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Civil War and the breakdown of Ukraine's Faustian Bargain

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Since the beginning of the war in Ukraine in March 2014, media and commentators have focused overwhelmingly on Russia and its role in fomenting the conflict in Ukraine. Such a focus is warranted. There is no denying that absent Putin's aggressive behavior – invading Crimea and supporting separatists in the Donbas – this crisis would almost certainly have remained nonviolent. There is a clear villain in this story. Putin is the villain.

That said, domestic developments in Ukraine played a central role in creating an opening for Putin. In a nutshell, EuroMaidan witnessed the sudden breakdown of Ukraine's Faustian bargain that since 1991 kept Ukraine both whole but also highly corrupt. In brief, despite significant regional differences in Ukraine, unity emerged from what some called a "pact with the devil" made between Ukrainophiles on one side and nomenklatura/oligarchic interests on the other in the early 1990s. Since 1992, eastern interests were given a clear stake in the central government and supported Ukrainian independence; while Ukrainophiles from western Ukraine kept their more radical elements in check and supported the old nomenklatura in exchange for at least a minimal state support for Ukrainian culture, national symbols and language. The pact with the devil in various forms kept peace in Ukraine for a quarter century. This paper provides a brief history of this bargain since Ukrainian independence and how its extraordinary collapse contributed to the start of the civil war in 2014.

The original pact with the devil began with Leonid Kravchuk, who was selected to take charge of the Ukrainian legislature in 1990 after his predecessor left for Moscow. The Communist establishment, which had previously shown little interest in Ukrainian independence, selected Kravchuk because he was of the few members of the political elite who dared debating pro Ukrainian Rukh leaders in public. But instead of combating demands for independence, Kravchuk coopted the message of Ukrainian independence. He challenged efforts by Gorbachev to negotiate a new union treaty in 1990 and early 1991. A significant contingent within the Communist leadership adopted the opposition stance that Ukraine was a "resource rich 'colony' of the Soviet center." In the 1991 Presidential election, Kravchuk won in the first round – capturing a plurality of most western oblasts (but not Galicia). Relatively isolated, Ukraine's national democrats were forced to throw their support behind Kravchuk and supported Kravchuk in 1994.

In the immediate wake of independence, eastern Ukraine, like today, was initially under-represented in national politics. The Communist Party had ceased to exist and few organized political forces existed to represent eastern interests. But then, in early 1993, a “powerful strike wave swept through the Donbas” as coal miners, backed by regional leaders demanded regional autonomy, higher wages, and a referendum on early parliamentary and presidential elections. While there was little support in the east for separation from Ukraine, many supported greater autonomy. Donetsk and Luhansk councils voted in favour of regional autonomy in June 1993; while Luhansk voted that Russian should be the official state language alongside Ukrainian. Partly in response, Efim Zvyahilsky, the mayor of Donetsk and the head of one of the largest mines was brought in as acting Prime Minister. Between 1992 and 1994, the Ukrainian government was divided between a Ukrainophile President (Kravchuk) on the one hand and Russophile Prime Ministers from the east (Kuchma, Zvyahilsky) on the other.

The rise of Kuchma in 1994 represented a fundamental reorientation of eastern economic interests away from Russia and towards Ukraine. Kuchma built a coalition of pro Ukrainian nationalists and oligarchic business interests. Kuchma largely abandoned initial plans for closer economic and cultural ties to Russia and pushed for Ukrainian autonomy. Elected on a pro Russian ticket, Kuchma “actually deepen[ed] the ‘Western orientation’ of Kravchuk.” As a result, nationalists, who feared a pro Russian parliament, supported Kuchma’s efforts to strengthen the Presidency. While initially pro Russian, powerful business interests became open to Ukrainophile views by the late 1990s. The rise of large financial-industrialists in Russia in the mid 1990s generated fear among many in Ukraine’s economic elite that Russians would use their much greater access to wealth to grab valuable properties and out-compete Ukrainians in such vulnerable sectors as banking and finance. As Andrew Wilson notes, the eastern industrial elite began “to realize the new Ukrainian state could make them very rich indeed”.

At the same time, Ukrainophile forces demonstrated an acute awareness of the need to avoid alienating pro Russian forces in the 2000s. Thus, while Yushchenko’s Our Ukraine, included several radical nationalists in its ranks, the movement strenuously avoided using nationalist symbols during the Orange Revolution. Most critically (and in contrast to EuroMaidan) pro Orange forces refrained from seizing power unilaterally.

While Yushchenko initially had himself sworn in as President a day after protests began in November 2004, pro Orange forces backed off for fear of sparking regional tensions. Yuri Lutsenko noted that an immediate seizure of power “would have been interpreted by the east as an aggressive seizure of Kyiv by western Ukrainians...Political reform [reducing the power of the President] saved Ukraine.” According to Taras Stetskiv, “fear of splitting Ukraine” dissuaded activists from seizing power and encouraged them to negotiate a settlement with Kuchma forces. It is worth remembering such fears when considering events in 2014.

The Orange Revolution marked a sharp shift in representation of Eastern interests. Under Kuchma, the east had divided among a loose collection of parties and non-party politicians. The Orange Revolution united this electorate into the Party of Regions. During the 2004 electoral campaign, in the words of the Kyiv analyst Oleksii Haran, the government’s “main strategy was to present Yushchenko as a radical nationalist who would ‘oppress’ the Russian-speaking population, whereas Viktor Yanukovych ... was portrayed as a friend to Russia”. Such polarizing, anti Ukrainian rhetoric failed to undermine support for Yushchenko, but it *did* consolidate support for Yanukovych in the east. In the third round of the 2004 elections, Yanukovych garnered 77 percent of the vote in the east and a respectable 44 percent overall. This seems to have benefitted his party enormously in subsequent years. Thus, while the Party of Regions (together with other pro Kuchma parties) managed to obtain just 17 percent of the vote in the east in 2002, his party had the support of close to 60 percent in 2006 and 2007 (see table 1). Such reliance on eastern support explains why party leaders, who were largely non-ideological, repeatedly pursued pro Russian cultural policies. Thus, according to leaked American Embassy cables, Party officials felt they had to “talk about NATO membership and Russian language” in order to win parliamentary elections and worried that if the party ceased to advocate for Russian issues, it would “sink into oblivion.”

