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*Ukraine 2014 – a test of national spirit*



**Guest editor**

**Prof. Tetyana Nagornyak**  
*Donetsk National University, Ukraine*



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tamuna@hotmail.co.uk

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# FOREWORD

## Ukraine 2014. Why Maydan rebelled?

Tetyana Nagornyak

*Donetsk National University, Ukraine*

Having gained independence in 1991 as a result of the dissolution of the USSR, Ukraine became a sovereign state with a long history of state establishment. The sources of Ukrainian statehood date back to Kievan Rus, Kingdom of Galicia-Volhynia, Cossak Republic, Zaporizhian Host, West Ukrainian People's Republic, etc. For some citizens Declaration of Independence of Ukraine on 24 August 1991 was an act of justice that they had fought and died for. For others it was a political "gift" which they did not know how to treat. The Constitution of Ukraine declares it a democratic and law-based state, but social practices show a totally different reality.

During two decades of independence the key accents of Ukrainian socio-political discourse were made on the issue of democratic transit and its institutional basis modernization. According to the theory of social-political cycle processes, the period of Ukraine's independence has two full cycles 9-13 years each (scheme by Y.Yakovets). Every cycle is characterized by a conflict escalation between the state and society by similar criteria. Each of the two cycles ends with mass social protests against double standards of state power (society's total disapproval of mismatch between what was declared to happen and what was really happening). The first cycle of Ukraine's independence development (1991-2004) finished with the Orange revolution and victory of the opposition at the Presidential elections. The second cycle (2004) finished with the Maydan and early Presidential elections. These processes boosted the development of Ukrainian folk mind. The society gradually became a political entity.

In fact, every cycle formed the grounds for the conflict between society and the state power, along with society's self-organizing (not for ethnical, but for political nation and state affiliation). The main grounds are:

- **Formalized pluralism**

Parliamentary elections 1994 launched mass formation of political parties. In times of economic crisis and lack of a mature political culture, pro-president parties (SDPU, People's Democratic Party, Party of Greens of Ukraine, Labour Party Ukraine) played key roles in Ukraine within the first decade of independence. They were formed to fit the exact political persons and were aimed at executing President's will at the parliament and locally. Left and left-of-center political parties (CPU, SPU, PSPU) enjoyed priority in South-East regions and often exchanged their principles for "political privileges" (e.g. "package voting" in December 2004). Right political parties (Congress of Ukrainian Nationalists, Ukrainian People's Party, People's Movement of Ukraine) had no stable electoral address, did not aim at becoming all-Ukrainian and promoted nationalist ideas, at that time excepted by Western Ukraine only. The period after the Presidential elections 1999, when all L. Kuchma's main opponents were destroyed (V.Chornovil, P.Lazarenko), was a period of bifurcation of democracy building. This was the time when right and right-of-center parties picked up momentum, held "Ukraine, Rebel!" protest action, roused

the people, transforming atomized party system (1994-2002) into a pluralistic one (2002-2010). After V. Yuschenko's coming into power multi-party system was in pluralistic phase – opposition between “the white-blue” and “the orange” in different configurations lasted until the Presidential elections 2010 and ended with an actual monopoly of Party of Regions in Ukraine's party environment 2010.

The Party of Regions program definitely declared Ukraine's Eurointegration line, but the President refused to sign the UE-Ukraine Association Agreement on Eastern Partnership Summit on 28-29 November 2014. This resulted in the start of Euromaidan first in Western regions and then all over Ukraine.

- **President's legitimacy crisis and principles of government institutes formation.**

All Presidential elections in Ukraine were closely monitored by “external observers”. Neither of those who became the President was an independent player and, that is why, could not make any sovereign decisions due to being controlled by the election campaigns “investors” represented by Ukrainian big businesses and interested international actors (Presidents and special services of other states and international associations). Financial and political growth inside the country was the achievement of the two cycles of independence. This encouraged the formation of tycoon-clan political regime in Ukraine allowing Ukrainian tycoons to get deputy immunity. Presidential and local government elections 2010 boosted strengthening of “the Donetsk” top-down operation in the capital and locally. TSN referring to Korespondent (<http://ru.tsn.ua/ukrayina/po-urovnyu-kumovstva-vo-vlasti-yanukovich-prevzoshel-yuschenko.html>) states that by the nepotism level in politics Yanukovich by far surpassed V. Yuschenko. At the beginning of 2011 the notion of “the family” (the President and his palace guard) appears in vocabulary of Ukrainians', along with an anecdote in which the phrase “I come from Donetsk” sounds like a threat and asserting serious claims. The revenge of the Party of Regions (after the failure in 2004) was wide-ranging. At the beginning of 2011 Ukraine has already been transformed into a pyramid with a single managing center where the “loyalty to the party leader” and “party expediency” was the main criteria for joining the team of the new president. Migration of “the Donetsk” to Kyiv along with democracy indicators in 2011 deprived Donetsk of the status of a multi-million city and became another reason for misunderstanding between Western and Eastern Ukraine. By the end of 2013 75 per cent of the key positions were taken by people of “the family”. Even under these circumstances the President's legitimacy and the level of trust for the courts, police, governors and mayors varied from 2 to 7%.

- **non-transparency of political decision-making processes.**

Within the above mentioned mechanisms of power institutes formation and functioning the fact of non-transparency of political decision-making processes becomes obvious. During the first cycle of independence (1991-2004) transparency of political decisions was provided by mutual understanding between the power and big businesses, formalized democratic election procedure, reasonable terms for medium and big business development and external policy compromises. Socio-political and economic development of Ukraine after 2010 is characterized by serious conflicts between the power and the business, forcible takeover of land and real estate, assigning “the watchers” at the local level and in separate profitable fields (coal-mining, fuel and energy, banking, etc.) This resulted in using the legal system (The New Tax Code, language bills, The New Procedural Code) for personal corruption plans implementation of a small number of people, ignoring the law, neglecting basic human rights, ruling persons' illegal actions, dramatic social

differentiation of the population, legal and financial insecurity of the people (Vradyivskyi Maydan).

- **self-organization of local communities and Ukrainian society in general.**

The history of Ukrainian people knows many examples of despair when people rebelled to protect their families and their childrens' future realizing that no one else would do that. The Prime minister Azarov's announcement of the suspension of the EU-Ukraine Association Agreement on 21 November 2013 and intension to consult the EU commissioners and RF representatives as to the foreign policy line of Ukraine enlarged Euromaydan with people who took to streets to defend independence and transparency of making decisions. And the crackdown of Euromaydan by the riot police "Berkut" on 30 November 2013 launched the history of Ukrainian dignity at the cost of "Heavenly Hundred's" death and loss of territorial integrity of Ukraine. This was the Test in Humaneness and in subjectivity of the Society which does not have to be taken into account now.

This edition includes alternative opinions of experts who live in Ukraine and those from outside who are interested in Ukraine's development. We believe that it is our professional and moral duty - to tell the world about how was it.

## **The foundation of analytical articles is specified key events:**

### **January 2013**

- The cooperation plan between Russian and Ukrainian Ministers of foreign affairs was signed.

### **February 2013**

- 11-25 February Cabinet of Ministers' approves a number of documents aimed at accelerating of Ukraine's Eurointegration.

### **March 2013**

- **14 March** – Action "Ukraine, get up!" started.

### **April 2013**

- **19 April** An effort to dismiss The Cabinet of Ministers of Ukraine was made.

### **May 2013**

- **15 May** Personnel replacements in the Security Service of Ukraine Initiated by the President took place.

- **30 May** Public Prosecution office of Shevchenko district in Kyiv started a criminal case concerning the violent crackdown of the protesters by riot police "Berkut" on Sofiyska Square.

### **June 2013**

- **20 June** The draft translation of European Union-Ukraine Association Agreement was aired.

### **July 2013**

- **2-22 July:** "Vradyivskyi Maydan".
- **11 July** Russian's Sanitary Service questioned the quality of the confectionery imported from Ukraine and banned "Roshen" confectionary import to Russia (Confectionary Corporation Roshen is owned by Petro Poroshenko, a present candidate for Presidency of Ukraine).

### **September 2013**

- **4 September** The Party of Regions held a Special closed meeting where the President Yanukovich participated. The meeting concerned the clash of opinions as to Euroinegration initiatives.

- **18 September** The Cabinet of Ministers of Ukraine approved the text of European Union-Ukraine Association Agreement.

#### **November 2013**

- **21 November** The government of Ukraine pronounced suspension of Ukraine-EU Association Agreement. Euromaydan began.

- **28-29 November** Eastern Partnership Summit was held. The president of Ukraine refused to sign Ukraine-EU Association Agreement.

- **30 November** Riot police Berkut broke up Euromaydan.

#### **December 2013**

- **01 December** Administrative buildings in Kyiv were seized.

- **17 December** Russia cut the gas price for Ukraine down on one third for a period of five years.

- **20 December** The President of Ukraine Viktor Yanukovich signed an election improvement law that was obligatory for EU-Ukraine association.

#### **January 2014**

- **16 January** The Parliament adopted the outrageous laws.

- **18 January** - S. Lyovochkin was dismissed from the post of the head of the Presidential Administration and appointed a Presidential adviser.

- **24 January** V. Yanukovich dismissed I. Akimova, the first deputy chief of his administration.

- **28 January** The Parliament repealed nine of its 11 laws from 16 January. M. Azarov's resigned.

#### **February 2014**

- **8 February** D. Bulatov, Automaydan's leader, disappeared.

- **19 February** A truce between the President Yanukovich and the opposition leaders was signed.

- **19 February** Secretary of State for Home Affairs V.Zakharchenko ordered to use firearm against the protesters.

- **18-20 February** Active phase of violent clashes on Maydan.

- **20 February** Nebesna Sotnya (Heavenly Hundred) is being "formed".

- **21 February** V.Yanukovich, V. Klychko, A. Yacenyuk and O. Tyagnybok in the presence of EU and Russian representatives signed the agreement about overcoming the crisis.

- **21 February** Sotnik V. Parasuk's delivered a speech that started the new riot phase on Maydan.

- **22 February** The head of the government Rybak resigned. Turchinov was elected the new Head of Verhovna Rada.

- **22 February** There was first information of V.Yanukovich's disappearance.

- **22 February** V. Yanukovich was removed from the Presidency. The snap Presidential elections were set on 25 May 2014.

- **22 February** Verhovna Rada decided to release Yulia Timoshenko

- **22 February** Maydan's activists entered the Presidential residency, Mezhygirya

- **23 February** Ukraine's parliament assigned presidential powers to Oleksandr Turchynov.

- **23 February** Olexandr Yefremov, the head of the Party of Regions fraction, publicly censured Yanukovich's escape and treason.

- **23 February** Russian aggression against Ukraine started (events in Crimea).
- **23 February** There was a Pro-Russian rally in Sevastopol where the functioning mer V. Yacuba was proclaimed illegitimate.
- **25 February** The composition of the new government was approved by Maydan.
- **26 February** There was a large rally opposite the Parliament of Crimea where pro-Russian and pro-Ukrainian forces took part.
- **27 February** The new government of Ukraine was approved.
- **27 February** Yanukovich gave a press-conference in Rostov-on-Don.
- **27 February** Masked gunmen seized regional parliament and the Cabinet Council in Crimea. Russian military invasion to Crimea started.
- **27 February** The government of Crimea decides to hold a referendum on 25 May 2014 concerning accretion of powers of the autonomy.
- **28 February** Undefined gunmen made block posts at the entrance to Crimean peninsula.
- **28 February** So-called “Russian Spring” started in the South-East of Ukraine (Kharkiv, Lugansk, Donetsk, Mykolayiv, Odesa, Dnipropetrovsk, Zaporizhzhya).
- **28 February** UN Security Council the meeting concerning the situation in Ukraine.

### **March 2014**

- **01 March** UN Security Council meeting.
- **01 March The active phase of “Russian Spring” started in the South-East of Ukraine** (Kharkiv, Lugansk, Donetsk, Mykolayiv, Odesa, Dnipropetrovsk, Zaporizhzhya). Mass rallies took place, efforts to seize administrative were made (Kharkiv, Lugansk, Donetsk).
- **01 March** Aksyonov moved the referendum on 30 March.
- **03 March** UN Security Council special meeting (called by RF).
- **04 March** Putin gives a press-conference (Russian is not looking to annex Crimea; the army in Crimea has nothing to do with the events; “green men”)
- **06 March** Crimean self-appointed government moved the referendum from 30 March to 16 March.
- **11 March** Yanukovich gave the second press-conference.
- **11 March** The Parliament of Crimea and the city council of Sevastopol approved the Declaration of Independence of ARC and Sevastopol.
- **13 March** UN Security Council enlarged meeting was held where Ukraine’s prime minister A. Yatsenuk spoke.
- **14 March** National Guard of Ukraine was created (recreated)
- **15 March** RF blocked UN Security Council resolution as to Ukraine and Crimea.
- **16 March** The referendum in Crimea was held.
- **17 March** Partial mobilization to the Armed forces of Ukraine and other military forces was announced.
- **18 March** The President of RF Vladimir Putin together with representatives of ARC government (ARC and Sevastopol) signed the Law On Admitting to the Russian Federation the Republic of Crimea.
- **19 March** UN Security Council meeting.
- **21 March** The Russian Federation Council ratified the treaty on admitting to the Russian Federation the Republic of Crimea.



- **21 March** Ukraine and the EU signed the political part of association agreement.
- **22 March** Aksyonov backed pro-Russian protests and told that Crimean Self-defense forces would help the protesters.
- **27 March** General Assembly of the UN supported the territorial integrity of Ukraine.
- **28 March** ITAR TASS published V.Yanukovich's appeal to people of Ukraine. In his appeal Yanukovich encouraged to split the country.

# Postcommunist Ukraine: from Maydan to Maydan

Galyna Kuts

*H.S. Skovoroda Kharkiv National Pedagogical University, Ukraine*

## Abstract

After the decay of the Soviet Union, Ukraine has declared its aspiration to strengthen democracy. However, oligarchic-clan model of the political regime was created instead of democracy in Ukraine. This hybrid model is characterized by close coalescence of politics and economics. The oligarchic-clan model formed gradually, acquiring specific features, in the time of all the four presidents of independent Ukraine. Discrepancy between front (declared) aims of Ukrainian government and the real political process eventually has started to gain threatening dimensions, which caused the appearance in two powerful Maydans - the Orange Revolution (2004) and EuroMaydan (Fall - Winter 2013-2014).

The reason for the first Maydan - Orange Revolution of 2004 - was the falsification of the presidential elections in Ukraine. The main cause of the second area - EuroMaydan (Fall-Winter 2013-2014) - was the refusal of the signing the "Association Agreement between Ukraine and the EU" by the current Ukrainian President Viktor Yanukovich.

In general, the main cause of the second Maydan (EuroMaydan) was the same as the reason for the first Maydan (the Orange Revolution) - categorical rejection of political double standards.

**Key words:** *Ukraine, Orange revolution, Ukrainian political system*

## Methodology

A wide variety of methods is used in the article. Problem-chronological method provided an opportunity to describe the structure of the research. This contributed to the identification of specific aspects of the research object, which in accordance have been monitored in sequence-temporal development (mental determinants, the process of constitutionalism). The retrospective method was used for evolution's monitoring of the constitutional process in Ukraine. By dint of the comparative method the comparative analysis of two Maydans in Ukraine (Orange Revolution and EuroMaydan) was made. Institutional method gave an opportunity to find out the efficiency of the political institution's functioning in Ukraine during the period between two Maydans. Historic-situational method was claimed in analysis of the Ukrainian mentality.

## Introduction

Ukraine, which became an independent sovereign state in 1991 due to the decay (dissolution) of the USSR, has a long history of state processes. The origin of Ukrainian statehood reaches a depth of centuries: Kievan Rus, Galicia-Volhynia, Cossack republic, Hetmanate, etc.

After the decay of the Soviet Union, Ukraine has declared its aspiration to strengthen democracy. During two decades the primary emphasis was focused on the issue of democratic transit in Ukrainian social and political discourse. At the same time, the gap between political theory and political practice is impressed with

its scale in Ukraine. For a long time transit logical concepts executed strictly instrumental role. They were used only in order to simulate the process of democratization in front of the European Community. Facade of democracy was emphasized by functioning political institutions in Ukraine. Behind the scenes of its action there is actually hidden opacity of power, corruption schemes, law ignoring, neglecting of basic human rights, etc.

Finally, in Ukraine, which is allegedly embarked on democratic reforms, oligarchic-clan model of the political regime was created instead of democracy. This hybrid model is characterized by close coalescence of politics and economics. The oligarchic-clan model formed gradually, acquiring specific features, in the time of all the four presidents of independent Ukraine.

