

# The Ukrainian Rebellion

by **Dominique Arel**

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**W**hat came to be known as the “Orange Revolution” was a misnomer. A fraudulent election was prevented through unprecedented civic mobilization, which was extraordinary enough, but the institutions of power were not reformed, in particular the abusive powers of the Procuracy and systemic corruption. Worse, the division of powers between the President and Prime Minister turned into a paralyzing tug of war that discredited the Orange leaders so much that Viktor Yanukovich, the fraudster of 2004, was able to win a fair and free, but still very close, election in 2010.

What we have been witnessing in the past ten days is a rebellion, not merely against the current government, but against the Yanukovich regime, namely, the way that officials have been practicing politics since the 2010 election. Actually, one could even see it as a rebellion against the very nature of post-Soviet Ukrainian politics, including practices that remained in force under Yushchenko. The galvanizing element has been the repeated instances of state violence, whether by regular Internal Ministry police, Berkut special forces, or mercenaries known as “titushki”.

The Maidan insurrection is a reaction — totally unexpected, but part of a recurring pattern globally — against the contempt expressed by officials in or near power towards the individual. The degrading cases of taunting, public humiliation, and beatings by Berkut forces circulating in social media — not

to mention the abductions and torture of activists — have struck a powerful chord because, despite their extreme nature, they are seen to epitomize the impunity that authorities display towards the powerless. The popular rebellion last summer in Mykolaïv against police involvement in, and cover up of, a rape case can be seen as a harbinger of the Maidan phenomenon that has not only gotten closer spatially to the epicenter of power – with the barricades on Hrushevskoho – but has spread, in various degrees of intensity, throughout Ukraine.

To be sure, Maidan began, on November 21, as a protest against the decision by Yanukovych to turn his back to Europe, which is why the protests were called EuroMaidan. Yet the excessive force displayed by the police on the night of November 30, and the large-scale attempt, on the night of December 11, to clear the square, with the threat of force looming, changed the nature of the protests. The severe beating of journalist/activist Tetyana Chornovol, the multiples cases of abductions (including that of AutoMaidan leader Dmitry Bulatov), the repeated attacks on journalists and the, on the whole, undisiplined behavior of Berkut forces have reinforced the shift towards a rebellion against an authority perceived to be illegitimate and unaccountable.

And yet, it is striking that the first instances of violence perpetrated by Maidan activists — the firebombs, rock-throwing and assaults on buildings – were a direct reaction to the laws rushed through parliament on January 16 that essentially criminalized political opposition, at least on paper. It is precisely when political avenues were blocked, and that everyone on the square was at the risk of arrest, that the recourse to violence by activists – unprecedented in political demonstrations in independent Ukraine – occurred. The political effect was immediate. Yanukovych, for the first time, was willing to negotiate, although initially through an intermediary (who happened to be the same official who orchestrated the fraud in 2004). After the first deaths were reported on January 22, Yanukovych began face-to-face negotiations, which led to his offer (rejected) to appoint Yatsenyuk as Prime Minister, the repeal yesterday of most of the January 16 repressive laws and the current negotiations over a law on amnesty largely aimed at activists currently imprisoned. [The law has since been rejected by the opposition –DA]

In terms of strict political efficacy, then, the decision to unleash violence paid off since, at least in the short term, it broke the political impasse. Violence, however, is a dangerous tool to wield. It also raises fundamental normative questions. When violence broke out on Hrushevskoho on January 19, we have to remember that the early narrative in the pro-Maidan social media was that “provocateurs”, or pro-regime infiltrators, were behind it. It is only after a largely unknown group, “Pravyi Sector”, claimed ownership of the initiative that the narrative changed to one accepting the necessity of throwing cocktail molotovs at the police as an act of legitimate resistance against an oppressive regime. We have since learned that several groups are in fact integral to this transformation of the Maidan from a peaceful to an offense-oriented force. Remarkably, the groups cut across the entire political spectrum. Pravyi Sector would appear to be at the far right, with elements claiming a “Ukraine for Ukrainians”, while anarchists and a group named Common Cause (Spilna Sprava) are on the left. And then we have the football radicals, the “ultras”, more inclined to act as hooligans in the British sports tradition in normal times, but who are now committed, throughout Ukraine and even in the East, to “protect the honor of Ukraine”. Translation: they’re fed up with seeing policemen beating up regular folks. This concatenation of forces of disparate groups is astonishing, but also extremely volatile. Their tactical alliance is certainly the demonstration that the protests have not been hijacked by the “far right”, if by that is meant the hardline nationalists. The protests may have been hijacked by hardline activists, but the football ultras would not spare one minute to honor the memory of Bandera.

The great absent in this story is actually the far better-known group who cares very much about Bandera, namely Svoboda. Despite their recent tradition of roughing up folks at public events and being in cahoots with disreputable far right types in Western Europe, Svoboda has acted as a fairly disciplined and responsible political organization that has not eschewed political channels. While a parting of the ways is inevitable sometimes in the future between at least the Klitschko and Tiahnybok constituencies [Tiahnybok is the Svoboda leader –DA], the three political opposition leaders have acted in a united front in negotiations with Yanukovich and in the Rada, and all three have experienced great difficulties in keeping the trust of the Maidan constituency – in the case of Tiahnybok, of the non-Svoboda constituency. Svoboda has acted

mostly as a security force in and around the square and has even resorted to force, with rubber bullets and all, to dislodge the contingent of Spilna Sprava that had occupied the Ministry of Agriculture, since the occupation of the Ministry made no strategic sense. That one set of activists is now attacking another is disturbing, but that it was done for the sake of the political logic of the protest movement reinforces the curiously stabilizing role that Svoboda troops have been playing.

