

Ukraine and the Maidan

Overview

Three months of large-scale popular protests, often referred to as the Maidan or the Revolution of Dignity, ousted Ukraine's President Viktor Yanukovich in early 2014. The demonstrations began after the President, in an unexpected policy reversal, refused to sign an Association Agreement with the European Union in November 2013. On November 30, special police units used force against protesting students, triggering a nationwide movement. By the end of February, more than one hundred protesters had been killed. Yanukovich and his government fled Ukraine on February 22, 2014 and were replaced by a pro-Maidan government.

The revolution¹ also prompted counter-protests. As the new pro-Western government worked to stabilize the country economically and politically, Russian-backed protesters and political operatives attempted to take over government buildings in Ukraine's south and east, aiming to create a new state called "Novorossiya" or "New Russia" comprising nearly half of Ukraine's territory. The plan lacked active support from these regions' residents, and armed rebellion succeeded only in the high-unemployment easternmost districts of the Donetsk and Luhansk oblasts (provinces) along the Russian border.² The Russian Federation, however, did successfully stage a military operation to occupy and annex Crimea, where the de facto authorities continue to violate the human rights of dissidents and the peninsula's indigenous population, the Crimean Tatars.

1 The word "Maidan," Ukrainian for "square," refers both to the main square in Kyiv where protests took place, as well as to the revolution itself. The terms "Euromaidan" and "Revolution of Dignity" are also used.

2 The territories of the Donetsk and Luhansk oblasts form a geographical entity called the Donbas.

Two important consequences of the Maidan were the rapid development of an immense and vibrant civil society and the accession of a pro-Western government in Kyiv with the election of President Petro Poroshenko and Prime Minister Arseniy Yatsenyuk. Prime Minister Volodymyr Groysman, an ally of President Poroshenko, replaced Yatsenyuk in April 2016. Since then, Kyiv has passed important legislation to liberalize and deregulate the economy, update the energy sector, and restructure the judiciary system. That said, three years' worth of structural and back-end reforms — despite their scope and importance — have been largely invisible to Ukraine's residents, who are impatient to see judicial, education, and healthcare reform, as well as the rebuilding of infrastructure. Civil society organizations play the leading role in drafting reforms and pushing for their implementation. Government infighting and corruption make this task all the more difficult, to the frustration of Ukraine's public and the country's Western partners.

Historical Context

Ukraine's statehood can be traced back to the medieval empire Kyivan Rus, a key player in Europe and Eurasia from the 9th to 11th centuries.³ After Rus fell to the Mongols in the thirteenth century, its lands were divided between the Polish-Lithuanian Commonwealth, the Crimean Tatar Khanate, the Austrian empire, and others. An independent Cossack state developed in the 16th century and was gradually annexed by the

3 Serhii Plokhy, *The Gates of Europe: A History of Ukraine* (New York: Basic Books, 2015).

Russian Empire over the period 1654–1709. By the late 1800s, the Russian Empire had come to control most of Ukraine’s current territory, with a small portion in the west — today’s Lviv, Ivano-Frankivsk, and Volyn regions — becoming part of Austria-Hungary. Ukraine declared independence during World War I, and enjoyed a few years of sovereignty before being conquered by the Red Army. In 1932–1933, the Soviet authorities orchestrated an artificial famine in Ukraine, known as the Holodomor, which killed millions of people and left a traumatic mark on the Ukrainian national memory.⁴ After World War II, the Ukrainian Soviet Socialist Republic assumed the physical shape it has today after incorporating both the regions previously held by Poland and, in 1954, the Crimean Peninsula, which had been part of the Russian SFSR.

“Ukraine handed over its nuclear weapons to Russia after the United Kingdom, the United States, Ukraine, and Russia signed the Budapest Memorandum, giving Ukraine limited security assurances

With the collapse of the Soviet Union in 1991, Ukraine became an independent state, inheriting a crashing economy and the third-largest nuclear arsenal in the world. It handed over its nuclear weapons to Russia after the United Kingdom, the United States, Ukraine, and Russia signed the Budapest Memorandum, giving Ukraine limited security assurances.⁵ Today, Ukraine is the second-largest country in Europe after Russia, and has a population of around 42

million.⁶ Its human development index is high,⁷ even though the 2016 estimates of per capita GDP (PPP) were just over \$7,000.⁸ The majority of Ukraine’s population are ethnic Ukrainians (77%).⁹ Minorities include ethnic Russians (17%), Belarusians (0.6%), Crimean Tatars (0.5%), and others. In 1991, the Crimean peninsula became the Autonomous Republic of Crimea, with some powers devolved to its Parliament and executive authorities.

In Ukraine, the question of language is often unrelated to ethnicity or national self-identification: 97% of Ukraine’s residents speak either Ukrainian or Russian, with the vast majority speaking both.¹⁰ Only in certain parts of the easternmost and westernmost regions do some not understand Ukrainian or Russian, respectively. These demographics are important because of the false perception that identity politics somehow explains the current situation in Ukraine. Russian continues to be the primary language of Ukraine’s businesses, society, social media, web pages, and more. Only a small minority of Russian speakers (both ethnic Russians and ethnic Ukrainians) support a military alliance with Russia.¹¹

Since independence, Ukraine’s economy has been dominated by a small group of oligarchs and their business “clans.”¹² Many of these made their fortunes taking advantage of the lawlessness of the post-Soviet transition period. For example, the Dnipropetrovsk clan¹³ would buy natural gas at state-subsidized prices and sell it at market price. Former President Viktor Yanukovich was a prominent member of the Donetsk clan. While a small handful of oligarchs dominated the 1990s and early 2000s, their individual influence has been diminishing

⁴ See, for example, Robert Conquest, *Harvest of Sorrow: Soviet Collectivization and the Terror-Famine* (Oxford University Press, 1987). The Holodomor is recognized as a genocide by 25 countries, including the United States.