The first President of Ukraine Leonid Kravchuk (1991-1994) demonstrated some non-conformism in politics. Of those days "political regime in Ukraine was non-conformist – controversial, political will of the Ukrainian President had a weak reflection in activities of political institutions, searching for political and economic compromises turned into political maneuvering without certain purpose» [Mikhailchenko 2010 was 86-87]. Even during the presidency of Leonid Kuchma (1994-2005), Ukraine was considered to be a corrupt and oligarchic state in the world's sight. During the presidency of Viktor Yushchenko (2005-2010) - through its activity and inactivity - state's corruption and oligarchization acquired completed forms. These trends were fixed and substantially strengthened during the presidency of Viktor Yanukovich (2010-2014). During the presidency of Yanukovich democracy performed as camouflage netting of regent oligarchic-clan regime, that obtained new specific features again. In the end, it transformed in criminal-oligarchic regime. That is, in the formation of clan-oligarchic political regime, (which occurred during the presidency of Leonid Kuchma and Yushchenko), there was a close coalescence of two domains - politics and economics. During the presidency of Viktor Yanukovich the criminalization became a significant element, which changed the substance of the oligarchic-clan regime.

The perspective of transformation towards democratic standards existed in oligarchic-clan regime. There are several oligarchic clans, which constantly have competition for some resources in Ukraine. The existence of multiple influence centers on the authorities can promote democratic development, but only with their willingness. M. Myhalchenka defines this form of the term as "semi-democratic oligarchy".

Due to the multiple oligarchic clans existence there are several centers of power and influence on the government, which do not allow the dominance of the one oligarchic clan and respectively "rolling" to the totalitarian regime [Mikhailchenko 2010 was 91]. In general, this situation is positive for society, as far as it contains the potential of democracy.

At the same time, during the presidency of Viktor Yanukovich, the coalescence of three elements (politics, economics and criminal) transformed clan-oligarchic regime in a criminal-oligarchic regime. The criminalization of regime crossed out all Ukrainians hopes about need for changes towards the democratic reforms inside the oligarchic clans.

### ***Maydan 1 and Maydan 2: the main causes***

Consequently, it appears that democracy does not "work" in Ukraine. That is, the model of democratic transit existed only in theory but in practice there was neglect of fundamental democratic principles. Discrepancy between front ( declared ) aims of Ukrainian government and the real political process eventually has started

to gain threatening dimensions, which caused the appearance in two powerful Maydan - the Orange Revolution (2004) and EuroMaydan (Fall -Winter 2013-2014 ).

The reason for the first Maydan - Orange Revolution of 2004 - was the falsification of the presidential elections in Ukraine, when exit-polls demonstrated an obvious victory of opposition presidential candidate Viktor Yushchenko and the Ukrainian government announced the winner of the race pro-government candidate Viktor Yanukovich. The wave of nation's indignation was proved in rejection of screaming fraud from the government side in mass consciousness. The Orange Revolution was peaceful. This is proved by particular genetic pacifism of Ukrainians. Finally, the authorities decided to make certain concessions by appointing an additional tour of Ukraine's presidential election. Viktor Yushchenko became the winner.

It should be mentioned that by the time of the Orange Revolution Ukrainians have already used to live in a country with double-standard's policy, when the government declared (for the wide consumption) certain principles, but in fact, it has used radically different principles practically. The Orange Revolution proved that a strong request for a clear and fair game rules revealed in Ukraine.

The main cause of the second Maydan - EuroMaydan (Fall-Winter 2013-2014) - was the refusal of the signing the "Association Agreement between Ukraine and the EU" by the current Ukrainian President Viktor Yanukovich. Though he constantly declared propensity to the European integration course of Ukraine. Ukraine's course towards the EU (in the mass consciousness of the average Ukrainian) meant the actual (rather than facade) developing democratic institutions and the dismantling of clan-oligarchic model of political relations. The EU is clearly associated with the rule of law, respect to the personality, transpire rules of the political system functioning for most residents of Ukraine. This means that Ukrainians expected for a peaceful way of building democracy in their country, getting involved into the family of European nations. That is why Ukrainians closed their eye on the power's corruption, oppression of free speech, lack of clear rules in all areas of public life. Ukrainians anticipated that the European integration course, which was declared by authorities, will approximate the country to democratic standards.

EuroMaydan united people regardless of their places of residence, ages, social status, ethnicity, religious preferences and ideological views. Many Ukrainians qualify Maydan as a Revolution of Dignity. They consider that Maydan demonstrated the examination of humanity. The request for politicians, who are sincere in their actions, honest and decent emerged in Ukraine. Populism was not perceived.

EuroMaydan outlined the prospects of forming a new network-corporate identity. Everyone, who has been there once, noted the presence of unity, kindness, sincerity, and high self-organization. Each individual could produce their own interesting ideas fitting into in the general structure of diverse Maydan's projects, which were organized by the participants. This synthesis of multilevel network-corporate relations contributed to the emergence of plethora self-initiatives.

Second Maydan - EuroMaydan - was not peaceful. The government periodically tried to suppress nation's protests, which led to bloodshed and death of many people. Finally, the wave of popular indignation reformatted the power in Ukraine. EuroMaydan as the Orange Revolution proved, that strong request for a clear and fair rules has already formed in Ukraine.

Consequently, the main cause of the second Maydan (EuroMaydan) was the same as the reason for the first Maydan (the Orange Revolution) - categorical rejection of political double standards.

## ***Mental foundation***

Maydans in Ukraine became peculiar form of expression of direct democracy, which is not new for the Ukrainian mentality. In the days of the Cossack republic "Nation's Veche" was gathered occasionally (general meeting of urban population), which established the elements of democracy in the Ukrainian people's mentality.

After the Orange Revolution there was a noticeable electoral structuring society in Ukraine. On the one side of the barricades - was "orange" camp (supporters of Yushchenko), on the other - "blue and white" (supporters of Yanukovich). Both the "orange" and "blue-white" camps had their own values – not ideological - priorities. In public consciousness such priorities can be identified even at superficial observation of the supporters with various values. A typical "orange" adept sincerely does not understand the reason for European value's deprecation. In fact these principles mean creating the conditions for ensuring freedom of every person, the establishment of self-worth and individual uniqueness. How can you oppose the openness and transparency in government, the establishment of national ideals? Instead, he believes that with the advent of the "white-blue", Ukraine gets into Russian (imperial) yoke, in corruption and power secrecy, in neglect of national interests, which threatens to the state's split.

The "white- blue" camp had absolutely diametrical views. They sincerely did not understand the reason for supporting the so-called European values, which were interpreted by election campaign leaders, as a Ukraine's enslavement by foreign forces headed by NATO. How is it possible not to love and turn away from native neighbor Russia, which is good-natured and ready to take paternal care of us? Why do we need this transparency in government actions (which is supported by the "Orange"), if it leads only to political instability? They believed, if every official begins express its own view on the nature of political and economic processes in Ukraine, it will only lead to the power imbalance. Political decisions have to be made by the highest authorities and executed unquestioningly. Such reasonings, of course, are reflection of the Soviet past, when the only right decisions were made somewhere in the mysterious power corridors by wise and grave person. According to this logic, extremely dangerous could be made: the less observing of political decision-making, the more confidence in the stability and predictability of government. Consequently, political actions and processes, which were defined by the "orange" as democratization and openness, "white-blue" called populism, chaos and instability, and - vice versa.

If you advance interior into the problem of value conflict, we will make out in front of us ancient differences between Latin and Byzantine values. Classical Latin values are strong family, religious norms and perseverance [Zakaria 2004: 47 y]. Byzantine values are most typically associated with paternalism and secretive solving problems. While Latin values mean the person's reliance in its own forces in solving different problems, Byzantine human believes, that the state should take care of it. People impose all their hopes on the highest wisdom of the ruler. Consequently, individuals, who came to the Maydan, believe mostly in Latin values, while people who strongly perceive Maydan support Byzantine values .

The coexistence of two cultural traditions - the "western" and " eastern" is observed in Ukraine nowadays. Moreover, the Western cultural tradition is the foundation of social and political interactions, while the eastern tradition is Christian-spiritual at its core [Yevropeys'ka ta ukrayins'ka kul'tura v narysah 2003 : p. 287 ]. It is necessary to emphasize on the fact, that "the eastern" cultural tradition extended mainly on spiritual level of Ukrainian culture. Talking about the socio-political level, the rejection of Byzantine traditions, their exclusion was often observed. In particular, this was about rejection the idea of the limitation of

individual freedom, the idea of autocratic despotism, expansionism, etc. Finally, the "eastern"(Byzantine-Orthodox) and "western "(democratic) cultural traditions (by intertwining and interacting), defined the character and development course of Ukrainian social and political thought" [Yevropeys'ka ta ukrayins'ka kul'tura v narysah 2003 p. 288 ].

In general, Ukrainian mentality is characterized by individualism, freedom, rejection of authoritarian principles. These values correlate with the values of liberalism in some way. On the other hand, there is also some correlation with the principles of conservatism. "The specificity of Ukrainian culture type is caused by the Ukrainian territory belonging to the area of the ancient tiller sedentary culture. This areal found its reliance of existence in traditionalism for many centuries" [Yevropeys'ka ta ukrayins'ka kul'tura v narysah 2003 : p. 277 ].

### ***Constitutional background***

The 2004 became symbolic for the political system of Ukraine not only because of the Orange Revolution, but through the adoption of so-called political reform (law number 2222), which amended the Constitution of Ukraine. The adoption of political reforms have not only changed the state's form of governance from the presidential-parliamentary to parliamentary-presidential, but led to the imbalance of power in certain way. In other words, the problem of political instability that befell Ukraine in "postpomaranchevy" period was primarily determined by constitutional amendments. This problem consisted from the imbalance of power institutions, that reflected in vague powers and functional uncertainties, which political institutions of the executive branch had.

On the one hand, paradoxically is the fact that many people in Ukraine believe that the Orange Revolution led to chaos in the government. structures. On the other hand, point of view of many experts in Western countries seems equally paradoxical. They believe that main problem, which led to political instability in "postpomaranchevy" period, was only personal relationships between the President and Prime Minister of Ukraine, which, indeed, seemed to be very confrontational. However, some facts are dropped out of sight due to such a simple explanation of political instability.

First of all, the power imbalance was not primarily caused by the Orange Revolution, but the Law "About the amendments to the Constitution of Ukraine ", which was adopted December 8, 2004. Since the law was adopted by the Parliament of Ukraine in the package along with the decision of the third presidential election round in 2004, it was not perfect. The reason for its adoption was political expediency. Adepts of Yushchenko - the candidate for the President of Ukraine - were forced to agree to adoption of the Law (which significantly limited the president powers) in exchange for a second vote due to peaceful settlement of the revolutionary situation. This means that these two events - the Orange Revolution and Constitutional Reform are connected only by a common date of resolving its destinies. Consequently, the Orange Revolution could not cause the chaos in power system.

Secondly, confrontational relationships between the president and Prime Minister were observed not only between Yushchenko (the President) and Yulia Tymoshenko (Prime Minister).A similar situation was in the times, when Viktor Yushchenko was the President and Viktor Yanukovych was the Prime Minister.

It is necessary to note that there were reasons for personal animosity between Viktor Yushchenko and Viktor Yanukovych. However, these permanent demonstrative-confrontational relationships between the leaders of the country had to touch up at identifying the deeper reasons of conflicts, which were caused not only by the personal ambitions of politicians, but the mine of institutional action

that was laid by amendments to the Constitution.

Regarding the 1996 Constitution [Konstytutsiya Ukrainy 1996] it is necessary to note that it is based on liberal principles. However, the existence of fundamental liberal principles did not secure the Constitution of Ukraine against substantial defects. These defects were related to primarily basic liberal position regarding the separation of powers into three branches - legislative, executive and judicial branches, which is reflected in Art. 6. But the problem is that other articles of the Constitution nullified Art. 6. With the coherent perception of the Constitution, it appeared that the executive branch of government has actually become "double-headed" through the excessive powers which were provided to the institution of the presidency. Despite of the fact that Art. 6 prescribed existence of three branches, it seemed that the Basic Law foundered the existence of four branches in Ukraine.

This problem was not raised during the presidency of Leonid Kuchma. The contradiction, (which was beneficial for Leonid Kuchma), was founded in the Constitution exactly in that time. This problem has been actively discussed (with the filing of the President) by the end of the second term of Leonid Kuchma presidency. At the time, Leonid Kuchma understood that he has no right to be president thrice, it was beneficial to curtail presidential powers and transform Ukraine into a parliamentary- presidential republic. L. Kuchma probably hoped to occupy the post of Prime Minister of Ukraine with the help of such constitutional changes. This could secure his further staying at the Power Olympus. However, due to the Orange Revolution Leonid Kuchma was unable to use the results of the reform. This constitutional reform was used by surrounding of presidential candidate Viktor Yanukovich in order to limit the president's powers, realizing that the Yushchenko presidency was inevitable.

Therefore, the problem of the imbalance of the executive branch caused the birth of the Law "About the amendments to the Constitution of Ukraine", which was adopted on 8 December 2004. It was dubbed the law "Four Deuces" because of its specific serial number - 2222. Basic changes that made this law was empowering the Parliament to determine structure of the Cabinet of Ministers, as defined in Art. 83 [Zakon Ukrainy 2004].The prerogative of introduction candidates on prime minister position belonged to president in the 1996 Constitution.

Consequently, it seemed that curtailed presidential powers would automatically lead to a harmonious balance between power institutions. It seemed that the principle of checks and balances is ensured. However, the principle of checks and balances did not led to the result. Moreover, the law "Four Deuces" contributed even more chaos and instability at the level of political institutions in Ukraine. This was caused, on the one hand, by the rush of adopting the Law "Four Deuces" in the turbulent period of the Orange Revolution in Ukraine. On the other hand, the Parliament, which played the role of first violin in the power system, failed in further development and adopting a legal framework aimed at defect's elimination regarding the separation of powers.

The 1996 Constitution re-entered into force after the victory of Viktor Yanukovich in the presidential elections (30 September 2010). The decision - made by the Constitutional Court of Ukraine- led to the fact that more than forty laws and large number of regulations were unconstitutional (they were adopted on the basis of the Constitution, which was amended by 2004).In addition, the system of checks and balances was unbalanced again. The revived Constitution transformed Ukraine from the parliamentary-presidential to a presidential-parliamentary republic again. The powers of parliament were truncated, while the powers of president were generously endowed. Having received the long-awaited presidency of Ukraine in 2010, Viktor Yanukovich started to build unified power vertical. Therefore, re-entering the 1996 Constitution was one of the elements of the concentration power

in the president hands. Most of Ukrainians believe that democracy is a supreme value. The processes of clotting democracy were activated after becoming Viktor Yanukovich the president.

President of Ukraine Viktor Yanukovich left the country after the second Maydan - EuroMaydan (Fall and Winter 2013-2014). New presidential elections scheduled for 05/25/2014. The transformation of constitutional rules of the game became one of the essential government steps after the overthrow of the dictatorial regime of Yanukovich. Parliament of Ukraine adopted the Resolution 02/22/2014 [Postanova 2014] about the returning to constitutional reform of 2004 and, consequently, to a parliamentary-presidential model of government.

Today - after EuroMaydan - all citizens of Ukraine understood that making history is happening before their eyes. This process is both exciting (involvement in global changes) and terrible (awareness of inevitably rupture with the past and the uncertain future).

### **Conclusion:**

Postcommunist Ukraine always declared its aspirations of democracy building. However, oligarchic-clan model of the political regime was created instead of democracy in Ukraine. Discrepancy between front (declared) aims of Ukrainian government and the real political process eventually has started to gain threatening dimensions, which caused the appearance in two powerful Maydans - the Orange Revolution (2004) and EuroMaydan (Fall - Winter 2013-2014).

The reason for the first Maydan - Orange Revolution of 2004 - was the falsification of the presidential elections in Ukraine. The main cause of the second area - EuroMaydan (Fall-Winter 2013-2014) - was the refusing of the signing the "Association Agreement between Ukraine and the EU" by current Ukrainian President Viktor Yanukovich. In general, the main cause of the second Maydan (EuroMaydan) was the same as the reason for the first Maydan (the Orange Revolution) - categorical rejection of political double standards.

Ukraine is situated on the edge of two cultures: between East and West. This "midpoint" occasionally leads to various forms of confrontation (political, religious, electoral, etc.). However, the mentality of the Ukrainians - both in the East and in the West - is deeply individualistic. Exactly this individualism, which is the basic installation of the Ukrainian mentality, may be a prerequisite of democratical political culture establishment.

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# **Ethnopolitics of Ukraine: Challenges and Chances**

Anatoliy Kruglashov

*Chernivtsi Jury Fedkovych National University, Ukraine*

## **Abstract**

The article considers key issues of Ukrainian ethno-politics evolution since 1991. The author outlines main stages of its foundations and development as well as institutional characteristics. Challenges of inter-ethnic tensions and conflict have been regarded and some principal conclusion drawn up. Some accents are made on the threats of ethno-separatism. In the same time, the author considers a case of the one from the calmest region of Ukraine – Chernivtsi oblast (Ukrainian Bukovyna), where the tradition of tolerance went back to the Austrian time. There are both positive and negative trends to be taken into account. Finally, some suggestions and proposals of making inter-ethnic relations in Ukraine more stable and positive are put forward.