Table 1

Share of party vote by region 2002-2007						
2002 Parliamentary Election (PR only)						
	KPU	Zaedu	SDPU	Our Ukraine	Batkivshina	SPU
East	32%	17%	9%	6%	2%	4%
Center	15%	9%	4%	24%	10%	15%
West	5%	6%	4%	56%	13%	3%
Galicia	2%	3%	2%	68%	16%	1%
Total:	20.9%	12.2%	6.5%	24.5%	7.5%	7.2%
2006 Parliamentary Election						
	PoR	KPU	Batkivshina	Our Ukraine	SPU	
East	58%	4%	9%	5%	3%	
Center	13%	4%	35%	15%	10%	
West	6%	1%	33%	31%	3%	
Galicia	3%	1%	33%	39%	3%	
Total	32.2%	3.7%	22.3%	14.0%	5.7%	
2007 Parliamentary Election						
	PoR	KPU	SPU (fails to get in)	Batkivshina	Our Ukraine	Litvin Bloc
East	59%	7%	4%	12%	5%	4%
Center	18%	5%	3%	45%	16%	5%
West	8%	2%	2%	49%	29%	3%
Galicia	4%	1%	1%	51%	36%	1%
Total:	34.4%	5.5%	2.9%	30.7%	14.5%	4.0%

Source: Calculated from cvk.gov.ua

The party, which encompassed Ukraine's richest oligarchs, used this regional identity more or less to dress up the real purpose of the party – which was to make money for its members. At the center of this party was Rinat Akhmetov, worth billions of dollars, who was a key backer of Yanukovich in the 1990s. In 2010, Yanukovich won relatively free and fair elections and quickly monopolized control over the country. With a well organized party, massive industrial wealth, and solid control over almost half of the country, the Party was hard to beat.

Yet, the party collapsed utterly in 2014. After Yanukovich reversed course and refused to sign the European association agreement in late November 2013, protests exploded in central and western Ukraine. The protests would likely have died down had Yanukovich not engaged in a series of violent but ultimately half hearted attempts to suppress protests that only enflamed pro western passions further. Then, in late February, government snip-

ers opened fire on crowds in the center of the capital city in broad daylight. Party members immediately distanced themselves from these actions – including the pro government Mayor of Kyiv, who publicly resigned exclaiming that “no power is worth human sacrifice.” Hardly paragons of virtue, these leaders had no desire to suffer the sanctions that would come down on them for taking part. As a result, the party came apart at the seams and Yanukovich was forced to flee the country.

After that, party officials declaimed Yanukovich and the repression. Yet, the party essentially ceased to function. For the first time since independence, there was no legitimate force in the east that could effectively counter Russian incursions. The situation was made all the worse by the Ukrainian government’s tragic failure to include any major pro Russian figures in the central government. The sudden collapse of the Yanukovich regime in late February had a catastrophic effect on the eastern population’s trust in the government in Kyiv. Thus, according to polls taken in April by the Kyiv International Institute of Sociology, 70 percent of residents in Donetsk and Luhansk viewed the government as illegal. While this certainly did not make civil war inevitable, it clearly made it much more unlikely.

How much of this is the fault of EuroMaidan forces? On the one hand, it is hard to blame the protestors in 2013/2014 for the failure of negotiations. Yanukovich in 2014 was initially much less willing to negotiate than was Yanukovich in 2004 (under Kuchma’s influence). The resort to large-scale violence in February certainly made such negotiation much, much harder. Furthermore, it is hard to blame Euromaidan forces for the sudden collapse of the Yanukovich administration.

On the other hand, there was a lot that the opposition did to make the situation much worse. First, the widespread use of highly divisive nationalist symbols during protests marked a stark contrast to the Orange Revolution. As many noted at the time, this such use of symbols played into Putin’s hands. Simultaneously, protestors and the West almost completely refused to recognize that the protests did not represent the whole country. This almost certainly contributed by the post February 21 government not to reach out to pro Russian forces and the catastrophic decision to give the extremist Svoboda party major ministries in the first Cabinet following Yanukovich’s exit. In fact, the Ukrainian government in the spring of 2014 was remarkably moderate. However, these actions contrib-

uted to a PR disaster of truly epic proportions. These actions, happily played up by the Russian media, did nothing to increase trust in Donbas.

Ironically, the very factors that made 2013/2014 so inspiring as compared to 2004 – EuroMaidan’s overwhelmingly spontaneous character, and the inability of its leaders to control events on the ground – also made it much harder for leaders to navigate the difficult politics with Russia and Ukrainian authorities. As a result, EuroMaidan had a much harder time remaining self-limited to the extent that the Orange Revolution was.

In sum, the wave of separatism in Ukraine would not have taken shape without the very active and deleterious influence of Russia. Yet, the opening for intervention first came from the Ukrainian side. It may or may not be the case that Putin was planning this action long before. However, it is hard to imagine these events taking place if someone from the Ukrainian central government continued to have control over the eastern regions and if populations in Crimea and Donbas had not so completely rejected the February transfer of power.