⁵ The text of the Budapest Memorandum, which was signed in 1994 by Boris Yeltsin, Bill Clinton, John Major, and Leonid Kuchma, can be found here: https://www.msz.gov.pl/en/p/wiedenobwe_at_s_en/news/memorandum_on_security_assurances_in_connection_with_ukraine_s_accession_to_the_treaty_on_the_npt?printMode=true

⁶ “Population (by estimate) as of 1 April, 2016,” State Statistics Service of Ukraine.

⁷ “Human Development Report 2015 Statistical Annex” (PDF), 14 December 2015.

⁸ “Report for Selected Countries and Subjects,” World Economic Outlook Database, April 2016 (International Monetary Fund, April 2016).

⁹ “Ukraine,” CIA World Factbook.

¹⁰ See, for example, the results of Ukraine’s state census in 2001.

¹¹ Data from the Razumkov Polling Centre, 2015. For more, see www.razumkov.org.ua.

¹² Margarita Balmaceda, *Politics of Energy Dependency: Ukraine, Belarus, and Lithuania between Domestic Oligarchs and Russian Pressure* (University of Toronto Press, 2014).

¹³ The Dnipropetrovsk Clan included former PM Pavlo Lazarenko and the now feuding Yulia Tymoshenko and Ihor Kolomoyskyi.



Map of Ukraine. [Wikimedia Commons](#).

as the oligarchic class grows in number: instead of Kyiv's politics being dominated by the five richest people in Ukraine, it is dominated by the richest thousand.

After more than a decade of peaceful transitions between governments and presidential administrations, Ukrainians in 2004 took to the streets of Kyiv to protest the falsified election of Viktor Yanukovich to the presidency. The Orange Revolution led to a rerun election, won by pro-Western candidate Viktor Yushchenko. After years of stifled progress, however, Yushchenko's popularity fell dramatically. In the meantime, Yanukovich, with the help of American political consultants, rebranded himself as a common-sense and stabilizing choice for Ukraine.¹⁴

Yanukovich went on to win the 2010 presidential election, enjoying significant support in the Eastern and Southern regions of Ukraine. His presidential administration and the governments formed during his presidency were described by many observers as being noteworthy for their ineffectiveness and high levels of corruption.¹⁵ Although Yanukovich did not support closer ties with NATO, he announced he was planning to sign a Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union in November 2013. Observers note that many Ukrainians tolerated the Yanukovich regime because they were holding out for the possibility of a closer relationship with the EU, which they believed would signal greater stability and economic development.¹⁶

¹⁴ See, for example, Steven Lee Myers and Andrew Kramer, "How Paul Manafort Wielded power in Ukraine Before Advising Donald Trump," *The New York Times*, 31 July 2016.

¹⁵ David Herszenhorn, "Thousands Demand Resignation of Ukraine Leader," *The New York Times*, 1 December 2013.

¹⁶ "Ukraine: The February Revolution," *The Economist*, 1 March 2014.

Maidan Revolution

While Yanukovich was attending a joint summit in Vilnius, Lithuania, it became clear that he had suddenly changed policy and would not sign any documents bringing Ukraine closer to the EU. This triggered anger and frustration among many Ukrainians, who were tolerating his administration in the hopes that he would seek closer ties with the West. Mustafa Nayyem, an Afghan-born opposition journalist, asked on Facebook if anyone would be interested in meeting on the Maidan Nezalezhnosti (Independence Square) at midnight. This post – written in Russian – captured the developing social media storm and triggered the Maidan protests.¹⁷ From November 21 to 30, university students and civil society activists met daily on the Maidan to demonstrate their support for closer ties with the European Union. These protests, attended by up to tens of thousands of people, were mainly pro-EU and largely non-partisan, without the flags or other symbols of Ukraine’s political parties.

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While Yanukovich’s about-face was the initial trigger for the Maidan protests, the demonstrations switched from being pro-EU to being anti-Yanukovich on the morning of November 30. Student demonstrations were slated to end the previous evening, with many deciding to spend the night on the Maidan with new friends before dispersing. However, early on the morning of November 30, special police forces surrounded the area where the students were sleeping and beat them, injuring dozens.¹⁸ At the time, it was unprecedented for the Ukrainian government to order the beating of students, and this triggered massive action

among Kyiv residents — around half a million came to the Maidan to protest the police violence.

From this point forward, two things were clear: first, the demonstrations were now aimed at forcing Yanukovich’s resignation; second, no longer could the administration dismiss the protesters as “radicals” who came to Kyiv from Western Ukraine. The Maidan had turned into a national movement against Yanukovich’s corrupt Party of Regions and its oppressive government.