**Key words:** *Ukraine's ethno-politics, regional separatism, inter-ethnic relations, challenges of stability*

## **Introduction**

Geopolitical crisis in Europe provoked by the unexpected annexation of Crimea by Russia makes the consideration of Ukraine's domestic stability and further perspective a very important and urgent task. Among the most important factors determining the cohesion of Ukrainian society is inter-ethnic relations in the country and ethno-political dimensions of the State policy. Surely, Ukraine is a multiethnic country with a relatively brief history of its Statehood. Because of that many of its citizens remain in the stage of unfinished search for their identity, moving apart from evaporating Soviet model of identity towards more complex mixture of civic and ethnic identifications.

Despite some obvious regional, confessional and ethnic diversity the country have been safely passing through the first two decades of its Independence, avoiding major interethnic conflict and open confrontation. This positive and inspiring under recent dramatic conditions fact does not mean however that Ukraine has faced no challenges of interethnic relations and state ethnopolitics at whole. In fact, there are plenty of them there. They need to be taken into careful consideration as the subject of comprehensive analyses by academic society and policy-makers.

The article reflects the author's personal vision and reveals some critical issues of ethnopolitical evolution of Ukraine's society since 1991. First of all, they are analyzed from the all-national point of view, and later, in more detailed manner, from the regional standpoint, regarding the peculiar situation of Chernivtsi region peculiarities as a sample. And, finally, the paper approaches some general conclusions and suggestions evaluating the positive and negative aspects of Ukrainian state's ethnopolitics and its ability of constructing stable and sufficient inter-ethnic balance in the country.

## **The Challenge of building a new Political Nation in Ukraine**

The starting point for the general outline of the society in Ukraine is a statement that the latter is no way a homogeneous one. It is divided by many of political factions and regional components; some of them are not very much loyal towards Ukrainian statehood and its citizenship. Beside diverse political preferences, opposing geopolitical orientations, confessional domains of sometimes competing if not rivaling Churches, Ukraine has been facing with pressing challenge of its ethnic stability and the growing demand to maintain interethnic relations in a proper civilized order. Thus, taking into account so many centrifugal forces and pressure from outside Ukrainian border, the country has a lot of reasons to be preoccupied with its territorial integrity and social peace.

Taking into consideration this general situation, I have to stress that Ukraine has possessed some paradoxical features with regard to its ethnopolitics and inter-ethnic relations. On the one hand, nobody else but Ukrainians compose there a solid majority of countries inhabitants. The only region where Ukrainians are the minority is Crimea. But, on the other hand, Ukrainians themselves are drastically different and still are not consolidated as the leading and overwhelming ethnic community. First and foremost, they are not united by the system of common values, shared historical memory and integrated vision on the state and society future.

Superficially a key problem inside the Ukrainian ethnic community laid in their linguistic preferences only. This point requires some in-depth analysis.

First of all, major part of Ukrainians who leave in Western and Central regions of the country is Ukrainian-speakers, while Eastern and Southern regions of the country are dominated with Russo-phones. It is worth reminding hereby that the only region of Ukraine where ethnic Ukrainians are in minority is Crimea. There Russians are the majority for a long period of contemporary history, namely after WWII and it happened as a direct result of the ethnic cleansing organized by the order of Joseph Stalin against Crimean Tatars and some other ethnic groups there under the falsified pretext of their collaboration with Nazi administration. Nonetheless, this most clear difference amidst Ukrainians is not limited with the ethno-cultural diversity only and leads to several open and hidden political and social consequences. The latter were masterly (mis)used by some domestic and foreign actors since the very dubious Presidential campaign of 2004 in order to mobilize and confront voters in different regions of Ukraine, manipulating their emotions and stereotypes that survived the breakdown of the USSR to a very extend.

Secondly, outside of a not-consolidated community of the titular nation, another and possibly logical continuation of the previously stated paradox of Ukraine is that Ukrainians in the recent years gradually lost their presumably dominant position even in political and public sphere, while they did not get a leading role in the national economy for the entire period of the State independence. It makes them grow uncertain, frustrated and uncomfortable in the native state.

Third and most characteristic paradox of Ukraine is a vast influence of the Russian ethnic community in the country, which is well-represented into national political and business elite and in addition to that has been supported by the much bigger neighboring country, namely Russia. This community itself is not well-organized, but some politicians were and are eager to speculate about ethnic discrimination of Russians in Ukraine, looking for the best remedy in official recognition of Russian language as the second official one of Ukraine. Russian officials started to openly support this claim last year, using their agents of influence in Ukraine in order to promote this claim together with the goal of Ukraine's federalization. Till the end of February, 2014 the pressure did not reach

momentum of Kremlin orchestrated campaign , while after V. Janukovych escape from Ukraine the Kremlin has decided to use the weakness of new Ukraine's government at full fledge and occupied and annexed Crimea, thus violating all the international and bilateral agreements. The official reason of such unprecedented aggression has been invented as the defense of Russian-speaking population in Ukraine. No real arguments in favor of that accusation have been proposed till now.

The next and corresponding to this abovementioned issue is a paradox that it is Russian language not Ukrainian dominates in fact upon the most part of Ukraine, not to mention all-national and even regional media. But intriguingly and symptomatically, whatever and whenever attempt to unite politically Russians in Ukraine under pro-Russian and anti-Ukrainian slogans were made, they have not been successful in all parts of Ukraine (for instance, the creation of Russian Block etc) and failed there, anywhere but Crimean Autonomy, however. In Crimea, for instance, the pro-Russian party led by Serhey Aksenov won only 4 % of voters support. That does not prevent his appointment to the Prime-minister of secessionist Crimea in time of recent Russian operation on the peninsula however.

It is important to state that alongside with all-national demographic crisis Russians in Ukraine seemed to be one of the rapidly diminishing communities. There are a lot of arguments about comparison of 1989 and 2001 census results with regards to numbers of Russians in Ukraine. One of the key reasons of this considerable demise of Russians reflected in absolute and relative figures is the following. These figures have to be interpreted here. Many of them, being born in mixed families under Soviet regime preferred to choose Russian nationality as the best option. When Ukraine got Independence this part of citizens has started making the opposite choice, now in favor of identifying themselves as Ukrainians. Unfortunately, the new census has been twice postponed by the Mykola Azarov government with no acceptable excuse. It seems to be conspicuous move of them, as for now.

Therefore, as a result of those mixed and controversial trends, a very important fact could be stated. Nowadays Ukraine is placed under growing pressure from two representatives of opposing visions of what is the major threat of the ethno-political instability as far as the country perspective is concerned. The first vision, comes from uncertainty and frustration of many of Ukrainians, who are feeling deprived of the recently attributed status of so-called titular nation. These feelings are enflamed for instance with notorious State Law on language policy, initiated with Party of regions leading members Olexandr Kolesnichenko and Olexandr Kivalov. Despite many protests and well-grounded academic critics the dubious Law has been signed by the President Viktor Janukovych and made new concessions to the legal status of Russian language entrenchment first of all. And the second one is provoked with persistent claims on behalf of the most numerous minority namely Russians of Ukraine's against the so-called forceful Ukrainianization process taking place in the country. Alongside with this highly debatable and to a very extent exaggerated issue, some other ethnicities, such as Crimean Tatars, Hungarians in Transcarpathia and Romanians in Chernivtsi and Odessa regions have got their peculiar vision what went wrong with national ethnopolitics and ethnopolitics too. In the same time it is worth adding that the voting of Verkhovna Rada against Kolesnichenko and Kivalov Law after V. Janukovych run away from Kyiv provoked speculations about nationalistic trends in Ukrainian Parliament and paved a way to Kremlin propaganda about Russian-speaking population discrimination. However, the anti-Ukrainian propaganda did not stop when the abandoning of the Law did come into force because of acting the veto of the President of Ukraine Olexander Turchinov.

Most dynamic and troublesome situation with interethnic relations in Ukraine was persistent in Crimea even prior to 2014 annexation. Russians living there

regard themselves as a dominant community with no reservations and concessions made to other ethnic groups' claims and demands. Some of them are totally oriented towards "historic Russia" when the peninsula belonged since 1783 to Tsarist and later on to Soviet Empire. This dominant numerically part of the regional society is mostly unfriendly if not an openly hostile to Ukrainian state and Ukrainian culture. 60 years of leaving apart off Russia does not change their belief that Crimea is "Russian land". In fact, that statement is highly debatable if to regard the history of the peninsula more carefully and in the wide retrospect. Their identity and demand confronts with two other communities expectations and vital needs. Primarily, with the growing dissatisfaction of Crimean Tatars, who are in the final stage of their return towards historic motherland process. This community grows up demographically faster than any other ethnic groups on the peninsula, and simultaneously lacks adequate material resources and access to power distribution there. It provokes tensions and dissatisfaction of Crimean Tatars, leads towards growth of unfriendly attitudes and deeds among them and other locals. Ukrainians are in the position of the third party there. As a part of greater community in Ukraine they feel themselves pretty affected with their minor role on the peninsula's society itself, in comparison with the local Russians. And, furthermore they are threatened with some perpetuated separatists tendencies of them. At the same time, they are getting more and more uncertain and worrying about the future of Ukrainians vis-à-vis Crimean Tatars claim to restore their statehood upon Crimea. Crimean Tatars in their turn consider the territory of the peninsula as their only homeland, which should be recognized as the National Autonomy of local Tatars and later maybe a fully Independent State of them. So, the whole picture of ethnic relations on the peninsula seems to be very complicated and after Russia intrusion could be undermined rapidly by that action or the consequences of them.

Another region with a distinct ethnopolitical situation in Ukraine is Transcarpathia. Here several ethnic communities live and have peacefully coexisted for ages. Nonetheless there are certain problems for all-national and regional ethnopolitics now pose two key problems there. One of them is status and aspirations of Hungarian ethnic community, split among two principal orientations and cultural societies there. Moreover, Hungary supported local Hungarians in their claims to Ukrainian authorities for bigger autonomy and greater political influence. While these demands are not balanced with the inclusive behavior of local Hungarians who do not invest energy and time into more adaptive model of collective actions with regard to Ukrainian language and culture. So, some features of self-isolation of local Hungarians must not be omitted in the region. And the second regional problem concerns the so-called Ruthenian's identity question. This relic identity has possessed some political meaning and connotations because of the active interference of some foreign sponsors who invest into the Ruthenian's project and movement in order to get certain profit of them. For the last decades this movement does not change the general ethnic situation in Transcarpathia but remains hot topic for some academic and public discussion. Both issues are making certain negative influence on the ethnic stability and interethnic relations in the given region. Still, they do not make the regional stability threatened or undermined.

If to touch upon an ethnopolitical situation in Eastern and Southern Ukraine's regions, they have some flavor of poly-ethnicity too. But the major problem of their ethnic relations is stance of the Russian community there and pro-Russian trends they reveal. Being mainly Russian-speaking territories they should not be attributed however as anti-Ukrainian ones, which is no way true. Regional cultural and ethnic mosaic here is quite much complicated. But these territories seem to be unlike the Crimea and the dominant part of regional elite and society do not consider the future of themselves outside of Ukraine.

The important issue need to be researched further is as whether Ukraine as the State and Society have been advancing with constructing political nation for more than twenty years of Independence? To a very extend the country is still far away of being a sample of success-story with regard to building up the political nation of all Ukraine's citizens. If the authority lacked even the appropriate understanding of the very concept and importance of the targeted policy towards new polity building, some negative remarks would deserve civic society as well. Facing the lack of the vertical integration of Ukrainian Society, civic society institutes had to try their best in order to compensate this fault. Unfortunately, it has hardly been a priority of Ukrainian NGO nation-wide.

Theoretically and practically important issue remains the meaning of Political nation definition under Ukrainian peculiar conditions? How far should and might Ukrainian government move this process of constructing new polity outside ethnic and cultural characteristics of Ukrainians themselves? Are Ukrainians as the ethnic majority the community which defines the interethnic relations in Ukraine? Are they now collectively in position of the key actor, or rather a political object of manipulations and misuse of their trust and sometimes naivety both with domestic and foreign masters?

Thus, a major question of Ukrainian society and statehood remains open and it's the same one as far as the latest period of the county's history is concerned. Has Ukraine succeeded in building up effective Polity of Ukrainian citizens of different tongues, beliefs, geopolitical and ideological orientations? Any kind of proposed replay to these questions is far away of no ambiguity.

### **Regional sample of interethnic tolerance: a case of Bukovyna**

After having outlined some general problems and trends of ethnopolitics in Ukraine let's go on with the regional case study of the smallest piece of Ukraine's land, namely Bukovyna. Chernivtsi oblast of Ukraine (former North-western part of Bukovina) is praised to be a kind of ethic tolerance paradise, not only in the framework of Ukraine but probably in the whole region of Central and Eastern Europe as well. To a certain extend this regional brand corresponds with the local traditions and culture of interethnic relations. While Ukrainians are the majority in this region too (as all over Ukraine but Crimea) and they are  $\frac{3}{4}$  of the locals, the second large ethnic community here is not Russians but Romanians (more than 12 % of local inhabitants). And if to combine them with the local Moldavians, they are around 20 % of the regional population.

Latest research and sociological pools prove the stable positive attitudes of the ethnic groups towards each other in Chernivtsi and the region. And these conclusions are well-grounded in the past experience of the region. The culture of permanent intercultural dialogue, as well as the regional ethic tolerant behavior traces well back to the period of Habsburg Empire upon the land (1774 – 1918). That period contributed a lot in the making Bukovynians tolerant towards others. This phenomenon is due because the very composition of then-time ethnic structure of Bukovina, where no ethnic or religious community posses a position and status of the dominant majority. Accordingly they were not in position of claiming legitimate a superior position upon the historic region itself. That happened also because of regional elite values and patterns of political conduct, composed of different ethnic groups. They had gradually elaborated the adaptive model of political behavior to their co-nationals expectations and needs of the regional community in general. And finally, the very phenomenon of Bukovynian ethnic tolerance might be explained also because long-lasting contribution of the central government in Vienna policy and ethno-policy in particular. It had been nourished well-balanced combination of the different ethnic groups and

denominations keeping this regional equilibrium out of dangerous conflict scenarios and threats towards regional stability. Due to the security reason, Vienna has been taking into its account the strategic position of Bukovyna on the Eastern forefront of Danube Empire vis-a-vis Russian Empire.

Being both sophisticated and crumbled, this system of the regional ethnopolitics is obviously marked with the process of the Austrian-styled regional model of inter-ethnic relations checks and balances graduate and steady corrosion. Two World Wars, different ruling regimes ethno-policies, starting from the Kingdom of Romania and concluding with the USSR negative attitude towards regional peculiarities of Bukovina undermined and exhausted the main resources of local tolerant culture to an extend which could not be ignored.

Nowadays not only political and geographical composition of the given region has been passed through radical and profound changes. Demography shows that the previous historically constructed ethnic balance, based on the absence of dominant group regional equilibrium is left far away in the past. Now authorities and ethnic communities have to deal with sharply distinctive realities in the region. Some of them gradually challenge tolerance of the locals. There are numerous factors provoking intolerance. For instance, in a first place it is active migratory process, which starts to reshape radically the landscape of Bukovina ethnicity since WWI and makes it even more different up to day. First of all, it is a gradual escape of Jews and Germans from the region, where they together were a bulk of the urban populace till 1940<sup>th</sup>. Systematic social and political changes have contributed towards the new dynamic and composition of some positive and negative aspects of interethnic relations in the region to a very extend too. Opposing to Habsburg rule there is a domination of reactive policy of Kyiv and Chernivtsi public bodies with regard to inter-ethnic issues and problems there. For instance, regional ethnopolitics is marked with lobbyism of active minorities rather than is grounded on thoroughly elaborated academic approaches and effective managerial mechanism of its realization.

I would like to address towards two facts in order to sustain these statements. First one is about the lack of elaborated regional ethnopolitics as well as all around Ukraine, which is grounded for now practically on the only regional Program aimed at support to ethnic cultural societies and Ukrainian Diaspora. The program combines two different aspects of the regional authority activity. The first one is addressed to satisfying urgent needs and some expectations of the ethnic communities (minorities only) via their ethno-cultural societies, and the second – towards Ukrainians who leave outside the country, namely in Romania and Moldova regions alongside the state border with Ukraine. This strange combination of distant political goals is counterproductive, tending to disperse limited financial resources to quite different targets. It has an inner defect also of converting ethnic minorities needs satisfaction in Ukraine indirectly linked with the status and prospect of Ukrainians in the neighboring countries. Finally, despite scarce recourses envisaged for the Program, it produces affect of placing ethno-cultural society in line of queuing for them and even competing for the authorities support. Unfortunately, criteria and indicators of these support distribution are not outlined unequivocally neither in the Program itself nor in any other related official document. Moreover, that document does not imply any kind of programming set of priorities and mechanisms of the regional ethnopolitics as such. This principal omission might be compensated by the regional mechanism of ethnic societies – regional authorities' consultation and cooperation.

