Focus on Ukraine

December 9 – 15, 2013

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I. Overviews of political events of the week

December 9

First president of Ukraine Leonid Kravchuk proposed to Viktor Yanukovych to organize a round table to find a solution to the political crisis. The current head of state supported such an initiative.

December 10

A round table was held between the current president of Ukraine and the three previous presidents: Leonid Kravchuk, Leonid Kuchma and Viktor Yushchenko. In the conversation with his colleagues Yanukovych appealed to Prosecutor General Viktor Pshonka asking him to release some of the citizens detained during the scuffles with the police on Euromaidan and Bankivska St. in front of the Presidential Administration building.

EU High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton, who proposed to official Kyiv her service as an intermediary in resolving the political standoff, paid a visit to Ukraine. She met with representatives of the Ukrainian government and the opposition.

U.S. Assistant Secretary of State for European and Eurasian Affairs Victoria Nuland paid a visit to Kyiv to assist in resolving the political crisis. She first met with President Viktor Yanukovych and then with leaders of the opposition and in the evening went to Maidan Nezalezhnosti.

Berkut special forces troops stormed the Kyiv office of the Batkivshchyna party, one of its leaders Oleksandr Turchynov reported. He said during the armed attack by Berkut troops confiscated servers on which documentation and electronic archives were saved and equipment that was used for communication with the regions was destroyed. A description of confiscated equipment was not drawn up.

Troops of the Berkut special forces unit attacked the Internet TV channel INTV and the editorial office of the newspaper Vechirni Vesti (Evening News). Both media sources are representative of the opposition. Berkut smashed the windows and doors, seized equipment and computer servers, forced journalists into the corridors and banned them from using their mobile phones.

December 11

On the night of December 11 special units of the Ministry of Internal Affairs encircled Kyiv and began pushing out demonstrators from Maidan Nezalezhnosti. The next morning they tried to storm the building of the Kyiv City State Administration, where protesters sleep and stay warm from the cold. Kyiv residents were mobilized through certain mass media and social networks. After they came out onto the central streets of Kyiv, columns of MIA troops began retreating moved towards the "government quarter". The MIA sarcastically called the storming of Maidan "a measure to beautify the territory".

Ukraine has a chance to regulate the situation in a democratic way, said U.S. Assistant Secretary of State for European and Eurasian Affairs Victoria Nuland after her meeting with President Viktor Yanukovych. She let Yanukovych clearly understand that "what happened this night is totally unacceptable in a modern democratic European society and state". Nuland noted that after her meeting she did not get the impression that Yanukovych knows what he has to do. Besides that, the next morning Nuland went to Maidan, where she gave out food to demonstrators and law enforcers.

December 12

High Representative of the Union for Foreign Affairs and Security Policy for the European Union Catherine Ashton stated that President Viktor Yanukovych "has intentions of signing" the Association Agreement with the European Union. She also stressed that the European Union is in favor of the release of all people arrested during the acts of protest who support Ukraine's Euro-integration and demands that the government of Ukraine back its statements about the country's European course with real actions.

The European Parliament adopted the resolution regarding Ukraine. EU deputies expressed their full solidarity with the participants of the Maidan protests that are fighting for their future in Europe and condemned the use of "brute force against peaceful demonstrators".

The resolution contains a demand to official Kyiv to immediately investigate the beating of peaceful demonstrators and punish the guilty. The European deputies called on the EU to cancel the visa regime for Ukrainian citizens.

For the first time in history the U.S. raised the issue of sanctions against the Ukrainian government. The U.S. Department of State announced that is reviewing all political instruments of influence on official Kyiv after force was used against demonstrators on Maidan this Wednesday.

December 13

A round table was held in Kyiv with the participation of the ruling power, the opposition and representatives of civil society. At the round table President Viktor Yanukovych announced the amnesty of incidentally arrested protesters and a moratorium on the use of force. In addition to that, he informed that a "trio of individuals" was directly complicit in the forced dispersal of demonstrators on Maidan Nezalezhnosti on the night of November 30 and they will be punished.

In response, representatives of opposition forces put a number of demands to President Viktor Yanukovych after approving the corresponding decision by direct voting on Maidan. Among them are the release of all participants and closure of all criminal cases against them, punishment of Minister of Internal Affairs Vitaliy Zakharchenko and other law enforcers for the use of brute force against peaceful demonstrators and announcing snap presidential and parliamentary elections.

Ukrainian magnate Rinat Akhmetov made a statement last Friday regarding the situation in the country, stressing that the best way to resolve it is by holding talks.

A demonstration in support of the course of President Viktor Yanukovych is being organized for Saturday and Sunday on European Square in Kyiv not far from Maidan Nezalezhnosti, where the Euromaidan protest continues.

The press service of the Batkivshchyna party stated that the ruling power is forcing residents of Kyiv on the budget payroll to take part in a mass demonstration that the Party of Regions summoned on the weekend. At the same time, the head of the parliamentary faction of the PoR says people themselves were interested in how to take part in the protests.