Over the next two months, the protests became more organized: professors volunteered their time to teach at the “free university” on the Maidan, multiple large-scale kitchens were set up, and war veterans (from the War in Iraq and the Soviet war in Afghanistan) joined volunteers to form a Maidan Self-Defense Force. The Self-Defense Force was responsible for keeping order within the Maidan and protecting activists from police forces. Many Western diplomats visited the protests, including the then-U.S. Ambassador to Ukraine Geoffrey Pyatt. Western governments condemned the violence used against peaceful protesters.

The euphoria of the Maidan spread to other regions across Ukraine. The largest protests outside Kyiv occurred in Lviv, Ternopil, Rivne (predominantly Ukrainian-speaking); Kharkiv, Odesa, Poltava (predominantly Russian-speaking); and Simferopol, the largest city in Crimea. Smaller anti-Yanukovich protests took place in nearly every city in Ukraine, including Donetsk, Luhansk, and other places now occupied by Russian-led separatist forces. The Maidan received considerable support from Ukrainian diaspora, who encouraged global media and government agents to acknowledge the protests.

In the meantime, Yanukovich was hemorrhaging supporters. The head of his presidential administration (similar to a chief of staff) Serhiy Lyovochkin resigned, accelerating the flow of defections from the Party of Regions to the pro-Western opposition parties.¹⁹ In regions of Western Ukraine, police forces under the Interior Ministry began disobeying orders.

¹⁷ Mustafa Nayyem, Facebook power, 21 November 2013. <https://www.facebook.com/Mustafanayyem/posts/10201177280260151>.

¹⁸ “Ukraine police disperse EU-deal protesters,” *BBC News*, 30 November 2013.

¹⁹ Anders Aslund, *Ukraine: What Went Wrong and How To Fix It* (Peterson Institute for International Economics, 2015).



Kyiv residents pour onto the streets on December 1, 2013, to protest the special police force's violence against students. Photo: Nessa Gnatoush. Wikimedia Commons.

On January 16, 2014, Parliament passed and Yanukovich signed a set of what were called “dictatorial laws,” intended to force the Maidan to an end. Newly criminalized activities included driving in groups of more than five cars and wearing helmets in public.²⁰ These laws only exacerbated anti-government sentiment (pensioners in Ukraine responded by coming onto the streets in droves wearing pasta strainers on their heads), and by the end of January, Yanukovich had lost control of key government buildings in Western Ukraine to the protesters.

As the size of the protests and the severity of violence grew, Western diplomats increased pressure on Ukrainian political leaders to strike a deal. On February 20, the interior minister announced that the police were authorized to use live ammunition against the protesters.²¹ Between

²⁰ Dmytro Kotliar, “Summary of laws adopted by Ukrainian parliament on January 16, 2014,” Transparency International Ukraine, 17 January 2014.

²¹ “Ukrainian Police Authorized to Use Live Ammo as Battle Rages,” *RIA Novosti*, 20 February 2014. Note that this media outlet operates under the Russian Ministry of Communications and Mass Media. See also Andrew Kramer and Andrew Higgins, “Ukraine’s Forces Escalate Attacks Against Protesters,” *The New York Times*, 20 February 2014.

February 18–22, over 200 protesters were “disappeared” or killed, and thousands more were injured.²² By the night

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of February 20, a large group of MPs — those controlled by formerly pro-Yanukovich oligarchs Rinat Akhmetov and Dmitry Firtash — defected to the opposition, allowing Parliament to finally pass a resolution calling for government forces to stand down.²³

²² See, for example, the CSIS Ukraine Crisis timeline at ukraine.csis.org.

²³ Aslund, *Ukraine*.

On February 21, 2014, after receiving a phone call from Russian President Vladimir Putin, Yanukovich agreed to sign an EU-mediated agreement with three opposition leaders, Arseniy Yatsenyuk, Vitali Klitschko, and Oleh Tyahnybok,²⁴ stipulating that he would stay in power until new presidential elections in December. When the opposition leaders announced this deal to the demonstrators during a memorial service for the recent casualties, the Maidan responded with derision. One leader of the Maidan Self-Defense Forces took the microphone and unexpectedly announced an ultimatum: Yanukovich would face a civil war unless he was gone by 10:00 A.M. the next morning.

After the Maidan

President Yanukovich fled Kyiv by helicopter in the early hours of February 22, and most government ministers were nowhere to be found. Parliament quickly adopted a resolution declaring Yanukovich unable to execute the duties of the office of President. By the end of the week, an interim government had been assembled and started the task of stabilizing the country politically and economically. Arseniy Yatsenyuk, the leader of the Fatherland Party, became Prime Minister,

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and some key ministerial positions were given to Western-educated technocrats. Parliament declared Oleksandr Turchynov, a prominent member of the opposition, its Speaker, whose constitutional duty is to also hold the office of the President when that office is vacant. New presidential elections were scheduled for May 25.

²⁴ Petro Poroshenko played a small role in the Maidan and was not a key player at this point.

Parliament also voted to order the immediate release of Yulia Tymoshenko from prison, where she was serving a politically motivated seven-year term.

The success of the Maidan Revolution led to a period of unbridled optimism about the future of Ukraine. Mourning for the fallen protesters was combined with the hope that the new government would be fully transparent, efficient in responding to their needs, and finally turn Ukraine into what they called “a normal country.” Expectations were very high.²⁵

Over the past two years, the Ukrainian government was able to implement some very important reforms. For example, Ukraine restructured the energy sector, increasing household gas prices to market prices while providing huge subsidies for the indigent. Ukraine’s state gas company, Naftogaz, was actually a net positive contributor to the state budget in 2016 after years of being a financial sinkhole.²⁶ Ukraine also shut down a large number of banks, which were non-viable or zombie banks. Ukraine’s Central Bank has gone through an important internal transformation that has received praise from IMF officials. Important steps were taken to address Ukraine’s rampant corruption, including the establishment of a National Anti-Corruption Bureau. State tenders are now run through an electronic procurement system called Prozorro, which is projected to save billions in the state budget.