This mechanism exists for several years represented by the advisory Regional Council in charge of ethnopolitical issues. This is a body of the Regional State administration (regional executive body subordinated to the President of Ukraine), composed of ethnic cultural society's leaders and some local experts in the field of

ethnopolitics. While it is a positive step of making such a Council established in the region, opening the floor for all parties concerned to address with their proposals and complaints towards each other and be understood with regional authorities. But the rest of the story looks less happy as far as this Council for the last three years was called to seat together only two times with a very limited agenda. I am not sure that this fact about result and effect of the Council activity deserves making going in-depth comments.

So, in the region as well as in the country the whole process of setting up and elaboration of state ethno-policy and functions of the institutions in charge of them is undervalued and sometimes placed as the very low priority by central authorities. It makes this part of domestic policy irregular, reactive and finally ineffective one. Civic society institutes are partly involved into the practice of making the inter-ethnic policy but they lack a mechanism of steady cooperation and regularity of consultation with governing bodies, both national and regional ones. Of course, this direction of the domestic policy is not financially supported well and this has a negative effect on them.

## **Conclusions**

After having this review of the interethnic relation and ethnopolitics completed, it's time to go to some generalization and concluding remarks. The great fortune as for Ukraine up to 2014 was that the new born Independent State overcomes major threats of the domestic conflict, which have been enflamed by interethnic tensions in the constituent period of State-building. It happens because principal but predominantly informal concessions made by the Ukrainian majority and political elite towards other ethnic groups. A contribution of more or less cautious governmental ethnic policy should be admitted either. For instance, Ukraine has worked out successfully a set of the legislation on the ethnic minorities which has to be regarded as a compatible one both with European standards as well as expectations of the Ukrainian citizens of different ethnic origin. All of these facts are the positive part of Ukrainian domestic interethnic balance and they should be appreciated.

Stating them with certain satisfaction, I have to add some more criticism. Nonetheless, what has been made earlier is not enough and goes to be unsatisfactory as for now. Beside open Russian aggression since 1 March, 2014 and fueling interethnic tensions in Ukraine, mainly in Southern and Eastern parts of the country, under the pretext of Russian-speaking compatriots' defense here are some more worrying signals of some growing demands and disappointments of certain ethnic groups towards Ukraine State, as well as disturbing interference in those domestic relations from outside political players. Ukrainians themselves are getting more and more nervous about their formal and informal, language and culture protection under current contradictory trends in both domestic and foreign policy. All of them should not be ignored or omitted by the State governing bodies, especially now when the old authorities move out and new one are very much uncertain with political and administrative control. And to make these encounters safer, a contribution of Ukrainian scholars and civic activists into resolution of the interethnic relations problems could not be underestimated. Recently their voices and concerns aren't attained by states' authorities respectfully.

Both National and Regional authorities have to be ready to face these challenges well prepared. Poly-ethnic regions need much more attention from Kyiv. Even the most tolerant regions like Chernivtsi oblast itself requires a lot of investments into re-constructing and constructing again on the new and different ground its historic asset of a famous culture of interethnic tolerance and mutual comprehension. New and balanced interethnic stability is both not-so-easy

attainable and in the same time of vital importance for the sake of Ukraine safety, stability and further prospect. It requires stable, trustworthy and integrated by common values and beliefs cooperation of leading ethnic communities, national and regional political elite and all of the governing institutes together. It's extremely important to get friendlier political environment around Ukraine, which the country lacks now dramatically.



# **Construction of Reality in the Context of Signing the Agreement about Regulation of the Crisis in Ukraine on 21 February 2014**

Iryna Demisheva & Anastasiya Kolomoyets

*Kiev, Ukraine*

## **Abstract**

Social and political reality is semiotic, i.e. it is a combination of signs in the political text of the society. A sign is an associative category that makes a connection between a subject and its image in a person's perception. A sign always has an interpretant – its direct meaning and a variety of additional – connotative – interpretants that in every single case are defined by a reader's perception, and depend on particular conditions (place, time, cultural traditions etc.) where he/she exists.

As the reality is constructed from signs, it can be denotative and connotative. Authors represent connotative realities not only as interpretation of events but also as a real denotative reality, and therefrom make political decisions (V.Yanukovich's absence in the country – O. Turchynov's election as the acting President; not voting for V.Yanukovich's impeachment – his statements about the legitimacy of his Presidency). Facts no longer exist, one connotative reality beats the other, and some interpretants beat the other ones.

Social and political processes in Ukraine in the period of autumn-winter confrontation between the society and the power (November 2013 – February 2014) gained a sign called "Maydan". During the development of Maydan's political text different realities were designed. Their authors considered them to be denotative. So, after the protests in Ukraine the authors of two realities endued the sign "banderovtsy" with different meanings: "fascists" in V.Yanukovich's reality, "patriots" – in the reality of the protests participants. At that point, the more V.Yanukovich intensified the meaning of "fascists" the more the supporters of the protests propagated this sign with the meaning "patriots". Denotative meaning – S.Bandera's person – was lost in both realities.

The real war of realities started and resulted in the split of the country and the intervention of the Russian Federation to the territory of Ukraine. One of the signs around which the authors designed different realities was the Agreement about the regulation of the crisis in Ukraine signed between the President of Ukraine V.Yanukovich and the opposition leaders V.Klichko, A.Yatsenyuk and O.Tyagnybok.

**Key words** *denotative reality, connotative reality, interpretant, sign, metaphor, text*

## **Methodology**

The research is based on the authors' methodological approach based on works by R.Barthes [Barthes 1968, 1975], J.Derrida [Derrida 1980, 1998], J.Kristeva [Kristeva 1980], J.Lyotard [Lyotard 1984]. In particular, relying on their concept of the text and category ("sign", "connotation", "construction" and

“deconstruction”, “author”, “reader”) the authors have developed the research methodology of realities construction in a common political text.

Reality models are constructed owing to the text that is a combination of all signs, stereotypes, myths, attitudes typical for a certain society in the chosen period of time. There is no common “storyline” or “author” in the text: all realities are fragmentary, all authors try to “overwrite” it, make own variant of reality dominant.

The goal of this research is to find out differences of realities and factors that preconditioned these differences as a consequence of signing the Agreement about regulation of the crisis in Ukraine. The research subject is a process of constructing connotative realities of the Agreement by the President of Ukraine V.Yanukovich; the leaders of the opposition V.Klichko, A.Yatsenyuk, O.Tyagnybok; the participants of the mass protests.

## **Realities**

**Denotative**, i.e. the most actual reality of 21 February 2014 was the fact of signing of the Agreement about resolution of the crisis in Ukraine (as well as the text of the Agreement) [The Agreement 2014] by the President of Ukraine Victor Yanukovich, the leaders of the opposition Aresniy Yatsenyuk, Vitaliy Klichko and Oleg Tyagnybok. Thus both parties, the power and the opposition, were the authors of the reality. The Federal Minister of Foreign Affairs of the German Federal Republic Frank-Walter Steinmeier, Minister of Foreign Affairs of the Republic of Poland Radoslaw Sikorski and Director of the Department of Continental Europe of the Ministry of Foreign Affairs of the French Republic Eric Fournier acted as the guarantors of the Agreement.

The text of the Agreement was not accorded with the participants of the protests on Maydan Nezalezhnosti thus this was the President’s and the opposition leaders’ reality only.

The signing of the Agreement took place under the following conditions of the denotative reality:

- Mass protests demanding the President Victor Yanukovich to resign, call the pre-term presidential and parliamentary elections had been lasting for three months already and reached the escalation of the conflict, in particular – the armed stand-off between the protestors and force structures which resulted in having more than a hundred of dead and a thousand of injured people.
- Mass murders during 18-20 February (according to the Ministry of Public Health of Ukraine during the stand-off 82 persons died (71 protestors and 11 law enforcement officers), 622 persons were injured [Information about victims 2014]), guilty persons were not found but the protestors were aware of whom to blame (the President, security agencies, the power);
- Seizure of public offices by protestants, paralyzation of Kyiv city center;
- Dismissal of the government along with the ministers still being actually in power (except the Prime-Minister Mykola Azarov) including the Minister of Home Affairs Vitaliy Zakharchenko who was accused by the protestors of the arrangement of military actions;
- Influence of external factors (principal officers of EU, USA and Russia) on the situation in Kyiv including imposing sanctions against the powers by EU and the USA;
- Victor Yanukovich on the post of the President of Ukraine who flatly refused to call pre-term presidential election during all protests;
- Carrying out a number of rounds of negotiations between the power and the opposition at that the reluctance of the power to make principal concessions.

The fulfillment of the Agreement provided a change of the denotative reality, in particular the renewal of the Constitution 2004 with the reduction of the presidential powers during two days; creation of the coalition and forming of the government of the national solidarity during 10 days; constitutional reform that should be completed in September 2014; carrying out presidential elections after the adoption of the new Constitution but not later than in December 2014.

One of the main suppositions that made the power sign the Agreement was mass murder on 18-20 February 2014. Thus, although the text of the Agreement presented a plan of actions from the power and the opposition, most metaphors in it were related to violence. At that there was no metaphor of murder in it. So murders of people were described with the sign “tragic occurrences of life losses in Ukraine” (metaphor of death). There is also a sign of “bloodshed” from this metaphor in the context “to stop bloodshed”. Besides the signs of the metaphor of violence were used: “violence”, “tough actions”, “power”, “confrontation”, “arms”. The power and the opposition obligated to keep from “tough actions” and to stop “confrontation”. At that the power promised not to impose state of emergency, to use forces of law and order for physical protection of public offices only. In exchange, it demanded from protesters to lay down arms.

Stop of the confrontation was expressed with the metaphors of release: signs of “unblocking”, “release”; of the way “way of political regulation of the crisis”; of negotiations: “agreements”. The character of the agreements is represented with the signs: “concerned”, “aspiring”, “strongly committed to”, “to make serious efforts”. The goal of the agreements should become: “release”, “stop of confrontation”, “normalization of life”.

It is important to note that there are a few uniting signs in the text of the Agreement. The following could be referred to them: “the government of the national solidarity”. At the same time there is a strife between the power and the opposition: “both parties”, “the power and opposition”. Thus the reality of the Agreement is as follows: during the protests there was bloodshed; both the power and the opposition were participants of the confrontation (both parties should have stopped the confrontation); none of the parties took the responsibilities for the deaths (“tragic occurrences of life losses”); the third party – participants of the protest – was not considered in the Agreement; the opposition was able to control the participants of the protest; the power respectively could have controlled security officials; the Agreement was able to change the reality (“stop bloodshed”).

### **The protesters' reality**

In the evening after the Agreement was signed the leaders of the opposition should have presented it on Maydan Nezalezhnosti and started the stopping's process of the confrontation (buildings` release, streets` unblocking, lay down of arms). The protesters' reality was preconditioned by the following:

- Funerals of people killed several days before were held on Maydan Nezalezhnosti. There is a video on the Internet that shows how people had been shot;
- Hundreds of injured as a result of the confrontation. Information about people who were burnt alive in the house of Trade Unions;
- Opposition leaders unable to control protesters. Their rather low authority among the participants of the protests;
- Public leaders of Maydan, in particular Dmytro Yarosh, the leader of the radical organization “Right sector”;

- None of public persons participated in signing of the Agreement. The opposition leaders did not consult with Maydan before signing. At that the participants of the protest learnt the text of the Agreement from news.

As a result, the participants of Maydan did not accept the signed Agreement between the opposition leaders and the President of Ukraine V. Yanukovich.

The subjects of research were the protesters' speeches on Maydan Nezalezhnosti on 21 February 2014: of Volodymyr Parasyuk, the member of a "hundred" [Video of V.Parasyuk's speech 2014], Dmytro Yarosh, the leader of the Right sector [Video of D.Yarosh's speech 2014], Dmytro Gnap, journalist, public activist [Video of D.Gnap's speech 2014].

The reality of the protest participants was in a struggle of all people in Ukraine against the "gangs of the power". Describing themselves they used the metaphors of unity ("we", "our", "all people", "all", "hundreds of thousands of people", "all over all the cities in Ukraine", "unity of insurgent movement", "common struggle"); of family ("father", "friends and brothers", "brothers and sisters", "a wife and a small child were left"); of Home country ("people of Ukraine", "compatriots", "Ukrainians", "Motherland").

At that the protests participants dissociated themselves from politicians (which defines them as an independent party of the protests): "we are not from any organizations", "plain folks"; "in all cities of Ukraine people protect their lives from this gang by their own, without opposition leaders" [Video of D.Gnap's speech 2014].

Protests participants in Kyiv did not consider them as the protest in the capital only; Maydan became a synonym of protests all over the country. Typical was a sign "people of Maydan". Talking about the protests scale people based themselves on the signs: "hundreds of thousands of people all over Ukraine", "millions of people all over the country", "in all cities of Ukraine". So the protest was all-Ukrainian not just in Kyiv.

The goal of the protests was the defense of rights and not only the change of the power: "Hundreds of thousands of people all over Ukraine took to the street defending their rights, their right for a decent life, their right for living in the country where there is law, no corruption, where honor and justice are acknowledged" [Video of D.Gnap's speech 2014].

We see a metaphor of defense: people took to the street not for gaining new rights (demand higher salaries, social reforms etc.), or for Ukraine's joining the EU – this demand was never heard. The protest participants came to get the things they had been deprived of. The key signs and values of the protest participants are: "uphold", "defend". For – "rights", "life", "decent life", "freedom", "law", "honor", "justice", "well-being". It's noteworthy that it was about advocacy of decent life as well as physical defense of people because, as we know, people were killed during those days. In this context the "sotnik" Volodymyr Parasyuk's speech was illustrative: "My blood brother from Yavorivshchyna was shot. His wife and a small child were left without a husband and a father [Video V.Parasyuk's speech 2014]". So, two most important values were life that was taken, and the family that was deprived of a member.

Metaphors of revolution ("revolution", "barricades", "assault", "Ukraine has rebelled", "struggle against the regime"), of war ("fight", "80 boys laid down their lives", "killer", "die") prove it to be a struggle, not just a protest.

These metaphors from the group of violence were mostly presented during the protests. It was determined by denotative reality. People who died during the protests were called only heroes, and the symbolization "All honor to Ukraine! All honor to Heroes" became one of the strongest during the protests. All speeches started and ended with these signs, they became special greeting of protesters.

The power became an embodiment of all negative events in the country, thus the defense of rights meant for people the removal of the acting government on all hands. People took to the street against “corruption”, “regime of internal occupation” [Video of D.Yarosh’s speech 2014], “gang”. The attitude toward the power was expressed purely with the metaphor of crime: “killer”, “zek”, “regime of internal occupation”, “gang”, “wheels of state hung”. Yanukovich was nothing but “zek” for protesting people. He was also described as a “bad egg” and the destiny of Gaddafi was predicted to him. The sign of the regime became Mezhygirya (the residency of Yanukovich that became in Ukraine one of the strongest signs of corruption).

As V. Yanukovich was perceived merely as a criminal, the main and simple goal of the protests was his ouster, in sign measurement – from “dismissal” to “tribunal”. “Zek, get away!” is one of the strongest sign combinations of the protests that stuck to V. Yanukovich. In the described period “tribunal” became another most common sign. Dmytro Gnap interpreted people’s moods on Maydan: “Either he will resign in the nearest time, nearest days, or he will be jailed, or he will see Mezhygirya burn... Three options were given to Yanukovich: resignation, imprisonment, or public tribunal and Gaddafi’s destiny” [Video of D.Gnap’s speech 2014].

So, in sign measurement the result of the protest could be “dismissal”, “prison”, “public tribunal”, “Gaddafi’s destiny” (murder), “fire in Mezhygirya” (destruction of corruption sign). In spite of aggressive signs, the result expected by the protesters was the resignation of V. Yanukovich: “tomorrow till 10 o’clock he must get away”, “resignation of the President”. More radical actions for those responsible for murders were proposed by Dmytro Yarosh: “All guilty – Zakharchenko, Berkut commanding officers, those who delivered the order, sharpshooters must be jailed”. But even here we do not see appeals to lynch law. As a result, the Agreement between the opposition leaders and the President of Ukraine absolutely did not meet the expectations of the protesters as it provided V. Yanukovich’s further heading the state. Thus this Agreement became a betrayal for protesters, and the leaders of the opposition – betrayers.

The attitude to negotiations and the Agreement looked like this:

- Negotiations – “stupid talks that we have been fed with for 2.5 months”. Distrust to any negotiations as the protests have been lasting for the third month, several rounds of negotiations were carried out but the power did not want to make concessions. Signs: “don’t believe”, “fed with stupid talks”, “whitewash”.
- By signing the Agreement the protesters’ position was ignored: “Agreement from news”, “signed on the quiet”, “did not agree with Maydan”.
- Agreements did not meet the protesters’ goals: “The agreements that were achieved did not meet our aspirations” [Video of D.Yarosh’s speech 2014].

The main metaphor that the protesters used for description of signing the Agreement was a betrayal. Other signs: “disappointment”, “contempt”, “irresponsibility”. As a result, the protesters distanced themselves from the oppositional leaders even more: “They are considered to be the leaders of the opposition but they are not the leaders of Ukrainian people” [Video of D.Gnap’s speech 2014]. Metaphor of betrayal became the main one for characteristic of V. Klichko, A. Yatsenyuk and O. Tyagnybok: “betrayers”, “standing behind my back”, “our leaders shake hands with this killer” [Video of V.Parasyuk’s speech 2014], “shame”. The disappointment was expressed by the sign “typical Ukrainian politicians” that basically proved people’s distrust to politicians.