The opposition fears that the ruling power is preparing mass provocations during the protests of the proponents and opponents of Euromaidan scheduled for this weekend in Kyiv. In particular, leader of the Batkivshchyna faction Arseniy Yatsenyuk said he has information that nearly 80,000 law enforcement troops from all regions of Ukraine will be relocated to Kyiv. The government denies such information.

December 14

The Party of Regions held its pro-government meeting on European Square in Kyiv. Premier Mykola Azarov addressed demonstrators stating that in order for Ukraine to be granted a visa-free regime with the European Union it must legalize single sex marriages and adopt a law on the equality of sexual minorities. The day before the meeting of the PoR it was declared open-ended, but later in the evening leader of the PoR Oleksandr Yefremov announced that the end of the meeting.

Head of the EU Delegation to Ukraine Jan Tombinski responded to Azarov saying that the public statement of the premier of Ukraine that it must legalize single sex marriages in order to be granted a visa-free regime is total disinformation.

NSDC Assistant Secretary Volodymyr Sivkovych, Chief of the Kyiv Police Valeriy Koryak and Head of the Kyiv City State Administration Oleksandr Popov will be punished for the dispersion of protesters on Maidan, Prosecutor General Viktor Pshonka announced in a press conference. As such, all three suspected have been put under house arrest. During an interrogation at the Prosecutor General's Office concerning the event on Maidan Nezalezhnosti on the night of November 30 Popov said he executed the directives of NSDC Secretary Andriy Klyuyev. Head of the Kyiv Police Valeriy Koryak said the coordinator of the operation was NSDC Assistant Secretary Volodymyr Sivkovych.

December 15

The third People's Assembly on Maidan was held under the banner "Day of Dignity", which gathered half a million people. Besides Ukrainian politicians U.S. senators Chris Murphy and John McCain made addresses on the stage of Euromaidan expressing their support for peaceful demonstrations. The organizers of Euromaidan reiterated their previous demands to the government prohibiting President Viktor Yanukovych from signing the agreement on Ukraine joining the Customs Union during his visit to Moscow on December 17. The opposition forces declared another assembly at 18:00 on December 17 so that people could block the signing of the document regarding Ukraine's entry to the CU by their mere presence.

Repeat elections to the Verkhovna Rada were held in the five problematic constituencies in Ukraine. The turnout was 48,39% of the electorate.

II. Analytical Reference

- ✓ ***Democratic processes***

WEEK 4 OF EUROMAIDAN: IS THERE A SOLUTION IN SIGHT?

On the night of December 11 police units tried to disperse demonstrators on Maidan Nezalezhnosti, who have been protesting the refusal of President Viktor Yanukovych to sign the Association Agreement with the EU for the 20th day in a row and are demanding that he step down from office.

The attempts to force the demonstrators off Maidan were unsuccessful and within the next couple of days protestors reinforced their defense and more residents of Kyiv and the regions joined the act of protest. That same day President Yanukovych agreed to hold a round table with representatives of the opposition and civil society. The round table was held on Friday, December 13, but did not produce any notable results.

Why did the attempt to disperse protesters on Maidan on December 11 take place?
What results can the next round of confrontations bring about?

At first glance, there seems to be no logic behind the actions of the riot police sub-units that tried to storm and seize Maidan on the night of December 11.

First of all, the number of law enforcers was clearly insufficient to force the protesters on Maidan to disperse. This became obvious the same morning when nearly 100 troops of the Berkut Special Forces Unit tried to storm the building of the Kyiv City State Administration but were forced to quickly retreat under the pressure of the throng of demonstrators. Secondly, the attack was launched when Assistant U.S. Secretary of State Victoria Nuland, who flew into Kyiv to hold talks with President Yanukovych and members of the opposition, was still in Kyiv. Accordingly, the use of force at such a moment could have

totally ruined any grounds for international mediation and led to the radicalization of the U.S. stance regarding the actions of President Yanukovych.

Nonetheless, there are at least two explanations of the storming of Maidan by the riot police. On the one hand, the use of force against the protesters in president's eyes was a show of his own power and the ability to keep the situation in the country under control. In other words, he had planned to hold talks with representatives of the U.S. and the EU under a status quo that he would be most satisfied with, meaning the complete absence of protesters on Maidan.

On the other hand, it is totally probable that the attempt to disperse protesters from Maidan could have been influenced by the Kremlin. Given the strengthening dependence of Yanukovych on Moscow over the past weeks, the escalation of the conflict on the part of the Ukrainian government would be the most gainful scenario for the leadership of Russia and would immediately weaken the positions of the opposition and the president in Ukraine.

While it is difficult to say for certain which of the motivations behind the events during the night of December 11 are plausible, it is highly probable that both of them played their role. Accordingly, the failed operation of the sub-units of the riot police to a certain degree weakened the position of Yanukovych and, on the contrary, gave a new impulse to the demonstrators.