However, the effectiveness of these measures remains questionable since corruption has not decreased sufficiently. 39% of Ukrainians believe that corruption within state bodies is a greater threat to Ukraine’s stability than the military conflict in Donbas,²⁷ even though only 10% of Ukraine’s residents have actually paid a bribe in the last six months. In order to fight corruption, Ukraine must reform its tax administration, reform the agricultural sector, enhance the protection of property rights, and accelerate the pace of privatization of state

²⁵ Today, the population’s frustration with the pace of reforms is due partly to their extremely high expectations post-Maidan, as well as the government’s inability to sustain a satisfactory pace of reforms.

²⁶ “2.5 Years of Reforms: All Victories and Failures of Ukraine,” *VoxUkraine*, 14 November 2016.

²⁷ Center for Insights in Survey Research, “Public Opinion Survey: Residents of Ukraine,” International Republican Institute and the Government of Canada, 28 May – 14 June 2016.



Riot police in Kyiv on February 12, 2014. Wikimedia Commons.

assets. In order for Ukraine's residents to continue supporting the pro-Western government, they need to see concrete progress in reforms of the healthcare sector and the education system, in addition to the rebuilding of infrastructure.²⁸

Kremlin Reacts

Annexation of Crimea

On February 23, the day after Yanukovich fled Kyiv, both pro-Maidan and pro-Russian demonstrations were held throughout Crimea.²⁹ That day, President Putin held an all-night meeting with the heads of Russia's security services, as he recalls in the documentary

Homeward Bound, and told them at the meeting's close that they "must start working on returning Crimea to Russia."³⁰ Four days later, armed men without insignia took control of government buildings in Crimea, including the autonomous republic's Parliament.³¹ Members of the Crimean Parliament immediately chose a new pro-Russian government and declared independence from Ukraine. The *de facto* authorities then held a referendum on whether Crimea should join the Russian Federation, although the actual alternative provided by the ballot was not the status quo, but significant autonomy within Ukraine as provided by the 1992 constitutional compromise.³² During the referendum, paramilitary units patrolled the streets and pro-Russian armed brigades "guarded" polling stations. Many commentators concluded that voters felt coerced, and the internation-

28 Natalie Jaresko, "Ukraine in Transition," speaking at the Harvard Kennedy School of Government, 31 October 2016.

29 "Crimean Tatars [and] pro-Russia supporters approach Crimean parliament building," *Interfax-Ukraine*, 20 February 2014.

30 "Putin Describes Secret Operation to Seize Crimea," Agence France-Presse, 8 March 2015. Preview can be viewed here: www.bbc.com/news/world-europe-31796226.

31 In April 2014, President Putin admitted that these "little green men" were in fact Russian soldiers or operators. See, for example, "Putin admits Russian forces were deployed to Crimea," *Reuters*, 17 April 2014.

32 Noah Sneider, "2 Choices in Crimea Referendum, but Neither Is 'No'," *The New York Times*, 14 March 2014.

al community has decried the referendum as having been held at gunpoint.³³ Despite not offering voters a status-quo option, the referendum — held March 16, 2014 — passed with 96.77% of the vote, with 83.1% of voters participating.³⁴ By March 21, the Russian Federal Assembly had ratified the treaty bringing Crimea into the Russian Federation, despite the Council of Europe’s Venice Commission concluding the entire operation was not in compliance with international law. Acting on threats received from senior Russian officials, Ukraine’s acting president Oleksandr Turchynov ordered Ukrainian troops to evacuate Crimea on March 24.³⁵

Although both Ukraine and Russia claim sovereignty over Crimea, the peninsula has de facto been administered by the Russian Federation since March 2014. This represents a number of concrete challenges for the international community. First, it is a violation of the Helsinki Final Act of the Conference on Security

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and Cooperation in Europe, whose signatories pledged to respect each other’s sovereignty and territorial integrity and to refrain from threats of force against one another.³⁶

Second, the human rights situation in Crimea is continually excoriated in the United Nations and elsewhere.³⁷ Crimea’s residents have had to endure well-documented systematic violations of their civil, political, social, economic, and cultural rights. One group that has been targeted is the indigenous Sunni Muslim population, the Crimean Tatars, who comprised 12% of the peninsula’s population in 2013. After the 1944 forced deportation of the entire Crimean Tatar population under Josef Stalin, the group became staunchly anti-Kremlin and only returned to their homeland when the Ukrainian government invited them to do so shortly after Ukraine regained independence in 1991. The Russian authorities have restricted the Crimean Tatars right to assemble on their holidays. Moreover, in 2016, the Mejlis, a key Crimean Tatar self-governing assembly, was banned as an “extremist organization.”³⁸ A Council of Europe report said that the banning of the Mejlis heralds “a new level of repression targeting this time the Crimean Tatar community as a whole.”³⁹ Crimean Tatar leaders, such as the former Soviet dissident Mustafa Dzhemilev, have been banned from returning to Crimea. At least twenty Ukrainian and Crimean Tatar opposition journalists and activists have been “disappeared.”⁴⁰ The Russian authorities have also shut down the only Crimean-Tatar-language television channel ATR.⁴¹ Reviving a tactic used in Soviet times, the de-facto authorities have forcibly confined Ilmi Umerov, the former deputy chair of the Mejlis, to Psychiatric Hospital No. 1 in Simferopol.⁴²

In March 2014, the United Nations adopted a resolution reaffirming Ukraine’s sovereignty and territorial integrity and declaring the results of the supposed referendum

33 Roland Oliphant, “Crimeans vote peacefully in referendum, but have little choice,” *The Telegraph*, 16 March 2014. Note that Oliphant was reporting from Simferopol, Crimea.

