Forces have never played a significant role in Ukrainian political life. In 2004, some people in President Kuchma’s team tried to impose an armed solution by bringing tanks into the capital, but political will and wisdom prevailed: they were stopped just a few kilometres from Kyiv. In 2013, the question was again raised as to whether President Yanukovich would use the army, owing to the growing fatigue of the police.

In dealing with this issue it is worth considering four aspects:

- According to the Constitution of Ukraine (Art. 17): “The Armed Forces of Ukraine and other military formations cannot be used in any form to restrict the rights and freedoms of citizens, or to overthrow the constitutional order, remove the authorities or obstruct their activities”. Moreover, this article limits the Armed Forces’ activities to the “defence of Ukraine, securing its sovereignty, territorial integrity and inviolability,” so *de jure* they cannot be used inside the country.

2 NATO Foreign Ministers’ statement of Ukraine, NATO Official website, 3 December 2013, http://www.nato.int/cps/natolive/news_105435.htm?selectedLocale=en

3 European Parliament resolution of 6 February 2014 on the situation in Ukraine (2014/2547(RSP))

4 Council conclusions on Ukraine, Foreign Affairs Council meeting, Council of the European Union, 20 January 2014, http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/140659.pdf

5 Senior UN officials urge restraint, dialogue to defuse tensions fuelling protests in Ukraine, UN Official website, 21 January 2014, <http://www.un.org/apps/news/story.asp?NewsID=46971&Cr=Ukraine&CrI=#.UvO6itEliHs>

6 Attacks on journalists must stop, says OSCE media freedom representative, offers to visit Ukraine / OSCE Official website, 22 January 2014, <http://www.osce.org/fom/110460>

- Second, there exists a certain level of competition between the military and the police in terms of funding and supply. When the Ukrainian police received an increased budget for 2014 and greater privileges (1.6 billion euros, that is 0.27 billion more than in 2013), the military had been experiencing extreme underfinancing for the last 10 years, and virtual disregard for their hopes of modernization, which left them dissatisfied with current government policy.
- In December 2013, several statements made on behalf of the MOD and General Staff made it clear that the idea of using military force against protesters was a provocation and that military forces could not be used for limiting human rights. Later, unofficial sources indicated that the army had received an order to transfer two brigades under the command of the Ministry of the Interior. This was perceived as a lack of confidence in the loyalty of the army. The latest appeal by staff at the MOD headquarters to the President, to stabilize the situation in the country, was understood in two ways: first, as an attempt to express low-profile moral support to the President; and second, as reflecting the position of the Ministry, but not of the Army itself.
- The military remains more Western-oriented at command than at a tactical level.

It is worth mentioning that the NATO Secretary General, on 31 January, expressed his concern at attempts to involve the military in the crisis and expressed his opinion that “Ukraine’s military is highly respected and must remain neutral.”⁷

The Russian Factor

Many Russians simply cannot understand why people are protesting. For the Kremlin, the issue is less about supporting the current Ukrainian President and more about preventing Europe from moving over into Russia’s “sphere of interest and influence.” Even more, the Russian attitude underlines a failure to understand that the people of Ukraine can be independent in their decision-making. This is due both to an emotive perception of Ukraine as the cradle of Russian civilization, and to a fear of losing control over the post-Soviet region. One of the popular slogans during the first months of protests was “Putin, if you love us, let us go!” But letting Ukraine go is not an option for the Kremlin’s foreign policy: “For all of Putin’s Middle East diplomacy, Ukraine is far more important to his great power ambitions.”⁸

Official Russian statements about the inappropriateness of foreign (read “Western”) interference in Ukrainian internal affairs were undermined by the intention to transform bilateral negotiations on the Ukrainian Association Agreement into a trilateral format, where Russia would be included as an equal partner. The difficulties for Ukrainian goods at customs, and a promise of \$ 15 billion US in support for the Ukrainian economy, must also be taken into account.