Thus in the protesters’ reality the signed Agreement was a betrayal of the opposition leaders. The participants of the protests did not acknowledge the Agreement, they delivered an ultimatum: V. Yanukovich had to resign before 10

o'clock next morning. In denotative reality the protesters acknowledged neither A. Yatsenyuk, V. Klichko or O. Tyagnybok as their leaders, nor the Agreement.

### **Reality of the opposition**

Having signed the Agreement the leaders of the opposition found themselves in the following reality:

- The main goal of signing the Agreement for the leaders of the opposition was to stop bloodshed that from their point of view depended on V. Yanukovich. That is why the Agreement was supposed to guarantee that during the protests people would not die any more.
- In fact, the Agreement took into account all claims of the opposition (not of Maydan), in particular: return to the Constitution 2004 (idea of the people's deputy D. Zhvaniya). Opposition leaders kept trying to convince the participants that this returning would have positive results. Constitution-2004 deprives the President of Ukraine of significant powers. Thus, from the very beginning, the politicians did not believe in pre-term termination of authorities of the President of Ukraine V. Yanukovich, otherwise they would not change the distribution of authorities just before the pre-term presidential election (Yu. Timoshenko spoke out against this). The politicians just wanted to "cut" V. Yanukovich's powers.
- The Agreement provided holding the pre-term presidential elections before December 2014. It means continuing V. Yanukovich's Presidency for one more year. This was the main problem of the leaders of the opposition: to convince the protesters that their goal, the reelection of the President, was really archived. The reality of the oppositionists was that they did not believe in their own power, and they let V. Yanukovich's determine the negotiations results.
- In fact A. Yatsenyuk reserved the post of the Prime-Minister that V. Yanukovich offered to him, as the Agreement provided creation of the government of national solidarity.

Thus, the Agreement served the interests of the opposition leaders but they should have convinced the protesters that they had disputed a victory, and should have started actions to phase down the protests.

For the analysis of A. Yatsenyuk's speech on the briefing after signing the Agreement [Video of A. Yatsenyuk's speech 2014, 14], V. Klichko's speeches [Video of V. Klichko's speech 2014], O. Tyagnybok [Video of O. Tyagnybok's speech 2014], A. Yatsenyuk [Video of A. Yatsenyuk's speech 2014, 17], P. Poroshenko [Video of P. Poroshenko's speech 2014] on Maydan Nezalezhnosti on 21 February 2014 were chosen. During the speeches on Maydan one of the main factors that shaped the Agreement's future and change of denotative reality was victims' funeral. The leaders of the opposition tried to convince people in their victory, but they actually meant to convince that V. Yanukovich would remain on the presidential post till the end of the year when coffins were brought to Maydan. This factor influenced all speeches.

Those who spoke tried to convince the protesters that the main goal was achieved – "stop of bloodshed" which meant "victory". So, while for protesters a victory meant the resignation of V. Yanukovich, for the oppositionists it meant the stop of bloodshed.

The leaders of the oppositions tried to call on the metaphor of victory. On the day after signing the document, A. Yatsenyuk said that the Agreement: "provides some most important articles that Ukrainian people demanded"; "is a first step to regulation of the situation"; "the election of the president of Ukraine will be carried

out before time this year". He tried to avoid specifics when exactly the presidential elections would be carried out and whether V.Yanukovich would remain on his post. V.Klichko called the Agreement a "small victory" on Maydan.

During speeches on Maydan almost all politicians turned to the metaphor of victory: "victories", "to win". It was the first conflict of realities as the main goal of the protesters was the immediate dismissal of V.Yanukovich.

At the same time P.Poroshenko who appeared after negative reaction on V. Klichko's and O.Tyagnybok's words reshaped the speech according to people's mood. He said that now "there is no victory", "we made one step to achieve the goal" and the victory would come with a "new president" and a "new country".

The speeches of the leaders of the opposition were built on the metaphors of violence: "bloodshed", "brother fights against brother, Ukrainian against Ukrainian", "blood was shed", "arms", "bullets" (metaphors of war). In all speeches there was a metaphor of death as the speeches were made during funerals: "died", "laid to rest the sotnik who died together with you", "laid down their lives", "died yesterday", "are dying", "commemoration". The sign of death of confrontation realities was Instytutska street where most people were shot.

In the speeches the politicians paid most attention to dead people. The same as for protesters the dead are merely heroes. The key sign "All honor to Ukraine! All honor to heroes!", "feel sorrow for our heroes". Taking into account the day of funeral the leaders of the opposition used the metaphor of religion as well: "God bless their souls", "never forget the heroes", "may the peace of God be with them", "may the earth lie light upon them", "undying glory to Heroes".

The protesters distanced themselves from the politicians and called them betrayers. The politicians tried to improve the situation including with the metaphors of unity and family: "our unity", "we are united", "brothers and sisters", "we", "shoulder to shoulder".

V.Klichko addressing people on Maydan tried to convince that signing of the Agreement was their desert and their victory: "Thanks to every one of you today we have small victories" [Video of V.Klichko's speech 2014].

O.Tyagnybok tried to speak with the protesters as an equal appealing to the fact that he also lost people: "16 members of our organization died here on Instytutska", "svobodivtsi who died here yesterday on Instytutska!" [Video of O.Tyagnybok's speech 2014].

Responding to the reaction of people he said that "it is not the right time to quarrel" and called on people to unity: "It is not the right time to quarrel, we should stand shoulder to shoulder" [Video of O.Tyagnybok's speech 2014].

In the speeches of the politicians there was not a metaphor of revolution that day, instead there was a metaphor of struggle: "our struggle", "fight against the power", "fight against the regime", "the one who's fighting will be able to win", "fight for the Future".

At the same time the leaders of the opposition emphasized negotiations rather than revolutionary dealing with the crisis: "meet", "convince", "agree", "do".

Talking about the protests goal, the reality of the leaders match the protesters' reality: "asserting the right to live in a free country", "fighting for our future", "for future of the country", "that we live in a free country", "build a new country", "victory of Ukraine", "modern country where I want to live", "the gang has left". It's noteworthy that the politicians talked about the future of Ukraine more in the abstract while the protesters emphasized that they came to defend their rights.

The power in the reality of the opposition was described with the metaphors of dictatorship: "dictators" ("There will be no dictators in Ukraine any more"), of "regime" and crime: "the power launched bloodshed", "gang", "zek". At that, it's noteworthy that the politicians tried to avoid mentioning V.Yanukovich. It was supposedly done in order not to touch upon a painful topic of reelection. Only

V.Klichko mentioned Yanukovich when he was apologizing for “having to shake Yanukovich’s hand”. V.Klichko was the only one calling V.Yanukovich a “zek”.

The politicians also accused the power of launching the confrontation: “Today the power does everything to make people fight each other, using the language, history, church, religion or any other issues. And found the ways. West and East. The power use any possibilities to strike people together. Key signs: “confrontation”, “brother fights against brother”, “Ukrainian against Ukrainian” [Video of V.Klichko’s speech 2014].

Thus, on Maydan Nezalezhnosti the leaders of the opposition tried to make people accept the reality of the Agreement. They noted that they had already achieved a victory (even if “small”) – stopped bloodshed. None of them told about the resignation of the President V.Yanukovich, only P.Poroshenko said that there would be a victory “after electing a new President” [Video of P.Poroshenko’s speech 2014]].

### **Reality of V.Yanukovich**

In the evening on 21 February after signing the Agreement with the representatives of the opposition that was verified by the international mediators V. Yanukovich left for Kharkiv to participate in the congress of deputies of all levels in south-eastern oblasts and Autonomous Republic of Crimea. The congress had been initiated by All-Ukrainian public union “Ukrainian front”. But V.Yanukovich did not visit it, as he firstly went to Lugansk, then after a failed effort to cross the Russian Federation border by helicopter had to return to Donetsk from where he left for Crimea by car. In a few days after these events there was information in mass media that V.Yanukovich was on the territory of Russia and was going to give a press conference in Rostov-on-Don.

The reality of V.Yanukovich was preconditioned by the following:

- Agreement with the representatives of the opposition about regulation of the crisis in Ukraine signed on 21 February 2014 ;
- Dissent of protesters and public members from the text of the Agreement and open statement about this from the stage of Mayday together with the impeachment of representatives of the opposition who signed this Agreement. As a result; the ultimatum to V.Yanukovich: to abnegate powers till 10.00 o’clock 22 February 2014;
- Majority voting in Verkhovna Rada on 22 February 2014 for dismissal of the VR speaker V.Rybak and election of the new speaker O.Turchynov, for renewal of validity of the Constitution 2004 as well as for removal of V.Yanukovich from the office of the President of Ukraine by virtue of his self-dismissal from execution of constitutional authorities. The last bill draft provided scheduling the pre-term election of the President of Ukraine on 25 April 2014. Next day the deputies of VR elected O.Turchynov as acting President of Ukraine for the period before defining the results of the reelection of the president in May 2014 that was stipulated by the Constitution 2004;
- Mass departure of deputies from the fraction of the Party of regions in Verkhovna Rada (as of 23 February 2014 – 72 deputies);
- Pro-Russian separatist meetings and occupation of regional state administrations under Russian and soviet flags in eastern and southern oblasts of Ukraine. The main slogans: “Federalization of Ukraine”, “Defense of Ukraine from banderovtsy”;
- Entry of Russian militaries in AR Crimea on 27 February 2014 without identification marks of RF armed forces.



The research subject was V.Yanukovich's interview to journalists in Kharkiv on 22 February 2014 [Video of V.Yanukovich's interview 2014], V.Yanukovich's statement broadcast by Russian mass media on 27 February 2014, the day before the press conference in Rostov-on-Don [Viktor Yanukovich's statement 2014] and the shorthand report of the press conference from 28 February 2014 [Transcript of V.Yanukovich's press conference 2014].

V.Yanukovich's reality lied in non recognition of the decisions made by the parliament regarding his dismissal from the post of the President of Ukraine and insisting that he was the only legitimate President. Describing himself, he used only the construction "I am a legally elected President", "legal Head of Ukrainian State". For intensification he used the metaphors of law in frames of which he cited legal provisions of Ukraine ("The President did not resign", "If the President is alive", "the President was not impeached" [Transcript of V.Yanukovich's press conference of 2014] and emphasized that the laws adopted in Verkhovna Rada at the end of February 2014 were not signed by him, and thus, they were not acknowledged ("I don't acknowledge them", "I am not signing anything", "I did not sign them" [Video of V.Yanukovich's interview 2014]).

V.Yanukovich's perception of the Agreement signed with the representatives of the opposition was controversial and changed depending on the chronology of his public statements. So, during private interview to journalists in Kharkiv on 22 February 2014 he called the negotiations "ultimatums". And at the press conference in Rostov-on-Don it was "the Agreement that should have regulated the crisis", it "was rather disputable and difficult" but "aimed at stop of bloodshed and search for peaceful settlement" [Transcript of V.Yanukovich's press conference 2014].

But V.Yanukovich did not take responsibility for any of events in Ukraine during February 2014. Just in this context he tried to carry on rhetoric using the metaphor of victim ("I was cynically deceived") and identifying self with Ukrainian people (only in this single case: "all Ukrainian people were deceived"). Guilty except "radicals" and the "official opposition" were the West, international mediators ("the result of irresponsible policy of the West"), "I believed in decency of the international mediators" [Transcript of V.Yanukovich's press conference 2014]). But peculiarities of V.Yanukovich's rhetoric in the first by date interview to journalists were different and marked by embarrassment of their author. He expected the reaction of the international community, in particular, the guarantee of his security and his recognition as a legitimate President from their side: "all international mediators gave me guarantees... I will see how they are going to fulfill their role" [Video of V.Yanukovich's interview 2014]. The change of key signs of opinions about the international mediators after V.Yanukovich came to the territory of RF most likely prove the fact that he adopted the opinion of the President of RF V.Putin as for regulation of the crisis, because the representatives of the international community already openly supported the power in Kyiv.

As early as at the press conference in Rostov V.Yanukovich insisted that the Agreement signed between him and the representatives of the opposition and verified by the international mediators was not fulfilled, thus the main way out of the situation was to fulfill this Agreement and thus to recognize him the legitimate President of Ukraine. According to him, it would be a legal process of settlement of the political crisis in Ukraine.

The key requirements of V.Yanukovich as for fulfillment of Agreement provisions were the following:

- Immediate start and completion of the constitutional reform by September 2014;
- Unprejudiced investigation of acts of violence under the total monitoring of the government, opposition and the Council of Europe;

- Securing normal life of Ukrainian citizens through removing armed people from streets;
- Reckoning with the interests of all regions of Ukraine and as a consequence, holding the national referendum.

The specificity of adoption by the parliament of all laws after the 21 February 2014 that V.Yanukovich identified as “illegal” he described by means of signs of the metaphor of violence and the metaphor of intimidation (“influenced by security and militants of Maydan” [Transcript of V.Yanukovich’s press conference 2014]).

V.Yanukovich had somewhat controversial attitude to the authorities set up in Kyiv. During one of the speeches he firstly used the word “government” and then applied the construction “so called government”. At that, without acknowledging the legitimacy of the character of its formation, he acknowledged the fact of existence of new government (“today new government is being formed”, “who comes to power” [Transcript of V.Yanukovich’s press conference 2014]).

The situation that arose in Ukraine after 21 February 2014 V.Yanukovich described by means of the metaphors of illegality and chaos emphasizing them with the signs of violence: “terror”, “militants”, “bloody scenario”, “saturnalia of extremism”. As a result, the parliament took “unexampled decisions” by force of “violence over deputies” that led Ukraine into “deadlock”, “anarchy”, “chaos”.

At the same time, describing the events that made him leave Ukraine V.Yanukovich used the metaphor of overturn intensified by the metaphors of violence and fear. As for the metaphor of overturn, the same as in case of identification of the government there were somewhat contrast signs in his rhetoric: “example of coup d’etat”, “the power was seized”, “usurpation of power”, but “nobody overthrew me”.

The mentioned above metaphors of violence and fear/intimidation ran through all speeches and statements of V.Yanukovich. They were used as widely as possible, and their key signs were used to intensify other metaphors. In this case the metaphor of violence was used to illustrate the protesters and their leaders (“armed people”, “radicals”, “militants”, “bandits”, “hawks”), their actions (“bloodshed”, “terror”, “brigandism”, “vandalism”, “shot”, “hit”, “shower stones”, “terror”, “burn”, “rob”) that were aimed to deputies, V.Yanukovich and his surroundings (“bloodshed of my near and dear”, “they shot at my car”, “shower stones on deputies”), as well as tools that they used (“illegal arms”, “automatic arms”, “stones”, “Molotov cocktails”, “rifled weapon”, “automatic rifles”).

The metaphor of violence generated the metaphor of fear/intimidation that was used in two directions. On one hand, it was intimidating deputies, public officers and ordinary people (“panic”, “threats”, “pursuit”). On the other hand, it was intimidating Yanukovich himself and his family. And that is when the metaphors of fear showed up in spite of V.Yanukovich’s numerous denials of being scared. They additionally suggest about the contrary (“to secure my safety”, “going through South-East of the country that is still safer” [Video of V.Yanukovich’s interview 2014], “in such circumstances I can’t risk my family”, “physical intimidation”, “ask the government of RF to secure my safety” [Viktor Yanukovich's statement 2014], “I have no fear” [Transcript of V.Yanukovich’s press conference 2014]).

Within these two metaphors (of violence and fear) V.Yanukovich clearly described his key enemies who, in his opinion, were guilty in “chaos”, “terror” and “bloodshed” in Ukraine. At the very beginning he identified the leaders of the opposition as “bandits” “who are terrorizing all country and Ukrainian people today”. But later V.Yanukovich used the construction “leaders of the opposition”, which is neutral, having switched aggressive naming to “Yarosh, Tygnybok, Parubiy” who “arouse fear in Israel” and “promote violence”. So, for describing enemies V.Yanukovich used invective vocabulary and identified them with the following signs: “nationalist, pro-fascist rogues”, “radical forces presented on

maydan,... and in other regions”, “hawks and militants of maydan”, “nationalists and banderovtsy”, “riffraffs” along with “betrayers” in the Party of regions.

V.Yanukovich saw his own role in these events differently depending on the course of events. So, during the interview to journalists in Kharkiv he took the role of a defender of “those people who are being persecuted by bandits” emphasizing this with the story about the necessity to afford protection of V.Rybak and A.Klyuev (“I took him with me and then sent to Donetsk by car” [Video of V.Yanukovich’s interview 2014]). He identified himself as a defender of people in international negotiations as well (“I will call on all foreign observers, mediators” [Video of V.Yanukovich’s interview 2014]).