34 David Herszenhorn, “Crimea Votes to Secede From Ukraine as Russian Troops Keep Watch,” *The New York Times*, 16 March 2014.

35 More than a year after the annexation of Crimea, Turchynov said that he had received phone calls from the speaker of the Russian Federation Council Sergiy Naryshkin, in which the latter allegedly said Russia would bomb key government buildings in Kyiv if Ukraine resisted Russia’s actions in Crimea. To see the video of Turchynov’s talk show appearance in which he first describes these alleged threats, visit <https://www.youtube.com/watch?v=DsOQ8k2bEWA>.

36 “Conference on Security and Cooperation in Europe: Final Act,” (1975), accessible at osce.org/helsinki-final-act. In particular, see sections I–VIII.

37 For more information on the annexation of Crimea and ongoing human rights violations, please see the report by Razom and the Volya Institute, *Human Rights on Occupied Territory: Case of Crimea* (New York, 2015). A PDF of the report is available here: volya.institute.org/wp-content/uploads/2015/12/Zvit_Crimea_print.pdf.

38 Eleanor Knott, “What the Banning of Crimean Tatars’ Mejlis Means,” Atlantic Council, *New Atlanticist*, 2 May 2016.

39 Ambassador Gérard Stoudmann, “Report to the Secretary General of the Council of Europe,” SG/Inf(2016)15 rev., 11 April 2016.

40 *Ibid.*

41 Knott, “Mejlis.”

42 Charles Recknagel and Merhat Sharipzhan, “Punitive Medicine? Crimean Tatars Shaken By Leader’s Confinement To Mental Asylum,” *Radio Free Liberty/Radio Europe*, August 24, 2016. See also “Crimean Tatar Activist Confined in Psychiatric Hospital,” Human Rights Watch, 26 August 2016.

invalid.⁴³ In December 2016, the General adopted a resolution recognizing Russia as an “occupying power,” condemning the occupation and the human rights abuses the de-facto authorities commit against Crimea’s residents.⁴⁴

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Donbas War and Russian Incursions

In Ukraine’s southern and eastern regions, protests against the Maidan government intensified after the annexation of Crimea, growing into a full-fledged war by April 2014. For a few months, Russian authorities and separatist groups hoped that they might establish a breakaway state called “Novorossiya,” or “New Russia,” comprising just under half of Ukraine’s territory. But because this movement lacked support from the local population, it failed everywhere but in the regions where unemployment had recently spiked, specifically in the eastern halves of two provinces, the Donetsk and Luhansk oblasts (provinces). Russian-backed armed groups took over certain state functions, such as collecting trash and administering schools. It is difficult to say what fraction of the separatist militias is comprised of Russian citizens and soldiers. International organizations estimate that one-fifth of those fighting in separatist militias are Russians and the rest are local Ukrainians, although

43 “Resolution adopted by the General Assembly on 27 March 2014,” Resolution 68/262. www.un.org/ga/search/view_doc.asp?symbol=A/RES/68/262.

44 United Nations General Assembly, “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine),” 31 October 2016, documents-dds-ny.un.org/doc/UNDOC/GEN/N16/352/55/pdf/N1635255.pdf. See <https://www.un.org/press/en/2016/ga11879.doc.htm>.

defecting separatists have told interviewers that 80% of their ranks were Russians.⁴⁵

Today, Ukraine continues to fight a simmering war against the Luhansk and Donetsk People’s Republics,⁴⁶ which now control only 7% of Ukraine’s territory. Without Russian political, military, and financial support, experts estimate that the organizations would fall within weeks.⁴⁷ After nearly three years of conflict in Eastern Ukraine, just less than 10,000 people have died and nearly 21,000 have been injured, and this only reflects available data on the Ukrainian side. The civilian population remaining in the Donetsk and Luhansk oblasts has been left amidst a humanitarian and human rights crisis.

Political Instability and Reform

Amidst an escalating war, Ukraine held presidential elections on May 25, 2014, with Petro Poroshenko easily defeating Yulia Tymoshenko and other contenders. Poroshenko, who had previously served as Foreign Minister and later as Minister of Trade and Economic Development, is a prominent Ukrainian oligarch who made his fortune as a confectioner, shipbuilder, and media owner. He played a limited role in the Maidan and campaigned on a platform of political reforms and anti-corruption measures.

Yatsenyuk became interim Prime Minister shortly after the Maidan ended in February 2014, and he was chosen to lead the government once again in December 2014 after new Parliamentary elections were held. Although he came to power at the head of a reformist coalition

45 Artur Gasparyan, “I Was a Separatist Fighter in Ukraine,” RFE/RL, 13 July 2014.

46 Known collectively as LDNR (the Russian initialism for Luhansk and Donetsk People’s Republics). The territory these occupy is sometimes referred to as the Donbas, although technically the Donbas refers to the full territory of the Donetsk and Luhansk oblasts (provinces), and not just the halves occupied by the LDNR.