Russian leadership has been cautious in its statements, due to the Sochi Winter Olympics. In February 2014, all eyes are on Russia, and Moscow has already experienced a series of rejections from world leaders who refused the invitation to participate in the Opening Ceremony due to human rights violations.⁹ However, the chances that the Russian position will harden after the end of the Olympics are high, although one should not expect any military action, as in Georgia in 2008. The Russian tactic against events in Ukraine is different, and based mostly on three elements:

- strong state propaganda via the media;
- sponsorship of pro-Russian politicians and organizations in the Ukraine (e.g. V. Medvedchuk and his NGO’s media campaign – for example, “Ukrainian Choice warns: Association with the EU is a same sex marriage,” or “Ukrainian Choice warns: Association with the EU is a price increase;”)
- the influence on the President and his entourage.

7 Official Twitter of the NATO Secretary General Anders Fogh Rasmussen, <https://twitter.com/AndersFoghR>, 31 January 2014.

8 Drezner D., “The Hard Limits of Economic Power,” *Foreign Policy*, 2 December 2013. http://www.foreignpolicy.com/posts/2013/12/02/the_hard_limits_of_economic_power

9 EU Commissioner Joins Sochi Olympics Snub, *The Moscow Times*, 11 December 2013, <http://www.themoscowtimes.com/news/article/eu-commissioner-joins-sochi-olympics-snub/491354.html>

Vladimir Zhirinovskiy, leader of the Liberal Democratic Party of Russia, stated recently that it would be fatal for Ukraine to join the EU, as Ukraine is a part of Russia. In his opinion, only alcoholics, drug addicts, agents provocateurs and spies are participating in the pro-EU demonstrations.¹⁰

If the Russian-Georgian war of 2008 was seen by many as an attempt to prevent possible further NATO enlargement, many, for example in Moldova, are similarly afraid that with the events in Kyiv, Russia is sending a signal to Chisinau to think twice about deeper European integration.

“EUkraine”

This is not simply a contest between Brussels and Moscow for spheres of influence. It is a matter of choice and fear. Europe is still not ready to accept Ukraine as a European state, though Europe’s geographical centre sits on the Western border of Ukraine and the country has a long European history. The shadows of “post-Sovietism,” as well as an irrational fear of large-scale emigration, play a role.

Comparing events in Hungary in 1956 to the current situation in Ukraine, a senior Hungarian diplomat stated: “Ukrainians should make us all proud. They are standing up for their democratic future and ours. The European Union has nothing to be proud of. Europe failed to see the big picture. It failed to understand that Ukraine is a country whose future will strongly influence the trajectory of Europe.”¹¹

What is incomprehensible for many Ukrainians is how the text of the Association Agreement that had been ready since 2012, and was just waiting for the formal signature, suddenly became, according to the government, a “non-beneficial” and even “dangerous” agreement for Ukraine’s economy and development. The obvious question is: why? If it was not beneficial, the government, had for almost two years not been talking about it, not negotiating better conditions, but insisting that it was only the Tymoshenko case that prevented the EU from signing.

The EU as a multinational organization had difficulties to react to such events promptly. Many in the Ukraine, for example, expected more support from Germany in particular, which was seen as a political heavyweight, but the long negotiations on the new German coalition after the elections distracted Angela Merkel’s attention from the country’s partners to the East.

Numerous statements from high-level EU politicians, including European Commission President Barroso and High Representative Ashton, and dozens of trips made by special envoys provided psychological support to the protesters during the first months, but with scant reaction on the part of the Ukrainian Government.

The opposition has been asking for target sanctions against politicians and the authorities, but it was only in February 2014 that the EU started discussions on such a possibility, following the US and Canadian example. After two months, there was less and less hope that the EU would help, but more and more effort spent on making them do something. As Andrew Wilson wrote in his article, “If the Ukrainian protesters lose faith in the EU, then a more inward-looking struggle will get even uglier. If the EU is reluctant to move because of private banking interests, it is time to name and shame individual banks.”¹²

10 Лидер ЛДПР уверен, что Украина не должна вступать в ЕС / NTV, 2 December 2013, <http://www.ntv.ru/novosti/750136/>

11 Simonyi A., Hungary Has No Business in That Russian Orbit and Neither Does the Ukraine, *Huffington Post*, 2 February 2014, http://www.huffingtonpost.com/andras-simonyi/hungary-once-the-beacon-o_b_4709020.html?utm_hp_ref=fb&src=sp&comm_ref=false

12 Wilson A. Time for new elections to break the deadlock in Ukraine / European Council for Foreign Relations, 31 January 2014, http://ecfr.eu/content/entry/commentary_time_for_new_elections_to3reak_the_deadlock_in_ukraine241

What's Next?