But in his further statements the defender role transformed into a peacemaker role. So, V.Yanukovich said that “no power is worth a drop of blood”, that he “does not accept any other ways of settling questions but peaceful”, and that “there is no other person more interested” than he that “everything ends in a peaceful way” [Transcript of V.Yanukovich’s press conference of 2014].

Also his rhetoric somewhat varies in different by dates statements as for tasks that V.Yanukovich set for himself and the main ways of solving. So, during the interview to the journalists in Kharkiv he outlined the following tasks for himself in the situation created:

- To do everything possible in order not to allow further bloodshed;
- To do everything possible to defend the country from breakup;
- Do not resign and do not leave the country;
- To continue struggle for future of Ukraine;
- To do everything possible till the end of his life, to stay with people of Ukraine.

But the rhetoric of the first public speech on 22 February 2014 proved that he did not realize how exactly to act in the public field in the nearest time for solving these tasks. He did not have any specific plan for overcoming the crisis and the confrontation (“I don’t know yet what I am going to do”, “I met people, consulted”, “I am going to continue meeting people”, “will seek for ways”, “I hope I will carry out negotiations these days” [Video of V.Yanukovich’s interview 2014]). But at the press conference on 28 February 2014 in Rostov V.Yanukovich announced his specific perspective of the way out of the crisis in Ukraine – it was fulfillment of the provisions of the Agreement signed with the representatives of the opposition. In this context the metaphor of struggle was almost not peculiar to him (its single signs without identification of ways of struggle – “I will struggle”) as the ways of completing the task of overcoming the confrontation transformed into demands to the opposition (“Abandon the power!”, “Stop this illegality”, “Pull yourself together!”, “Leave and do not allow more illegality and distress of Ukrainian people” [Transcript of V.Yanukovich’s press conference 2014]).

It is interesting that the metaphor of apologizing was also peculiar to V.Yanukovich. Its addressees were “veterans”, “Ukrainian people”, those “who suffered and are suffering”, “soldiers of Berkut”. He first of all apologized for not been able to keep the stability in the country and allowed illegality establish after the events on 21 of February 2014. V.Yanukovich also apologized to soldiers of Berkut that they “innocently injured”. He described them using the signs of the metaphor of heroes (“courageous people”, “held out unarmed”) having denied that the police had arms but assuming that they appeared for self-defense “when they were shot at” and “when there was a life threat” during the attacks of “mass character” [Transcript of V.Yanukovich’s press conference 2014].

Thus in V.Yanukovich’s reality he remains a legally elected and legitimate President of Ukraine who did not acknowledge any laws adopted by the parliament after 21 February 2014, demanded the return to fulfilling the provisions of the

Agreement signed with the representatives of the opposition, he considered the situation in the country as chaos and illegality that was caused by radicals', nationalists', bandits' actions through applying violence, intimidation and threats.

### **Conclusion:**

Signing of the Agreement about regulation of the crisis in Ukraine was not only the basis for construction of different realities. V.Yanukovich's reality and the realities of protests participants disagree completely. The protesters did not acknowledge the Agreement; the leaders of the opposition signed the Agreement without having agreed with Maydan; the key goal – dismissal of V.Yanukovich – was not achieved. Later on the leaders of the oppositions tried to avoid the signing of the Agreement.

For V.Yanukovich the Agreement became the sign around which he constructed the reality of the coup d'état which signs in many things reflected the protesters' reality. Now V.Yanukovich called them bandits, blamed for blood scenario and claimed for fulfillment of the valid Agreement.

The President of RF Volodymyr Putin took the Agreement as a basis of his reality as well. Appealing to it he constructed the reality of putsch in Ukraine, non-recognition of new government, legitimacy of V.Yanukovich's authorities who remained the President of Ukraine. On the basis of this reality he started intervention into Ukraine.

Further events that happened in Ukraine expanded these realities even more, having filled them with new signs and fastened already existing ones: "pseudo referendum", "public governor", "repressions", "occupants" and other. Political decisions taken on basis of these constructed realities resulted in annexation of the AR Crimea, a possibility of annexation of eastern oblasts of Ukraine or federalization and breakdown of the state, as in both realities there are their readers who strongly believe their authors.

Substitution of realities when connotation displaces denotation became possible owing to ignoring during all history of independence of Ukraine by all authors the need of constructing the center of single Ukrainian text structure where signs close and clear all over the territory of Ukraine would be included. On the contrary, within all period the authors played with their readers intensifying signs that split the society and unite only their readers as for example the "second state language".

Today all authors have a super goal to unite all readers of Ukraine regardless of the result of the further confrontation, the country is already split. It is necessary to fill in the text with the signs uniting people to Ukraine. These might be metaphors of family and land (here parents are buried, here children were born); of unity and possession (we, our land/home/country), of wealth and variety (we are wiser as we can speak more languages; country of rich cultures); of home (here we build life – home – Ukraine); love (your love is a part of history of our country; it is a country of people who you love); of peace (country of peace; we are for life); of justice (Ukraine of equal people) etc.

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## Annex 1.

### The reality of signing the Agreement about regulation of the crisis in Ukraine on 21 February 2014.

Basic concepts	Reality of Agreement	Reality of V.Yanukovich	Reality of opposition	Reality of participants of the protests / Maydan
The protests	confrontation		fighting (against the power, against the regime)	revolution, struggle against the regime
The goal of the protests		coup d'etat	build a new country, a free country	defense of rights; struggle against the regime, corruption
The participants of the protests		armed people; radicals; hawks and militants of maydan; nationalist, pro-fascist rogues	we; brothers and sisters, each of you	we; all people; hundreds of thousands of people, all over all cities in Ukraine
The murders of people during the protests	tragic occurrences of life losses in Ukraine; bloodshed	bloody scenario; saturnalia of extremism	blood was shed; are dying; laid down their lives	To shoot, to kill
The Agreement	the regulation of the crisis	ultimatum; the regulation of the crisis	small victory	stupid talks; Agreement from news, whitewash
The end of the crisis	stop of bloodshed, stop of confrontation	to fulfill the conditions of this Agreement; everything ends in a peaceful way	stop of bloodshed	resignation of Yanukovich; prison, tribunal
The Opposition			it isn't defined; try to show they together with protesters: "16 members of our organization died here"	betrayers; the leaders of the opposition, but they are not the leaders of people
V.Yanukovich		a legally elected President; legal Head of Ukrainian State	avoid to define; one time - zek	zek
The power			dictators, regime, band	band, regime of internal occupation

# Legitimacy of Power and Trust in Transforming Ukrainian Society

Olga Kokorska & Valentin Kokorsky

*Donetsk National Technical University & Donetsk National University, Ukraine*

## Abstract

This article aims at contributing to the understanding the connection between trust in political leaders and institutions and legitimacy of power under conditions of societal transformation. Basing on the sociological monitoring data of the Institute of Sociology of the National Academy of Science (NAS) of Ukraine “Ukrainian society 1992-2012” and European Social Survey 2005-2011 the authors have come to conclusion concerning the necessity of creating a model which would consider the specific social and political features of post-Soviet countries and all factors influencing the process of legitimacy. The authors have also concluded that the level of confidence in political leaders and state-political institutions is one of the crucial indicators of legitimacy.

**Key words** *legitimacy, trust, transforming society*

## Introduction

Legitimacy of power was one of the burning issues faced by Ukraine after the declaration of its independence and its way to democratic reform. Moving from one type of regime to another could destabilize social life in situation when the old institutions do not work and new institutions are weak. We define legitimacy as the widespread public belief that the society's governing institutions and political authorities are worthy of support. David Beetham argues that "where power is acquired and exercised according to justifiable rules and with evidence of consent, we call it rightful or legitimate" [Beetham 1991:3].

In times of communism all the legitimacy talk lacked productivity, because people were not sovereign. Some authors argue that “legitimizing from the top” appeared in communist regime when rulers applied to an ideology that could interpret reality and indeed guide and reorder it in its own image [Di Palma 1991: 56]. After the collapse of the Soviet Union the Ukrainian parliament declared independence on 24 August 1991, overwhelmingly approved by the referendum and recognized internationally. These events created fundamentals for legitimacy of a new power. Independent Ukraine needed to form new political institutions, introduce economic reforms and a new format of relations between people in the society. It is evident that in situation of profound transformation of society the biggest change possible is a shift in the political or social order. This is not only a threat to the legitimacy of power, but also to the stability of the new state. The state does not need the legitimacy to function or even to survive, but it does need it when faced with a serious political failure or challenge.

This article sets out to show that the trajectories of support for a new regime and state-political institutions, political leaders have been varied. For our analyses we have used data collected from sociological monitoring of the Institute of Sociology of the NAS of Ukraine “Ukrainian society 1992-2012” \*and Europeans Social Survey 2005-2011\*\*.

## **Legitimacy and trust: Conceptual Issues**

Scholars have contributed to the understanding of the phenomenon of legitimacy by drawing on classic studies such as Max Weber. S. M. Lipset defines legitimacy as the “capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society” [Lipset 1981]. Trust in the government and in politicians is part of the concept of legitimacy and political legitimacy is a prerequisite of democratic politics and governing capacity [Beetham, 1991].

The problem of trust became the object for study by western scientists as far back as at the beginning of the XX century, but broad discussions broke out only at the end of the 70'. In 1979 the book "Trust and Power" by N.Luhmann's was published [Luhmann 1979]. There he analyzed trust as a social phenomenon of great importance under the conditions of growing unexpectedness and risk of modern society. In the 80's the problem of trust was discussed by Bernard Barber [Barber 1983], S.5 and L.Roninger [Eisenstadt , Roniger 1984] as well as by D.Gambetta who headed the group of analysts for studying manifestations of trust and distrust in different spheres of society [Gambetta 1988]. R.Inglehart in his article "The Renaissance of Political Culture" [Inglehart 1988] comes to a conclusion that interpersonal trust is an indispensable prerequisite for stable democracy. In the 90's the problem of trust gets its further theoretical substantiation in publications by B.Misztal [Misztal 1995], A.Seligman [Seligman 1997], F.Fukuyama [Fukuyama 1995] and others. An important contribution to its understanding was made by P.Sztompka's study "Trust: a sociological theory" in which he tried to comprehensively analyze and sort out trust as a social phenomenon and suggested a model explaining the rise and fall of trust culture [Sztompka 1999].

Although there are different definitions of trust in the literature, and agreement on an exact definition is seldom found, most authors seem to agree that positive expectations and the willingness to become too vulnerable are critical elements to define trust. In general, two types of trust can be distinguished in the literature: interpersonal trust, which refers to trust between people, and institutional trust, which refers to trust in the functioning of institutional system. We apply to the institutional trust.

### **Trust toward politicians and state-political institutions**

In contrast to western political science Ukraine addressed the above mentioned phenomenon only at the end of the 80's and beginning of the 90's; since during the Soviet era the analysis of it did not have any sense due to well-known reasons. But even at present we have to state the fact that trust study is still in its initial stage. This fact may seem to be surprising, since the dichotomy "trust - distrust" without any exaggeration has become one of the most frequently used so far in publications on political science and sociology; it has been monitored on a constant basis since 1991. Within this, sociologists stated the basic character of this category for understanding the processes of modernization in current Ukraine. Moreover, determined mass people's distrust in power is as a "main political threat for future implementation of the strategy for society transformation" [Golovakha 1997: 80-81].

Data from sociological monitoring of the Institute of Sociology of the NAS of Ukraine “Ukrainian society 1992-2012” will help us to analyze popular attitudes toward politicians and state-political institutions.



Regrettably, the above mentioned dominant tendency of distrust in power and its leaders as well as power institutes was not overcome during the first decade of independence. During the presidential elections, when L.Kuchma was elected, only 20% of the population of Ukraine agreed that there were politicians able to govern the state (1994 - 18,5%; 2000 - 20, 6%), while in the next years the number of optimists reduced up to 10-11,5%. The similar situation was with political parties when approximately 2/3 of fellow countrymen expressed their absolute or relative distrust in them in the presence of not more than 3,5% of those who showed at least any trust at all. Though elections somewhat increase positive hopes for existence of such parties and movements which could be entrusted in power (1994 - 13,9%; 2000 - 16,7%), yet rather a big share of population does not know about them.

Such situation reflects indicators of trust in all political institutions. For example, the number of those who do not trust Verhovna Rada (Ukrainian parliament) has never been more than 60% (out of 7- 10% of those who expressed their trust). Trust in government is not higher either; in 1994-2000 the number of respondents who showed full trust was 1,6% - 3,6%. Therefore, it can hardly be surprising that by June 2000 fewer than 3% of citizens had resorted either Verhovna Rada or the government. Since the years of independence did not add to their confidence in the fact that power serves their needs and interests and therefore it can be trusted. The number of those who think that a deputy to Verhovna Rada elected from their district is not able to express their interests (1994 - 12,6%; 1997 - 41,8%; the drop of the number in optimists from 22,9% to 3,8% respectively) shows that there is a lack of leaders in Ukraine able to govern the state (1997 -73,5%).

If compared with trust in parliament and government, president enjoyed the greater degree of trust from population. Here, we can track an interesting regularity - the reduction of distrust and increase of trust in the next year after elections. It looks like the tendency when people given credit to President but he lost it very quickly.

Ultimately, the expectation of society for decisive steps on the part of politicians and president in particular, can explain the steadily high - 58,7% in 2000 percentage of those who agreed with the thesis that a number of strong leaders can benefit the country more than all the laws and discussions combined; this thesis is generally interpreted as a manifestation of society's nostalgia for a "strong hand". This conclusion at least makes it easier to understand an existing situation by referring to specific character of its historical past, while the above-mentioned indicators rather show the unwillingness of citizens of Ukraine to live under conditions of quasi-democracy and quasi-market. And it is probably not worth looking for the origin of authoritarian moods inside the society only.

More significantly, the declared transition to democracy is impossible without creating an adequate system of values and standards. The process of creating this system takes place in different time and space regimes (we have to admit that values change much slower than standards) and is apprehended differently by different layers of society. Elite (political, economic and others) have a greater tendency for being a standard component of this process and bear responsibility for its renewal and initialization in the interests of an individual and society. But power elite in Ukraine, closed on its own interests and standing apart from society, is building normative basis for the active life of this society rather uncoordinated, poorly and in an unqualified manner. This activity leads to the lack of specificity of rules of access to restricted public resources (such as power, property, prestige), or such rules can be missing at all; or they can be interpreted in favor of power or those holding power. This situation widens the gap between the power and people and deepens opposition between "we - they". The greatest concern in society is

caused by a steady decrease of living standards and well-being, sharp polarization and deep stratification; permanent opposition of power branches with shifting off responsibility from one to another, along with constant opposition among elite both horizontal and vertical; as well as non-strategic social and economic development actions of power together with rather effective measures of operational control over current situation, use of democratic procedures, and strong people's orientation to choosing "less evil" in particular.

The biggest threat is considered to be presented by the corruption of power and related to it elite. This threat means substitution of nation-wide policy goals by clan interests, deformation of political and economic elite forming mechanisms, reduction of political competition. According to Ye.Golovakha, the power has created a specific "Ukrainian model" of development using totalitarian experience of governing society under new conditions. The essence of the model is determined by striving for "... retaining social balance through minimization of social changes and keeping old structures and mechanisms for social governing or preventing from mass social redundancy which is an inevitable result of radical demolition of social principles" [Golovakha 1997:26].

It is evident that new political elite does not justify hopes pinned on it and does not fulfill important social roles and functions such as: being an advisory group, model for social behavior, moral and psychological mass guide [Kokorska, Kokorsky 2010]. Thereby, the negative assessment of elite's activity is natural when 21% of the polled feel cheated by it, 13% - feel unfriendly and 54% - are indifferent [Shulga 1999:352-353]. Negative evaluation is a dominant reason for growing distrust in the state headed by elite and its executives and agencies (army, police, managers of big state enterprises), as well as non-governmental organizations and businesses which mass awareness associates with power.

Studies made at the end of 1993 and at the beginning of 1994 in seven countries of Central and Eastern Europe, Byelorussia and Ukraine showed that indicators of trust in Ukrainian parliament, government, president, court, police, army and parties was even less than average [Mishler, Rose 1995]. The above-mentioned tendency remained during further years.

The nature of trust cannot be different in such situation where only 17,1% of the polled were satisfied with their life in 2000, whilst the number of pessimists was 60,9% and 21,9% of the polled were not able to give an unambiguous answer. Only 3,8% of respondents hoped for a substantial improvement of their own well being in June 2000, whilst 12,9% predicted its worsening. However, it is no wonder that population consider Mafia and criminal elements the most influential social group in current state building.

But in our opinion, the above-mentioned facts do not testify that majority of people are willing to come back to the USSR. In sociologists' opinion from 23% to one third of respondents have more or less distinct political orientation [Golovakha 1997:107]. The prevalent majority of them probably want neither the restoration of Soviet reality and freedom of speech in particular, nor consolidation of Ukrainian pseudo democracy. And this deideologization of Ukrainian citizens is quite natural. Immorality of specific actions of executives and power agencies, disagreement as to the goal and means of its achievement, obvious from their statements and actions, intensifies the damaging processes of already limited communicative links, non-acceptance of ideas and values suggested by power and mass media. According to N.Kostenko there are all grounds to assume that messages coming from state institutes are perceived in most cases as ambiguous and their "dual nature is not a secret for the two participants of communication"[Kostenko 1999 :105].