47 Carlotta Gall, “Ukraine Town Bears Scars of Russian Offensive That Turned Tide in Conflict,” *The New York Times*, 9 September 2014. See also Crisis Group, “Separatists,” and *ibid*.

after the Maidan Revolution, his approval rating sank into the single-digits soon afterward. Yatsenyuk's cabinet included a number of Western reformers, notably Natalie Jaresko (U.S.-born Minister of Finance) and Aivaras Abromavicius (Lithuanian-born Minister of Economic Development and Trade). The Cabinet was rated by VoxUkraine's Index for Monitoring Reforms as the greatest contributor to the reform process, although these reforms tended to be structural and therefore largely invisible to the public.

“Ukrainian politics is notoriously murky, with political parties and politicians shifting allegiances and titles quickly.”

Although President Poroshenko, Prime Minister Yatsenyuk, and the Cabinet that was composed mostly of reform-minded ministers were together able to prevent Ukraine's state and economy from collapsing in 2014, Ukraine's people and Western partners grew increasingly frustrated with Kyiv's “reluctance to crack down on high-level corruption” and dismantle private interests' hold over the Ukrainian state.⁴⁸

Case Study of Ukrainian Politics: 2016 Political Crisis

Ukrainian politics is notoriously murky, with political parties and politicians shifting allegiances and titles quickly. The 2016 political crisis provides an illustrative case study.

By February 2016, many Ukrainians lost confidence in the ability of President Poroshenko and Prime Minister Yatsenyuk to break the stranglehold of oligarchs on Ukraine's political and economic life.⁴⁹ The crisis began

on February 3 when Aivaras Abromavicius, Minister for Economic Development and Trade, announced his intent to resign. Abromavicius, a native of Lithuania, was brought into the second Yatsenyuk government along with a number of Westerners to help reform Ukraine's inefficient and corrupt economy. Abromavicius cited constant pressure from vested interests to block his Ministry's reform efforts. In particular, he stated that Poroshenko's friend and business partner Ihor Kononenko consistently interfered with his work.

While President Poroshenko repeated appeals for Western support in Ukraine at the 2016 Davos World Economic Forum and the Munich Security Conference, several key Western figures — among them U.S. Secretary of State John Kerry — expressed frustration with the glacial pace of Ukraine's economic and political reforms. The International Monetary Fund also delayed further financing until the political situation was stabilized.⁵⁰ As if to pacify Western critics, President Poroshenko announced the resignation of Victor Shokin on February 16. Shokin was the deeply controversial Prosecutor General of Ukraine, who allegedly refused to prosecute corruption cases and thus contributed to the government's poor reputation.⁵¹ President Poroshenko also asked for the resignation of the Yatsenyuk government.

That same day, Parliament took up the President's call for the government's resignation. A purely symbolic vote to declare the Yatsenyuk government's record “unsatisfactory” passed easily, with 120 MPs from Poroshenko's bloc contributing to the 226 votes needed to pass. No members of Yatsenyuk's party — The People's Front — were present. Just before the binding no-confidence vote was called fifteen minutes later, members of the Opposition Bloc (a successor to the Party of Regions considered to be allied with oligarch Rinat Akhmetov) and the Renaissance Party (reportedly associated with exiled oligarch Ihor Kolomoyskiy)⁵² walked out of Par-

2016.

50 “Press Release: Statement by the Managing Director on Ukraine,” Press Release No. 16/50, 10 February 2016.

51 “Ukraine general prosecutor has resigned: Ukrainska Pravda newspaper,” *Reuters*, 16 February 2016.

52 Ihor Kolomoyskiy, who now lives in Geneva, was appointed by Poroshenko to be the governor of the Dnipropetrovsk oblast in the summer of 2014. His rule was highly controversial, generating many allegations of extrajudicial killings and corrupt business dealings. Kolomoyskiy was fired by Poroshenko

48 Balazs Jarabik and Mikhail Minakov, “The Consolidation of Power in Ukraine: What It Means for the West,” Carnegie Endowment for International Peace, Task Force White Paper, 19 September 2016.

49 “Ukraine's prime minister Arseniy Yatsenyuk quits,” *The Guardian*, 10 April

liament. In an unusual twist, 30 members of the President's party — allegedly those with close economic ties to him — left the hall as well.^{53 54}

“Because the Maidan coalition fell apart, in order to pass key legislation, the Poroshenko-Groysman team now needs to rely on the members of the political parties reconstructed from the disbanded Party of Regions.”

These absences ensured that the no-confidence vote would not pass — in fact, it failed by 32 votes.⁵⁵ It is unclear why the President was unable or unwilling to deliver his own party's votes after pushing for the government's resignation. Theories abound, alleging that this was a genuine miscalculation on the part of the President, or an internal rebellion within his party, or a scheme for the President to get credit for pushing reform while safeguarding the interests of his fellow oligarchs.⁵⁶ In the eyes of many Ukrainian people, Yatsenyuk's credibility was shattered because while the pro-reform MPs voted for his ouster, the actions of oligarch-backed MPs ensured that he stayed in power. The oligarchs stood to benefit from stalling reform, since effective reforms would threaten their political influence and economic interests.