The rapid unfolding of events and the high level of subjectivity in the decision-making process, as well as the involvement of different actors (official opposition, civil activists, government, oligarchs, the EU, Russia, the US, etc.) make it impossible to predict the future and provide scope for many possible scenarios. However, regardless of the ending, it will be decisive both for Ukraine's domestic development, and for the EU ability's to react to crisis situations, to secure its values, and to demonstrate its credibility.

The President and his team are taking one step forward in the direction of compromise (by dismissing the government), and two steps backwards (by appointing, as new Head of his Administration, A. Klyuev – whom the opposition considers the main culprit for the first crackdowns). At the same time, the opposition itself is unable to control the situation, given the need to find a compromise between the three leaders, accommodating the decisions with Euromaidan activists, and then looking for a solution, without compromising on principles.

Despite the actual and potential involvement of several international organizations in an attempt to calm the situation, there is no place for NATO in this crisis. The diplomatic statements made by the Secretary General went almost unnoticed in the Ukrainian media and cannot provide any leverage to support the negotiating process. Moreover, in the post-Soviet region, NATO is still perceived as an opponent to Russia, so NATO support could be misused in propaganda. For example, after the first deaths at the barricades, Ukrainian Member of Parliament Yevgeniy Balitsky announced that “one of the dead protesters could have been killed by a sniper. It is possible that we are talking about a professional mercenary from one of the NATO states, brought here by a radical wing of the opposition.”¹³

All expectations are now on the EU, where actions rather than words are wanted. As the Leader of the Liberal Democrats in the European Parliament, Guy Verhofstadt, wrote in his blog: “They deserve a real, tangible European response, and they deserve it now. Because the last thing we want is for them to start repeating the words of Mrs Nuland (f*** the EU).”¹⁴ On 6 February, the European Parliament finally adopted a resolution urging the EU and its member states “to take immediate action, including increased diplomatic pressure and the preparation of personalised targeted measures (travel sanctions and asset and property freezes), with regard to all those Ukrainian officials and legislators and their business sponsors (oligarchs) who are responsible for the crackdowns on and deaths of protesters, and to step up efforts to stop money laundering and tax evasion by Ukrainian companies and business people in European banks.”¹⁵ MEPs further called for “the EU, the US, the IMF, the World Bank, the EBRD and the EIB to continue to prepare a long-term package of concrete financial support to help Ukraine tackle its worsening financial and social situation and provide economic support to launch the necessary deep and comprehensive reforms of the Ukrainian economy by the government”.

But the final solution must be determined at home. Without this understanding from both sides, neither compromise nor solution will be found.

13 Регионал заявил, что активиста на Грушевского убил снайпер НАТО / UNIAN, 23 January 2014, <http://www.unian.net/politics/875459-regional-zayavil-cto-aktivista-na-grushevskogo-ubil-snayper-nato.html>

14 Verhofstadt G., “Do We Really Want Ukrainians Repeating ‘F*** the EU?’”, *The Huffington Post*, 11 February 2014. http://www.huffingtonpost.co.uk/guy-verhofstadt/ukraine-protests-eu_b_4765604.html?utm_hp_ref=tw

15 “Ukraine: MEPs call for EU travel ban and financial support, Press release, European Parliament, 6 February 2014, <http://www.europarl.europa.eu/news/en/news-room/content/20140203IPR34628/html/Ukraine-MEPs-call-for-EU-travel-ban-and-financial-support>