Ultimately, the people's refusal to understand the explanations of power concerning the meaning and direction of reforms in a society looks very logical when compared with the social price they pay.

In Ukraine support for the regime increased as a consequence of the Orange Revolution in 2004. Political expectations about political future became more positive and Ukrainians professed they to be optimistic about the country's moving towards democracy. According of the New Europe Barometer surveys of mass response to transformation in post communist countries 89 percent of citizens polled said that they felt positive about the future, including a majority of ethnic Russians as well as ethnic Ukrainians [Rose 2007:120].

President Victor Yuschenko had achieved the highest score of 5,6 among all political leaders for his activity (scale 1-10, where 10 are max.). Trust in all the main political institutions reflected the same tendencies (Table 1).

**Table 1.** Index of trust (scale from 1 to 5, where 1 is absolute distrust, 5 is absolute trust).

	1994	1998	2000	2005	2006	2008	2010	2012
President	2,3	2,1	2,7	3,4	2,7	2,5	2,9	2,2
Parliament	2,3	2,1	2,1	2,9	2,5	2,3	2,4	2,0
Government	2,3	2,1	2,4	3,1	2,5	2,4	2,6	2,1
Local government	-	-	-	2,7	2,5	2,5	2,5	2,4
Political parties	-	2,0	2,1	2,5	2,4	2,2	2,2	2,0
Police	2,3	2,2	2,3	2,4	2,4	2,4	2,3	2,1
Public prosecutors	-	-	-	2,4	2,4	2,4	2,3	2,1
Court	-	-	-	2,4	2,4	2,4	2,3	2,1

Having failed to adopt the lessons from the previous period Ukrainian leaders made no movements towards real democracy. Immorality of specific actions of executives and power agencies, disagreement as to the goal and means of its achievement, obvious from their statements and actions, have intensified processes of dissatisfaction. President Victor Yuschenko who was pinned the biggest hope on by the society during the years of independence lost public support very quickly. In 2006 the evaluation of his activity was 3,8. A tendency of growing distrust was the result of defeated hopes for the 2004 Orange Revolution.

We accept M.Dogan's approach according to which the erosion of trust to institutions in developed democracies is stable, international, structural and rational; though polling data does not give any ground to allege that legitimacy of democracy is doubted. Despite the fact that majority of population does not show trust to political institutions, on average six out of ten respondents expressed their satisfaction with the fact that democracy functions in their countries [Dogan 1999 : 44]. It means that in the crisis of trust we should rather see the collective longing for greater democracy than the loss of belief into its basic value. The erosion of trust is above all the sign of political maturity of society. Moreover, according to L.Diamond democracy does not demand a high degree of trust to political leaders and institutions for them to function effectively: "The ideal democratic culture is neither blindly trusting nor hostilely rejecting, but is inquisitive and skeptical. What a healthy democracy must avoid is cynicism, a sweeping distrust of political and social institutions" [Diamond 1999:206].

In fact, democracy can be interpreted as a political system which institutionalizes distrust by establishing a sophisticated system of checks and balances, but for a transforming society profound level of distrust can be interpreted as a potentially dangerous tendency that might block the way of progressive reforms and lead to the decline of state in general.

In the new EU member state economic and political reforms have been faster and more effective. Europeans Social Survey 2005-2011 provides the data we need to investigate popular support for new political system and compare it with Poland.

The position of Poland in economic sphere was very similar to Ukraine's at the beginning of 1990s. People were asked to evaluate their current regime.

**Table 2.** Index of satisfaction with the way democracy works (scale from 0 to 10, where 0 is extremely dissatisfied, 10 is extremely satisfied).

Country	2005	2007	2009	2011
Poland	3,70	4,36	4,81	5,04
Ukraine	4,31	3,22	2,52	3,17

Question: And on the whole, how satisfied are you with the way democracy works in country?

The adequate indicators in Poland are much better and demonstrate trajectory of support for democratic system of government. As a result, the difference between the degree of trust in power structures and other state institutes was very distinctive among Poles and Ukrainians.

**Table3.** Index of trust (scale from 0 to 10, where 0 is no trust at all, distrust, 10 is complete trust).

Country	parliament	legal system	police	politicians	political parties
Poland	3,44	4,26	5,39	2,66	2,55
Ukraine	1,99	2,26	2,50	1,85	1,99

Question: Please tell me on a score of 0-10 how much you personally trust each of the institutions I read out. 0 means you do not trust an institution at all, and 10 means you have complete trust.

It should say that Ukraine has the worst score in the region as a whole. However, it is no wonder that in 2012 only 20% of the population of Ukraine agreed that there were politicians able to govern the state and considered Mafia and criminal elements the most influential social group (38,6%).

Studies made in 2012 showed that indicators of trust in Ukrainian parliament, government, president, court, police, army and parties was even less than in 2010 when Viktor Yanukovich was elected as the President.

Pessimistic motives strengthened due to dissatisfaction with existing situation and gave rise to a sad tradition of uncertainty in the near future among the majority of population. As a result of this situation, protesters across the country became upset over corruption in Ukraine, the lack of democratic rights and the country's ailing economy. For the last three months, tens of thousands of Ukrainians have been singing the Ukrainian national anthem on Kiev's central square, the Maidan, united in their dreams of change.

New political situation with a new government questioned the society and political elite if they are able to learn from mistakes made after Orange Revolution.

In our opinion, the first step for legitimacy of power is *trustworthiness of government*. People usually use normative, value-driven criteria when forming evaluative attitudes towards institutions. Those normative criteria concern the goodness of institutional functioning from the perspective of some kind of general interest, or common good. Also, administrative competence is the condition of citizen trust in state institutions, as well as in the tax authority, police or the courts.

To sum it up, we are quoting R.Rose: "Popular acceptance of a regime is a reflection of the demonstrated capacity of its institutions to persist – whether they are democratic or not "[Rose 2007:120].

## Conclusion

Due to its sharp polarization, wide spread of corruption, separation of population from power and its low involvement in politics as a result of elite and power agencies' activity, Ukraine has created the state of distrust. Scholars have determined mass distrust of people in power as a main political threat for future implementation of the strategy for society transformation.

The dominant tendency of distrust in power and its leaders as well as state and political institutions was not overcome during the first decade of independence. Support for the regime increased as a consequence of the Orange Revolution in 2004. Political expectation about political future became more positive and Ukrainians professed themselves to be optimistic about the country's moving towards democracy. But having failed to adopt the lessons from the previous period, Ukrainian leaders made no movements towards real democracy. Data from Europeans Social Survey 2005-2011 shows low scores of trust toward state and political institutions in the region as a whole. As a result of deep crisis of legitimacy, Ukrainians came to Maidan and changed the political situation. Most of them demand reforms according democratic standards and values.

The Orange Revolution and events on Maidan have emphasized that value-based legitimacy is still important for transforming Ukrainian society, and level of confidence in political leaders and institutions is one of crucial indicators of legitimacy.

## NOTES

\* We have used data from the book: Results of the national monitoring surveys of 1992-2012, in Vorona, V., Shulga, M., (ed.) (2012) Ukrainian society 1992-2012. Current state and dynamics of changes. Sociological monitoring, Institute of sociology of the NAS of Ukraine, Kyiv: Appendix pp.527-647; (Book was published in Ukrainian language: Rezultaty natsionalnyh tchorichnyh monitoryngovyh opytuvan 1992 – 2012 rokiv, in Vorona, V., Shulga, M., (ed.) (2012) *Ukrainske suspilstvo 1992 – 2012. Stan ta dynamika zmin.* Sochiologichny monitoring, Instytut sochiologiyi NAN Ukraini, Kyiv 527-647

\*\* The European Social Survey // <http://www.europeansocialsurvey.org>

The European Social Survey (ESS) is an academically driven cross-national survey that has been conducted every two years across Europe since 2001. The survey measures the attitudes, beliefs and behaviour patterns of diverse populations in more than thirty nations.

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# **The Role of Moral Default in Political Nation Forming Process in Ukraine (end of 2013 – beginning of 2014 years)**

Vira Yaroshenko

*Petro Mohyla Black Sea State University in Mykolaiv, Ukraine*

## **Abstract**

*The article deals with political and ethical aspects of revolutionary events of the years 2013-2014 in Ukraine from the perspective of defining the role of moral default in political nation forming process started in the country. The author puts the main emphasis at the necessity and urgency of saving the moral social capital of Revolution, which is going to become the source of the future moral “recovering” of society, human rights protection and democratic development.*

**Key words** *moral default, protest movement, trust credibility, moral “recovering” of the society, “titushki”, “banderivtsi”, historization, political nation.*

**Research** of the political and ethical aspects of the events of 2013-2014 years, using axiological and historical methods is one of the options to define the role of moral default as a catalyst for the formation of a political nation in Ukraine.

**Moral default**, which appeared and took place in 2013 in Ukraine, struck with its unexpected depth and unpredictable consequences. In a short period of time the page of newest Ukrainian history turned into real scene, where almost each Ukrainian citizen became, in a particular role, a subject of political and historical process.

**The cause** of the protest actions of Ukrainian citizens, supporters of the European direction in Ukrainian foreign policy in November 2013, was governmental suspension of the signing [EU-Ukraine Association Agreement](#). The slogans of demonstrators of Euromaidan in Kiev reflected demands and was the reminder, from the citizens to the power, concerning its obligations to sign the Agreement, which was a logical step in the continuation of the previous decisions towards the European external choice of Ukraine. And only after the brutal violation of the rights of civil protesters, inadequate governmental response to peaceful actions of citizens, beating of students at the Maidan on the night of November 22, 2013 there occurred **a social explosion**, that spread all over Ukraine and acquired revolutionary political content aimed at the removal of current Ukrainian government led by President V. Yanukovich.

**The reason** of this social explosion became the **lack of trust and credibility** to compromised authorities or the **moral default**. Conversion of Ukrainian citizens their rights and trust to control the distribution of state resources and to determine the future national development to their political leaders, who did not fulfill the obligations to the voters, and did not act according to the public interest, is associated with the term “default”, which is synonymous to the term “bankruptcy”. Since by credit in this sense stands axiological category “trust”, which is politician’s moral value characteristic, the term “moral default” according to the author is a justified terminological structure that characterizes irresponsible, “bankrupt” government. Moreover, huge part of the citizens realize the danger of spreading immoral relations in the society, when injustice,

dishonesty, cynicism, human rights violations, bribery, and corruption become common and normal. That's why a lot of people, who believe in moral values, consciousness, justice and trust, hoped and counted on the entering the European Union as a concentrated European system of common moral values. People perceived this external policy as a kind of medicine from the "bankruptcy" of moral life, as an instrument that, from their point of view, was able to save our society.

**Treacherous position** of citizens, supporters of Antymaidan, who have not passed the exam for morality, for whom dishonesty, breach of laws, corruption, unfair power has become the norm and tradition of daily life, enhanced the depth of moral default. Preferably, these fellow citizens living in the Southeastern regions mostly migrated from Russia during the latest years and the years of Ukrainian independence in particular. They have marginal culture, preserved by Soviet stereotypes and compensatory after exposure of the totalitarian regime illusion of prosperity. Annexation of the Crimea by the Russian Federation was made possible by the treacherous position of such Ukrainian citizens. Annexation became cynical and arrogant towards Ukraine as well as towards the international community. The occupation of Ukrainian territory by Russian troops undermined the credibility of the brotherly neighboring Slavic people, which was a manifestation of moral default. Since then disrupted system of international security at the international level began to lose confidence in the guarantees of international security. This can be considered as another **manifestation of the moral default**. The local governmental councils during their regional sessions provided evaluations of the protest movements and separatism. Overall, the results were subjected on support or non-support of Maidan. Some political figures as a former President of Ukraine V. Yanukovych, for example, had fled to Russia, continuing the criticism in the media about all the changes taking place in Ukrainian society after the victory of the revolution, trying to downplay its enormous moral capital. Unfortunately, significant number of patriotic Ukrainian people consciously or unconsciously, actively or passively promoted destabilization and the spread the radical separatist spirits in society. Each mistake, made by the new government and Maidan activists had serious destructive consequences.

For example, decision made by Verkhovna Rada concerning language issues caused primarily negative reaction among Russian speaking Ukrainian citizens, which was used by Russian aggressors for the so called "protection" of these people. This "creeping occupation" became possible with support of non-patriotic citizens in different regions of Ukraine (mainly in Crimea and Eastern Ukraine).

**Evaluation** of protest actions, understanding the essence of social explosion and forecasting of upcoming events by Ukrainians and members of international community was quite controversial and emotional. It is clear that the objective analysis of the epicenter of events is complicated by some subjective impressions and dynamism of the situation in general. It should be also noted that the usage of manipulation technologies in the media in favor of various interested groups and the actual information war in the media had a huge influence on the subjective evaluation of those events. Maidan activists, protesters, patriots, heroes through media handlers (mostly Russian TV channels and pro-governmental officials and deputies) were declared as "banderivtsi", "fascists", "criminals", "extremists", "terrorists". Antymaidan supporters, security forces, and the minority of Ukrainian citizens supported corrupted authorities, because they used to solve all their problems without putting any effort into productive work, quality education, and the law. "Antymaidanivtsi" tried to organize similar meetings to demonstrate their commitment to V. Yanukovych and to convince the Maidan activists. Later they became leaders ("Trojan horses") in Putin's aggressive plan of the occupation of Ukraine by Russian troops



**The aim** of the protests was verbally concentrated on proclaimed slogans and posters, for example: “Shame!”, “We Got Tired of It!”, “Gang Out!”, “Criminals Out!”, “For European Union!”, “For Welfare Life!”, “Glory to Ukraine!”. The main aims were institutionalized by the Action Program, which was adopted by Maidan activists and presupposed: dismissal of M. Azarov’s government, getting back to the Constitution of 2004 (which established parliamentary-presidential republic), releasing of political prisoners, withdrawal of “Dragon laws”, calling the new presidential elections in 2014 and signing the [EU-Ukraine Association Agreement](#).

**The driving force** of the protest movement was in an incredibly high and powerful life potential of Maidan participants, which was directed on moral “recovering” of the Ukrainian society, returning the failed trust credibility (moral default) in different expressions. They tried to build trust and justice between each other and gave the trust credibility to the new political leaders, to the national and international laws. People from the Maidan didn’t give up during a very cold weather, despite of using water cannons, sniper bullets and other weapons by state authorities. Moreover, the quantity of riot police “Berkut” representatives and “titushek” (dressed criminals) was much larger than the average number of people on Maidan. In contrast, using of the military force against peaceful protesters has led to a dramatic increase in their quantity. After that their number has grown to hundreds of thousands of protesters and the protests spread throughout Ukraine. The victims of the wrath of protesters were monuments to Lenin (who personified the totalitarian Soviet regime) in all cities of Ukraine. Vanguard of the revolutionary struggle included mostly young people, whose level of patriotism and national consciousness during the revolutionary struggle had increased significantly. Average support of Maidan was 60 % (Western Regions – 90 %, South-East – 30 %) of Ukrainian citizens.

The main peculiarity of the protest movement was the institutionalization of direct (street) democracy. The main center of the protests was Maidan in Kiev, where the representatives of different regions of Ukraine arranged encampment. By means of self-organization they created a strict and disciplined system of civil organization. As well as in peaceful periods of time during the periods of assaults on security forces The Council of the Maidan was functioning there as well as the system of technical support of communication, platform for protesters (and also for the guests, artists, etc.) performances, system of public order, self-defense against attack security forces, points of heating and food preparing, medical care, legal assistance, open university. People of all ages, mostly middle-aged and young people were among participants. There were primarily workers and people with higher and secondary education. They managed to take vacation from their regular job and replace each other on duty, to provide volunteer work in almost all possible areas of Maidan functioning. People, who supported the protesters in all regions and cities, gathered and sent them warm clothes, medicines, food, money and took to the local streets with posters and political slogans, demonstrating their solidarity and support. Leaders of the opposition parties cooperated with Maidan, but definitely did not lead it. Members of Parliament from the opposition parties - "Batkivshchyna," "Udar" "Svoboda" and individual deputies spoke to Maidan activists, reported on the work of Parliament, cooperated with activists concerning various issues of Maidan functioning, coordinated preparation of political decisions pre-approved by The Council of Maidan for consideration in the Parliament.

**The result** of the revolutionary stage of the period of November 22, 2013 and before March 21, 2014 was the victory of the Ukrainian citizens against the morally bankrupt government and accumulation of huge moral capital of the revolution. At the same time **the biggest result was the formation of Ukrainian political nation.**

It should be mentioned that dismissal of M. Azarov's government, V. Yanukovich's withdrawal from the presidential duties, returning to the Constitution of 2004, which established parliamentary-presidential republic, releasing of political prisoners (for example famous Y. Timoshenko), cancellation of "Dragon laws", forming temporal people's government, appointment and preparation for presidential elections in May 2014, signing the political volume of [EU-Ukraine Association Agreement](#) is a rather long list of the results of Ukrainian citizens' four months struggle for their rights to lead a safe and prosperous life in the independent and sovereign country.