Soon after this crisis, Yuliya Tymoshenko's Fatherland Party and the Andriy Sadoviy's Self-Reliance Party quit

the governing coalition, leaving it without a Parliamentary majority. This forced Parliament to attempt to form a new coalition government. There were some concerns that if a new coalition could not be formed, the President would have been forced to call early parliamentary elections. These would have significantly destabilized Ukrainian politics, risked any chance of Minsk II implementation, and empowered populists like Tymoshenko's Fatherland Party and Oleh Lyashko's Radical Party.

On April 14, 2016, a new coalition government was formed under Volodymyr Groysman, formerly the speaker of Parliament and a close ally of President Poroshenko. Observers shared two primary concerns: first, the parliamentary coalition comprised individual MPs and not political parties, which is unconstitutional; second, the proximity of Groysman to the President greatly increased the influence and purview of the latter. This all occurred against a background of serious skepticism about President Poroshenko's willingness or ability to push difficult reforms. That said, the appointment of Groysman meant that President Poroshenko was now fully answerable for the slow pace of reform. Because the Maidan coalition fell apart, in order to pass key legislation, the Poroshenko-Groysman team now needs to rely on the members of the political parties reconstructed from the disbanded Party of Regions.

Moving Forward

Some observers argue that the pace of reforms has accelerated slightly under the Groysman government and that the economy has begun to grow at a faster pace,⁵⁷ while others question whether Groysman's appointment simply means a consolidation of power for Poroshenko.⁵⁸ Another close ally of President Poroshenko, Yuriy Lutsenko, was appointed Prosecutor General, even though he lacked a legal education and background. Important foreign and domestic policy issues are addressed in informal meetings of the “Strategic Group of Seven,” consisting of President Poroshenko, his Chief of Staff Boris Lozhkin, Prime Minister Groysman, Speaker of

when the former attempted to take over, using his own special forces, a state-owned energy company. Kolomoyskyi remains a funder of many political parties and owns a number of media outlets.

53 Mustafa Nayyem facebook post, 16 February 2016, [facebook.com/Mustafanayyem/posts/10206049534263456](https://www.facebook.com/Mustafanayyem/posts/10206049534263456).

54 Serhiy Leshchenko, “Petro Poroshenko's House of Cards,” *Ukrainska Pravda*, 16 February 2016.

55 Roman Olearchyk, “Ukraine's government survives no-confidence vote,” *Financial Times*, 16 February 2016.

56 Leshchenko, “House of Cards.”

57 Congressional Research Service, “Ukraine.”

58 Jarabik and Minakov, “Consolidation of Power.”

Parliament Andriy Parubiy, National Security Council secretary Oleksandr Turchynov, Interior Minister Arsen Avakov, and Prosecutor General Yuriy Lutsenko.

Key reforms that Ukraine has already passed include constitutional amendments restructuring the judiciary, legislation regulating the office of the Prosecutor General, and the establishment of the National Anti-Corruption Bureau (NABU).⁵⁹ The creation of a new police force and fiscal decentralization are strong steps in the right direction, but neither is irreversible without significantly more work. Vested interests continue to pervade the judiciary and the Prosecutor General's office, rendering the anti-corruption institutions and the new police force nearly impotent.

“Ukraine's vibrant civil society is behind the introduction, codification, and implementation of nearly all of the reforms passed since the Maidan.

Ukraine's vibrant civil society is behind the introduction, codification, and implementation of nearly all of the reforms passed since the Maidan. Non-governmental organizations and members of the “volunteer” movement engage with the government through civic councils, direct advocacy, and expert consultations. The civil society groups that have the largest effect on policymaking are the Reanimation Package of Reforms (RPR), Nova Krayina, and VoxUkraine. In many ways, RPR is the central hub of many other civil society organizations and the most influential channel for the implementation of reforms.⁶⁰ The organization Dixi Group played a key role in the adoption of energy reforms like the Gas Market Law, which brought Ukraine into compliance with the EU Third Energy Package.

59 Oleksandr Sushko and Olena Prystayko, “Nations in Transit: Ukraine,” Freedom House, 2016.

60 *Ibid.*

Many Ukrainians remain optimistic that their country may one day overcome both its Soviet past and pervasive oligarchic influence, believing that the best way forward is reintegration with Europe. Support for Europe in Ukraine — 67% want Ukraine to join the EU — stands in sharp contrast with Western Europe's burgeoning euroscepticism.⁶¹ Moreover, Ukrainian society's steady, slow push toward liberal-democratic norms rings dissonant with the growth of reactionary parties in Austria, Switzerland, the UK, France, the Netherlands, and elsewhere. Only 6 members of Ukraine's 424-seat Parliament are from far-right parties,⁶² while in Switzerland, the far-right populist Swiss People's Party won 29.4% of the votes in the 2015 elections.⁶³ In Austria, the far-right Freedom Party made an incredibly strong showing in the 2016 elections,⁶⁴ and Marine Le Pen may very well win the French presidential election in 2017. In addition, the Chief Rabbi of Ukraine Yaakov Dov Bleich argues that Ukraine has not had increasingly frequent anti-semitic attacks, as Western European countries have experienced in recent years.⁶⁵

KEY TAKEAWAYS

1. **Ukraine has a 1000-year tradition of nation building, historically derailed by both external aggressors and a domestic inability to engage in sustainable statecraft.** Many Ukrainians saw the Maidan as a bright and hopeful moment in Ukrainian history. There has been some significant progress on reforms in Ukraine, although not nearly enough has been implemented, and the opposition of oligarchs and other vested interests is growing.⁶⁶

61 Katie Simmons, Bruce Stokes, and Jacob Poushter, “Ukrainian Public Opinion: Dissatisfied with Current Conditions, Looking for an End to the Crisis,” *Pew Research Center*, 10 June 2015.