How legitimate is the Maidan rebellion? And by that I mean how legitimate not from our point of view, but from that of Ukrainians themselves, the citizens of Ukraine. There is no question that the narrative of Western conspiracy, prevalent in 2004, is still very much alive. This is the mindset of President Putin in Russia, most likely of Yanukovych himself, and certainly of the two most vocal Party of Regions deputies, Kolisnichenko and Tsarov (the Berkut website even links the conspiracy to Jews). The claim is ludicrous, since opposition leaders, starting with the one leading the polls (Klitschko), cannot even control Maidan activists. Yet believers in conspiracies are uninterested in verifiable facts. This is why, incidentally, pro-Maidan claims based on a Russian conspiracy, such as the presence of covert Russian forces in Ukraine at the moment, must be dismissed on the same grounds. There is no evidence whatsoever of a Russian presence in Ukraine, notwithstanding the claims that “Russian accents” are being heard. If Putin decides to use such a strategy, it would provoke a rebellion within the Party of Regions and would likely be limited to Crimea, which would be destabilizing enough.

A far more reasonable questioning of the legitimacy of the Maidan protests has to do with the degree to which they are democratic and represent the whole country. In the first instance, the argument is that the protests are seeking to replace what should be done in a regular political process, such as the conduct of presidential elections in 2015. The point is not merely made for partisan purposes, by Yanukovych and others, but by political scientists such as Keith Darden (who wrote at a time when violence was not envisaged). In other words, that a minority of activists push aside a majority of voters is seen as problematic. The problem here is that the Yanukovych government, since 2010, has steadily proceeded to subvert the conditions under which an open contestation can take place in Ukraine, by neutralizing the courts, re-sorting

anew to blackmail to create a parliamentary majority that does not reflect the popular vote (last year, the three opposition parties combined did better than the Party of Regions and Communists taken together, and yet wound up in the minority in parliament), and by using selective and politicized justice to eliminate opponents (Yulia Tymoshenko being the preeminent case). Prior to EuroMaidan, it appears most probable to me that the Yanukovich regime was intent on stealing the 2015 elections. The January 16 laws removed any uncertainty in that matter. Klitschko said it well yesterday: “we’re not here to change the government, but to change the rules of the game”. That is to say, creating, or rather re-creating, the conditions for an open contest, which entails curbing the abusive presidential powers towards the courts, parliament, the electoral commissions and the procuracy. All of this appeared unimaginable a month ago, but the pressure of the streets could break the political system open. Or lead to a much worse outcome.

Regional polarization in Ukraine is a topic that I have studied for twenty years. At a basic sociological level, the regional cleavage is strong. The Russian-speaking South/East votes Yanukovich en bloc, the Ukrainian-speaking Centre/West votes for Orange-slash-Maidan parties en bloc. On the EU question, the polls in November still showed very significant regional variations. Maidan is disproportionately Kievan, Central and Western Ukrainians, with few Easterners, and within that group, Western Ukrainians are clearly overrepresented, among 24/7 activists, perhaps up to twice their demographic weight in the country. And yet there are signs that the regional cleavage is eroding. A December poll by the Kyiv International Institute of Sociology showed that while the East was much more pro-Russia than pro-EU, the young people, the 18-30 years old cohort, were pro-Europe. This was new compared to 2004. And now we have the report that the football ultras are joining forces with Maidan activists in several Eastern cities in attempting to seize government buildings. Contrary to Kiev or Western Ukraine, the Maidan rebels in the East don’t have the numbers on their side, and the regime is relying on other apolitical athletic types (the titushkis) to crush them, but the fact that we have that kind of mobilization in the East is unprecedented.

A complementary point pertains to the intensity of orientations, the readiness to act upon one’s belief. As shown twice in the last decade, Ukrainians from

Kyiv and Western Ukraine are far more able to mobilize than Ukrainians from the East, steeped in a more passive culture. Moreover, in an important commentary posted in late December, the Canadian-born Kyiv analyst Mychailo Wynnyckyj noted that Kyiv and Lviv are now acting as magnet cities, with demographic growth and the development of cutting edge post-industrial sectors, such as IT, while the cities of the East, Donetsk and Kharkiv, are declining demographically, struggling to overcome their obsolete industrial base. Political grievances emanating from the West (meaning Kyiv, Central and Western Ukraine) have to be seen in the context of the economic and demographic epicenter shifting from East to West.

Where does that leaves us? It is futile to attempt to make predictions, but different scenarios can be envisaged. A first scenario is that the regime cracks, loses the will to use force, the rules of the game are changed and anticipated presidential elections are held – or perhaps the presidential powers are so diminished that the real game becomes the formation of a coalition government, that could include a dissident faction of the Party of Regions. A second scenario is that a crackdown not only isolates Ukraine internationally but begets a violent insurgency, at least in Western Ukraine. A third is that a prolonged stalemate creates the type of violence – against police officers or civilians – that discredits the protest. A fourth is that central power begins to weaken, leading to the de facto “autonomy” of certain area – with all eyes fixated on Crimea and Donetsk. Fears of “civil war” are regularly stoked in public discourse (this morning by former President Kravchuk), but when we have young men – politically driven or intent of “restoring order” (as long as they are paid) – getting used to violence and police forces acting with impunity, we have the ingredients for a brew that could turn toxic. But since political channels have produced important breakthroughs in the past few days, including the long-standing Maidan demand for the resignation of the prime minister, there is still reason to be optimistic.