

Ukraine in deadlock - What next?

Amanda Paul and Vasyl Filipchuk

Some two months since Ukrainians took to the streets, a political solution to the standoff between the EuroMaidan protestors and the Ukrainian authorities remains out of reach, with the situation on the ground remaining volatile. As the clock ticks there is fear that further violence and instability could be on the horizon. Further turmoil risks Ukraine's territorial integrity, with talk of division and calls for Moscow to intervene coming from a number of Party of Regions speakers. It also increases the likelihood of new security threats going beyond Ukraine's border including refugees and asylum seekers. Furthermore, as the political crisis deepens, Ukraine's economic situation becomes more perilous with the chances of default on its debts rising.

Unprecedented Violence

Ukraine has a history of peaceful demonstrations and moderate politics. The violence against activists and ordinary people break with tradition and are a direct consequence of the aggressive methods employed by the state. Seven protestors have been killed, hundreds more injured. Some 22 people remain unaccounted for with kidnapping remaining a regular occurrence. Dmytro Bulatov leader of AutoMaidan, a movement within the EuroMaidan protestors, was found badly beaten, after he had vanished a week earlier.

The violent acts carried out by the Ukrainian security forces, including "titushki" (hired thugs) and Berkut (elite riot police) towards protestors in Kyiv and the regions have been widely condemned. Unfortunately, not a single police officer or other security enforcement agent has been arrested despite the government promising a full investigation. However, the courts have systemically put activists in prison for up to sixty days. More recently the authorities switched to a more "selective" type of violence including burning protestor's cars, carrying out "repression from the shadows" and clamping down further on free media and civil society.

Yanukovych – bruised but not broken

Ukrainian President, Viktor Yanukovych, miscalculated the reaction from the streets. While he is still surrounded by his inner circle, the Party of Regions is weaker with several MPs leaving and others signaling a readiness to support opposition bills in Ukraine's Parliament. Yet he is far from ready to "throw in the towel". He still has his local administrations network (although less powerful than before), the Berkut, support from key oligarchs who control large blocks of MPs and, of crucial importance, the backing of the Kremlin. The fact that the opposition remains rather weak also facilitates his political survival.

While Yanukovych started to be slightly more flexible in talks with the opposition, following international pressure, this seems to be little more than a tactical step to play for time rather than a genuine desire to compromise. Hence his concessions have not been concessions at all. The abolishment of "dictatorship laws" which were adopted on 16 January, and which caused bloody clashes on Hrushevskoho Street, does not represent a concession given it should never have been adopted in the first place. Neither could the resignation of Prime Minister, Mykola Azarov. Rather he used these steps to buy time. When it comes to key demands such constitutional reform, electoral reform and a genuine amnesty bill, Yanukovych has been far from ready to concede.

Stuck in deadlock

As of mid-February there is a deadlock. The government does not have enough force to clear Maidan, while the opposition does not have enough power to mobilise the entire country. People are waiting with growing irritation and a feeling of betrayal. Russia is actively using its widespread networks, and leverage to influence the situation. It is impossible to predict which player may break the deadlock and where it may lead the country. Ultimately, the key question is whether there is any space for dialogue between the forces to find a political solution.

Each player has a very different vision. Yanukovych would like to remain in power, receive financial (and other) support from Russia to maintain a "stable situation" until elections which he wants to win by whatever means he can. The opposition wants to achieve a compromise that has a clear road-map for change. This would begin with constitutional reform, then the creation of a technical government for a transitional

period, together with electoral reform. Maidan wants to reestablish the state with Georgia-type reforms, which would make police and courts subordinate to communities, remove corruption with a top-down approach, put EU integration back at the top foreign policy agenda and have Yanukovich and his “family” gone.

For Russian President, Vladimir Putin, Ukraine is an indivisible part of Russia and the Eurasian Union project. The fact that Kyiv owes Moscow a substantial amount of money means that Moscow has significant leverage. However, it would be a mistake to believe that Russia is enamored with Yanukovich. In fact the Kremlin may dislike him as much as the West does. Their interest is to have somebody in power that will put in place a pro-Russian government and protect and promote Russian interests.

It seems unlikely that Ukraine’s leadership wants civil war as this could sweep away the ruling elites, leaving behind a massive security vacuum, and a Ukraine broken into ‘pieces’. Therefore, Yanukovich will probably aim for a “bad peace”, and demonstrate a readiness to proceed with a number of reforms, but try to drag out the process of bringing them into force or do it in a way that will divide the opposition. This will particularly be the case with constitutional and electoral reform which will neuter his power. Constitutional reform limiting the President’s power is important but a fair electoral law is even more as without it, the road will remain open for Yanukovich to become Prime Minister once the Constitution is reformed. While Yanukovich can use any constitution to remain in power, only a free and fair electoral law, which has open party lists, can allow Ukrainians to bring the country back under their control.

The role of the EU

The EU must have a central role. The value of European integration for Ukraine is not only about reforms. It is first and foremost a mechanism to overcome regional divergences and offer a vision of a future state equally acceptable to all regions, thereby strengthening Ukrainian statehood.

In order to break the deadlock, the EU and US have indicated they are ready to put on the table a substantial financial aid package, which also involves a number of other partners including the IMF, to support economic and political change. It seems this money would be attached to a clear roadmap of deep and systemic reforms.

So far, despite the shuttle diplomacy and calls for political dialogue and compromise, the EU has been unable to influence Yanukovich to any great extent. This is partly because the EU has no clear strategy for Ukraine with divisions over how the EU should handle the crisis. One group, which is composed primarily of central and eastern Europe and the Baltics, are promoting a more robust response which goes beyond statements and calls for dialogue. A second group, which seems to include, Germany, France and the UK is more inclined to continue with a policy of waiting to see what Yanukovich – and Putin – do next. Unless there is substantial increase in violence and loss life, the majority of member states do not want to risk jeopardizing other interests, in particular relations with Russia.

However, if there is no end to the kidnapping, and shadow repression, and no genuine effort from the Ukrainian authorities regarding concessions, or fully investigate the deaths and kidnapping of protestors, the EU needs to be ready to shift up a gear. Hence the threat of targeted sanctions, including travel restrictions and the freezing of the substantial assets of certain political elites and oligarchs in some member states, may be an incentive for peace. It is also important that the EU and other international actors such as the UN and US continue to regularly visit Ukraine, as this helps reduce the likelihood of new violence.

Whichever new government eventually comes into power, Yanukovich’s successors will inherit a very difficult situation which will test them from the moment they come in office. The EU needs to develop a long-term strategy for Ukraine. The recent statement by EU foreign ministers on 10 February, which says the Association Agreement does not constitute the final goal in EU-Ukraine co-operation, is a positive development, yet far from enough. While it seems the EU does not have much space to do more with the current government, they need to be prepared for the day after Yanukovich leaves power, and be well prepared to respond to Ukraine’s new realities. Furthermore, the EU also needs to use this opportunity to engage with Russia. While Moscow’s actions should not be tolerated at the same time its worries must not be ignored. Given that EU and Russian leaders have long been talking of a common European economic space, or as Russia’s leadership define it ‘Lisbon to Vladivostok,’ now would seem an opportune moment to elaborate this idea further.

Amanda Paul is a Policy Analyst at the European Policy Centre. Vasyl Filipchuk is Senior Advisor at the International Centre for Policy Studies in Kyiv.

Disclaimer: The views expressed in this Commentary are the sole responsibility of the authors.