62 Devin Ackles (Hromadske International), “A Guide to Ukraine's Far Right,” produced by Maxim Eristavi, Randy R. Potts, Medium.com, 13 December 2014.

63 Urs Geiser, “Parliament Shifts to the Right,” SWI Swissinfo.ch, 19 October 2015.

64 Philip Oltermann, “Austrian presidential election result overturned and must be held again,” *The Guardian*, 1 July 2016.

65 Alexander Motyl, “Ukraine's Chief Rabbi Refutes Putin's Anti-Semitic Charges,” *World Affairs Journal*, 5 March 2014.

66 Neil Abrams and N. Steven Fish, “Dethroning Ukraine's Oligarchs: A How-To Guide,” *Foreign Policy*, 13 June 2016.

2. Claims that the Maidan was a product of radical nationalism are false. While Ukrainian ultra-nationalists and the far-right did have a limited presence in the Maidan, the entire movement was centered on liberal ideas of individual rights, government accountability, and political pluralism. After the Maidan, far-right parties *lost* 30 of their 37 seats in Ukraine's 450-member Parliament.⁶⁷

3. Ukraine must continue the prosecution of current officials for corruption and a lack of professional integrity. This process should include continuing and implementing judicial reforms; limiting the powers of Prosecutor's Office; creating properly functional anti-corruption bodies, including specialized anti-corruption courts. Ukraine's government should expand the scope of anti-corruption efforts to include businesses (for example by adopting legislation punishing the "supply side" of corruption), in addition to strengthening the involvement of citizens in anti-corruption efforts and adopting a whistleblower protection law.

4. Civil society groups play a disproportionately important role in the reforms process, drafting the relevant bills or Cabinet orders, pushing for their passage, and leading their implementation. It is important that American and international experts offer their help in drafting reforms in all sectors. Cooperation is particularly important for civil society groups focused on the energy sector. In this sector, the U.S. should focus support and engagement on groups that understand Ukraine's energy environment and provide concrete solutions with goals of making the energy sector more transparent, efficient, and competitive.

5. The Kremlin uses a Huntingtonian civilizational narrative to justify intervention to halt the development of democracy in East Slavic countries (its perceived sphere of influence), thus creating a self-fulfilling prophecy of the incompatibility of democracy with East Slavic culture. Ukraine, the story goes, inherently belongs within Russia's

sphere of influence, its integration with Europe is a threat to Russia's interests, and the military conflict in the east is a manifestation of Ukraine's internal ethnic divisions. This framing denies Ukrainians the right to national self-determination and grossly exaggerates the tensions between different groups of Ukraine's multiethnic society. Supporting Ukraine's transition is the best way to counteract this narrative. Therefore, **Ukraine and its partners must focus on building a successful and prosperous Ukraine on the territory it currently controls.** For the U.S., this means maintaining a robust sanctions stance and keeping the stakes and costs high for potential Russian escalation, while simultaneously helping Ukraine grow its economy and reform its political system.

RECOMMENDATIONS

- 1. The United States should encourage the Ukrainian government to focus on top-priority reforms and avoid political infighting.** These key reforms include liberalization and deregulation of the economy, anti-corruption legislation, tax and fiscal reform, as well as electoral and civil service reform. The U.S. should promote the creation of public forums for wider discussion of draft laws on constitutional amendments and reforms.
- 2. The U.S. should continue to highlight the plight of the Crimean Tatars,** the annexed peninsula's indigenous Sunni Muslim population, who have been the target of systematic repression by the Russian de facto authorities. **Engage Turkey,** and especially the sizeable Crimean Tatar diaspora in Turkey, as a natural partner and stakeholder.
- 3. The U.S. should codify its non-recognition of Russia's annexation of Crimea.**
- 4. The U.S. should increase the financial aid it offers Ukraine for rebuilding infrastructure and supporting social services on the condition that Ukraine makes concrete steps on reforms**

⁶⁷ Anecdotaly, it is worth recalling that the first protester killed was a Russian-speaking Armenian studying in Kyiv, and that the initial protests were triggered by a Russian-language call-to-action posted on Facebook by a Muslim Afghan-born Ukrainian journalist.

and anti-corruption measures.⁶⁸ Encourage the President and the Prime Minister to efficiently implement promised de-oligarchization policies.

5. The U.S. should help Ukraine develop new formats of cooperation with NGOs that help give civil society a seat at the reforms table, as opposed to a purely consultative role. Policies which direct aid to only a narrow circle of civic organizations with a certain existing level of financial management should be changed in order to expand aid to more organizations.

6. The U.S. should take a strong stance on civil liberties within Ukraine, standing up for vulnerable groups like Ukraine's 1.8 million internally displaced persons (IDPs) and independent journalists under government pressure.

The views above are those of the majority of the production team.

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⁶⁸ See, for example, Michael McFaul, "The Myth of Putin's Strategic Genius," *The New York Times*, 23 October 2015.