The first tangible repercussion for the president was the harsh reaction of representatives of the U.S. government, who openly stated the possibility of imposing sanctions against Ukrainian high-ranking officials. In addition to that, according to eye-witness accounts of well-informed individuals, the threats of sanctions were voiced not only against Yanukovych, but also Ukraine's wealthiest and most powerful oligarch Rinat Akhmetov. This clearly explains Akhmetov's statement the next day in which he cautiously expressed the need to find a compromise and amicable resolution of the current conflict. Further, the harsh reaction of the U.S. clearly was a challenge to President Yanukovych to call a round table for negotiations.

The round table, however, once again testified to the president's unwillingness to make any concessions to the demonstrators. In this way the head of state let people understand that he is not about to meet any of the demands of the protesters on Maidan, among which are the punishment of all those complicit in the dispersal of the Maidan on November 30, the release of all arrested protesters, the dismissal of Minister of Internal Affairs Vitaliy Zakharchenko, the reformatting of the government and the holding of snap presidential and parliamentary elections.

Accordingly, everything that Yanukovych promised to do to execute the demands of the protesters – release some of the detained individuals and punish three officials – deputy secretary of the National Council for Defense and Security Volodymyr Sivkovych, Chief of the Kyiv Police Valeriy Koryak and Head of the Kyiv City State Administration Oleksandr Popov for the events of November 30 looks more like a tactic to satisfy the international community without losing his positions. In other words, it is quite likely that President Yanukovych to this day is not taking into account the opposition forces and the protesters as equal partners with

whom talks can be held and that international actors are the only forces that can make him agree to make concessions.

Meanwhile, over the next several days the positioning of forces could change and the fate of Maidan and Yanukovych can be determined. Given that the Ukrainian president is scheduled to meet with his Russian counterpart Vladimir Putin on December 17, it is possible that a number of scenarios could arise in the days left before the official visit of the Ukrainian president to Moscow.

It is quite obvious that the desire of Yanukovych to receive financial aid from Russia to salvage the Ukrainian economy and guarantee himself a sufficient financial base for different forms of buying out the electorate before the next presidential elections in 2015 is his only way out.

In his turn, the Russian president may put a condition to Yanukovych to clear Kyiv of protesters, thereby demonstrating his power to control the situation in the Ukrainian capital, in exchange for allocation of the necessary funds.

So, the first scenario could be an attempt by Yanukovych to execute this hypothetical wish of Putin and disperse the Maidan by force. Information in the media about the transportation of a large number of special police forces, military forces and even so-called “titushky” (hired thugs) to Kyiv on Sunday, December 15 is testimony to the likelihood of such a variant of action.

Seeing as the dispersal of protesters on Maidan is a “mission impossible” as their numbers have notably increased and strengthened over the past several days, the alternative to brute force by the law enforcers may be different methods of provocation of fisticuffs between the protesters and participants of the gatherings that support of Yanukovych.

Proponents of such a scenario believe that such mass brawls could give the president grounds for imposing an emergency situation that can de facto only have effect for two days before approval by the Verkhovna Rada. In its turn, an emergency situation may give Yanukovych additional opportunities to forcibly disperse the protesters on Maidan.

At the same time, there are a number of factors that point to the weak spots of this hypothetical plan. First of all, information about the organization of possible provocations were spread among participants of the demonstrations on Maidan in advance, which means it can be expected that they are capable of bracing themselves for such a scenario in order to neutralize it to the maximum.

Secondly, the ruling power most likely cannot count on the 100% loyalty of law enforcement bodies. Their exploitation over the past several weeks and the fact that they were put up against their own citizens is already an indication of certain malfunctions in the law enforcement system, which will clearly continue with each day. Moreover, even if an emergency situation is imposed it may not give the president any new levers of influence on the situation in the country seeing as his control over the law enforcers has weakened.

For this reason, the possibility of different forms of provocation against the protesters over the next few days cannot be ruled out but the likelihood that this will result in the clearing of Maidan is not that high. Accordingly, it is possible that in tandem with this scenario some processes of a different

nature may transpire inside the ruling power.

On the one hand, the president, who cannot deal with Maidan and by his actions is at the same time giving it stimulus, will continue to lose influence on his own inner circle. On the other hand, fearing sanctions as a result of inadequate actions by the head of state also may prompt the most influential members of the president's team to seek new ways to resolve the problem. There is a possibility that over the next few days leading Ukrainian oligarchs will try to force the president to agree to concessions and satisfy certain demands of the protesters. What these concessions will be – change in the composite of the government, reformatting of the parliamentary coalition or return to the constitutional model of 2004 – remains unclear. However, the probability of this will increase with every new attempt of Yanukovych to conquer his opponents by brute force.

Conclusions

In short, over the past week President Viktor Yanukovych continued his attempts to disperse the protesters on Maidan through the use of brute force, but under the pressure of influential international players he was forced to feign that he will agree to concessions. So far these concessions look like he is scoffing at his opponents and it is highly likely that the head of state will continue to try and tame the protesters using the riot police, particularly in light of his upcoming meeting with his Russian counterpart on December 17.

Be that as it may, the probability of the success of such a strategy in the current conditions is clearly lower than it was before and the threats of sanctions against the most powerful Ukrainian oligarchs may induce them to sabotage the actions of the Ukrainian president, one way or another.

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