Unfortunately, too high social price was paid with the lives of about 100 dead ("Nebesna Sotnya"). That's why there are very high social expectations and critical evaluation to the newly appointed Ukrainian government. This conversion of moral and ethical social capital of the Revolution into gradual moral improvement and "recovering" of society, restoration of confidence towards each other, to the new government, to the state and the laws, the emergence of self-organization, solidarity, the common definition of principles and rules, regulations for the separation of powers, national resources, responsible attitude of political leaders to the elections and transparent and public monitoring of their authority should be the consolidation of the results obtained.

**The legitimacy** gained by the people of Ukraine in late 2013 and early 2014 years and victory over the corrupted and morally bankrupt authority was possible because of the active role of the deputies from the opposition parties of the Verkhovna Rada of Ukraine. At the same time, when the new parliament was formed, some deputies from the Party of Regions left it and joined the other political unions. All this helped to introduce and support by voting the democratic reforms, determined to the peaceful development. Some deputies, who perceived victory of the Revolution in a bad way (nearly 100 people of total 450 membership of the Verkhovna Rada of Ukraine) left the country. Communistic fraction except for its leader P. Simonenko still participate in the work of Verkhovna Rada, but do not vote on the most key issues.

The former President of Ukraine V. Yanukovich, who has left the territory of Ukraine was withdrawn from the duties of the President, through the media shows his disagreement with the decisions of the Supreme Council and refusal to recognize them as legitimate. His appeal to the Russian President V. Putin with a request to protect the Russian-speaking population of Ukraine from "banderivtsi" was the pretext for the Crimea occupation and implementation of Putin's administration their aggressive plans. V. Yanukovich, who was declared wanted by the results of the allegations made by him in relation to the massacre of peaceful demonstrators, no more has the influence on current events in Ukraine. Further so-called referendum in Crimea on March 16, 2014 and the annexation of Crimea to Russia has shown complete disregard of national and international laws and was another manifestation of the moral default. It should be also mentioned that international arbitration institutions play the important role in determining the legitimacy of current political changes in Ukraine. The recognition of international organizations - the UN, PACE, OSCE and Venice Commission and state officials of other countries of the legitimacy of accepted political decisions of current Ukrainian authorities confirmed the pattern of democratic development of Ukrainian society. We highlight the fact that the territorial integrity of Ukraine became the symbolic indicator of the maturity of the political nation, of the true meaning of national values and made people reconsider the relations between each other and politicians by defining "who is who".

By the content and nature of the political events of late 2013 - early 2014 it can be roughly defined as the **revolutionary national liberation**.

First of all, these processes were **revolutionary** because there was a change of criminal clan political power with pseudo / neo-totalitarian political regime to the national patriotic political power and democratic political regime. Essential element to the consolidation of Ukrainian victory of this time, unlike during the previous experience, should be too high social price of this victory and citizens' awareness of their own role in consolidating gains through self-organization, the functioning of real democratic institutions, organization of authority and control over the activities of the new government. It is important to recall that the Orange Revolution of 2004 did not have a revolutionary character within the meaning of the future evolution of social system. Members of the Orange Maidan, having received a temporary victory, further provided a political leader V. Yushchenko with a great trust in democratic change. This led to the actual return of the same model of political power and of the same rent-seeking oligarchic political elite in the person of V. Yanukovych. In fact, converting conquered Ukrainian victory in the credibility of political leader, who had not proved his loyalty to voters, is also a manifestation of moral default.

Secondly, these processes were the **nation building** because there was a rapid formation of Ukrainian political nation in the fight for their constitutional rights and freedoms as well as territorial integrity. Outside threat to the territorial integrity of Ukraine from the Russian government was a powerful factor in consolidating solidarity and unity of the Ukrainian nation.

The original dream of Ukrainians to have their own state, to be rulers of their own land was tested by periodic loss and recovery due to the liberation struggle of the independent state as the condition for welfare and decent life of the nation. State is a force that gathers people together. State is an institutionally implemented condition of people living together based on common law, morality and traditions. Very important is the requirement of political justice (internal national distribution of power), which is the prerequisite for social progress and follows the most democratic political regime. And the most important role in developing guidelines, rules, procedures and rituals of separation of powers is precisely taken by **the political nation**.

As a historical phenomenon nation is a socio-cultural, economic, political and communicative unity of the people, providing them civilized life within the global community. Nation creates a viable society and the state, guaranteeing its security and vital interests. In modern world the nation serves as a carrier of the main objective (national idea) of society development in general. A nation does not become a geopolitical reality, subject and object of international relations and law as long as it does not form a nation-state as the legitimacy of its right to self-determination and the organization of society.

To **determine the role of moral default as a catalyst for the political nation formation in Ukraine** during the revolutionary events of 2013-2014, it is advisable to analyze some historical stages of Ukrainian political nation development.

Remembering truthful pages of the past is one of the conditions of political nation formation and the example of social synergy (common statement examples of interaction between government and society). It is also a critical step of the past "processing" that is "historization" of the past as a tool to modernize present.

The term "historization" comes from the French scientist P. Bourdieu and means "to historize" as to put in historical perspective. In fact, this is requirement to apply critical method for the awareness and understanding of the past. It is about the importance of the establishment of historical memory in Ukraine, declassification of the archival materials of 1932-1933 Holodomor and the role of awareness of historical facts by Ukrainian citizens. For example, the interpretation of the forced collectivization to hide the political repressions or the usage of Bandera ("banderivtsi") image to justify separatism and destabilize society.

Among Ukrainian and foreign scientists, who analyze the role of memory in the life on the society we can mention: P. Bourdieu, M. Edelman, H. Welzer, S. Lurie, P. Ricoeur, H. Kenigh, M. Heidegger, S. Freud, R. Schneider, K. Naumann, P. Nord, T. Adorno, A. Etkind, M. Ferretti, S. Averintsev, G. Diligentskiy, E. Fromm, Y. Levada, L. Gudkov, S. Romanenko, B. Dubin, S. Glebova [Glebova 2006].

For example, B. Dubin puts the main emphasis at the fact that: "...ineradicable past that demands "clearing-off" will impose itself to the present. Probably that's why perceptions of the past can sign here the structure of some medical symptom. History includes mostly what happened as a fact, but what wasn't solved as a problem and that's why it continuously repeats" [Dubin 2004].

**The success** of political nation forming in modern Ukraine depends on the citizenship of the individual, the individualization of civil society, manifested in organizational and ideological models of Maidan. Democratic citizenship - is the willingness and ability of a person to perform active citizen participation in public affairs and the state based on a thorough understanding of rights and responsibilities, including the critical rethinking of the nation's past and the responsibility for it to ourselves and to others [3].

It should be noted that the **critterion of citizenship of the individual as part of a political nation** considered: the ratio of personal values with common civic values of society, which manifests itself in the assertion of their words and deeds in their own way of life, human rights; effective attitude towards civic values when implementing them in practice in difficult times; respectful attitude to the study of history, traditions and language of the state; interest in the social, political, economic and cultural life, the desire to work for the country and inside its borders; the degree of personal and meaningful aims with civil purposes; the degree of civic responsibility, identifying ourselves with the other citizens of the country; characteristics of beliefs about themselves and about their country.

According to the degree of manifestation defined criteria in each personality, the level of civic self-defining can be high, medium and low. Also in accordance of how the rights and freedoms of the individual are protected by the state, the ratio of the individual interests and the interests of the state, there are different models of civic identity: destructive (from Soviet totalitarian regime, when the person served to the state), transition (the period of Ukrainian independence and proclaimed democratization from 1991 to 2004 years) and the rational model (the period of independence from 2004 to the present, the period of social capital formation as well as developing of civil society and political nation).

Pedagogical and ethnological aspects of citizenship were explored by P. Ignatenko, V. Popluzhnyy, N. Kosarev, L. Krytska, psychological and pedagogical were researched by M. Boryshevskyy, O. Sukhomlinsky, I. Tysyachnik, K. Chorna, and political and psychological – M. Ivanov and others. But the understanding of the citizenship formation, the analysis of the political nation creation in the "critical memory work" recess in the content of what was happening to the society in the past, including the rationalization of the historical experience of collectivization period 1932-1933, activities of S. Bandera, which wasn't studied properly because of classifying archival materials or reticence.

**The past becomes a place of society self-designing and the focus of the past updates the future.** Recently, the author of the paper started working on the study of declassification of archival materials, involving students of the political sciences faculty to the analysis of these materials. Moreover, author's series of speeches in Mykolayiv Oblast live radio broadcast called "Patriotic Page" made it possible to: 1) recognize the importance of researching the power of facts as an image of "the truth of the past" and its influence on the style of thinking of the young and older generations, and 2) make the assumption that the facts of the political decision of the majority of issues, including the question of the moral

education of citizens, the issue of property rights in Ukraine, which are separated by time, confirm the following: the past becomes a place of society self-designing and the focus of the past updates the future.

***Modern information and communication technological capabilities of controlling the past ("politics of memory"), enhance its imagery, and hence the social value of images.*** We, unfortunately, are not the best examples of the usage of such technologies during the election campaigns, particularly in the 2004 elections and the revolutionary events of 2013-2014 years and as a result - "Two of Ukraine" in electoral consciousness and "banderivtsi" in militaristic rhetoric.

Oblivion, which involves the disappearance of the past, can be an evidence of the "short" memory and unwillingness and inability of society to remember, and thus to understand their selves. "Those who cannot remember the past - as pointed M. Heidegger - doomed to first invent it." Category "burdensome past" can become the object of political exploitation and become the weapon of political struggle. How T. Adorno determines "clear mind" dissected the curse of the past. Skip to critical records involves removal of taboos, prohibitions of traumatic past, public debates and intensification of political education. The first such experience was analyzed and researched in Germany. Germany has shown an example of the changing role of memory in legitimizing the political system, the inclusion of a normative foundation of the collective identity of dark past. It was one of the grounds of political consensus, within which there was a departure from the idea of "special German path", the Germans managed to integrate into the European world and stabilize the new German democracy [Yaroshenko 2007].

***The current political culture*** of Ukrainian society is characterized by a pronounced functional imbalance that leads to systemic imbalance. This is despite the fact that it is common - Ukrainians always had been a good land lords and had the ability to develop private farming, even at the cost of their life. Psychological effect of having their own farm, own property, to dispose of his good, to be conscious, independent were and now are the archetypal features of Ukrainian mentality. This clearly proved the literal content of the document from the declassified archive:

## **ANNEX 1.**

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№40/4351

### **SPECIAL REPORT**

On the collective crops of the Tarasivka village of Pervomaysk region (Currently Mykolayiv region, approx. authors) the citizen Didyk was detained and brought to a village council by the overseer, because she was stealing the grain. The Head of the Tarasivka village council – Mankovets Moisey Arhipovich, 38 years old, ordered to put her to the cellar, from which latter she tried to escape. Then by Mankovets order Didyk was dressed iron horse "pastern" which usually goes awry horses.

After some time, the dispossessed Didyk escaped and was arrested for the second time in 4 days in the collective farm corn.

The Head of the Tarasivka village council – Mankovets Moisey Arhipovich was prosecuted for violation of revolutionary legality.

Case completed and submitted to the People's investigator for trial.

The results of the court will be announced later.

The Head of the Odessa police office / Tsertovych / [Materials of Nikolaev regional archive // Ф. 11, оп 1, д. 13, p. 60]

Analyzing such documents, which in 1934 by order of the CPSU (B) were removed from the archive and kept, of course, in secret, we come to a conclusion that the fact of hiding the documents is a direct evidence of the totalitarian Bolshevik state crimes against its citizens. Manifestations of genocide can be proved by almost every page of these historical documents. "Black boards", "ethnic cleansing", "concentration", "rozkulachennya", "denunciation", "grain procurement plan", "GPO", "competition", "collectivization", "farm", "prodkram", "typhus in an orphanage", "incitement to rebellion", "kulatski elements", "independent farmers", "do not make us slaves", "have pity on the hungry children", "terrorist group", "kill sticks", "Ukraine has not perished", "village Piski. Bashtanka" - these keywords include declassified documents in Mykolayiv oblast archives [Materials of Nikolaev regional archive // Ф. 2000, оп 2, д. 24. - K.: 1996].

Such evidences of subject-object state / individual relations, which were based on the "revolutionary legitimacy" and focused on repression (removing) by state not only bread but also dignity from its citizens. From 43 to 146 villages in the Mykolayiv region disappeared from the map as a result of the Holodomor of 1932-1933 years, and for many years these facts have not been documentary known. The only sources of evidence were memories of grandparents, then their children. It is not difficult to agree that they passed on to their children and grandchildren alienation of the state almost genetically. From the 100 students' scientific papers in Petro Mohyla Mykolayiv State University in 2013 and its genealogical investigations 11 students indicated cases where their relatives were affected by the Holodomor of 1932-1933. Students who participated in the analysis of archival materials treated the task with particular diligence.

Radio listeners in the Mykolayiv region, mostly the elderly, after notification about declassified documents revealed extraordinary emotional impressions and started to call to the studio. In particular, someone couldn't find the difference between the Holodomor events of 1921-1922, 1932-1933 and 1947; someone tried to blame Stalin's disease as the cause of his actions. And there were also those who offered to provide documents from the family fund. This can explain the features of political culture with traumatic tags in the perception of the image of the state. So, of course, historization is a challenge of our time.

**Flawed and inconsistent laws, human rights violations** unfortunately let smart traders use such illegal means as "mole burrows" for taking of another's property. After nearly a century the urgency of properly functioning research as an important element of interaction between economic and political systems is very high, especially due to the lack of effective model of organizational and regulatory framework of social and economic relations in modern Ukraine. Pre-election promises of almost all politicians in Ukraine since independence concerning promotion of the middle class formation (which is a sign of strengthening the institution of property) actually turned into declarations and, on the contrary, became the obstacles on the way of strengthening the middle class and caused deepening stratification, enrichment oligarchic stratum. Confirmation of specific facts that struck its cynicism became possible after winning of 2013-2014 years Revolution. Threatening spread of criminal cases acquired sharing land assets of the former collective and state farms, as well as laying the new owners of the land lease agreements for vested shares. At the same time, along with the traditional pattern of unlawful distribution and redistribution of land resources, the facts appeared concerning the covert purchase of land taken under the guise of registration under long-term lease on an irreversible transfer of ownership. Very dangerous are modern persistent tendencies to "shadow" buying a significant

amount of agricultural land by natural and legal persons in Ukraine, including the orders of foreigners.

The proliferation of these facts has caused hidden social protest in society, reducing public trust in government, a moral crisis; the outflow of the working population abroad became part of the united social cause of explosion in November 2013. If we compare the old with the modern developments, in the opinion of the author, hidden and not analyzed facts with the absence of its conclusions made, have a negative projection on the present of our society as obstacles to democratic transformation. Declassification of archival documents is critical, rational "processing" of the past, which is associated with "historization" of the past and present and modernization undoubtedly contributes to the formation of rational civic identity in Ukraine as the basis of a **political nation**.

Since **morality** in a democratic society is one of the important dimensions of political life, morality is an integral component of the stability of the political system, a significant indicator of a society and its political consciousness, the formation of the Ukrainian political nation requires the formation of a common civic culture, which combines the traditional values of the Ukrainian people with the values of minorities in their modern civilized form.

**The set of expressions of moral default** - loss of trust to politicians, to the state, to national and international laws, to fraternal Russian people, traitors to the nation, all this played the role of catalyst of the Ukrainian political nation forming. In Ukraine the criminal power and the threat from external aggression proved to be a powerful catalyst for the consolidation of society. The remnants of post-totalitarian attitudes of consciousness rapidly vanished from former Soviet subjects, who rapidly transformed into citizens of a democratic European country. A survey conducted by the Ukrainian TV channel "1+1" March 9, 2014 gave an absolutely enchanting results: Ukraine's entrance to the EU was supported by 77% of the citizens, NATO membership - 70%. Ukrainian reaction to moral default led to such results in accelerating the formation of political conscious nation, which in peaceful time would have taken years.

**Saving the result** of the revolutionary phase late 2013 - early 2014 years in Ukraine needs further actions:

- Protection of the territorial integrity of the Ukrainian state;
- Converting of the moral and ethical social capital of the Revolution into gradual moral improvement of society, restoring confidence in each other, the new government, the state, the laws;
- Improvement of self-organization, solidarity, the common definition of principles, rules, regulations separation of powers, national resources;
- On the wave of high social expectations, critical assessment of the performance of the newly appointed Ukrainian government, lustration and real fight against corruption;
- The successful holding of presidential elections in Ukraine in due time May 25, 2014, voting for a wise, respected leader of the nation – “moral beacon”;
- Signing the economic part of [EU-Ukraine Association Agreement](#);
- Accession to NATO;
- Careful reform in areas of social development, adaptation to European and international standards, which are based on the respect of human rights and the preservation of national values;
- The objective understanding of the historical experience of Ukraine with an awareness of catastrophic consequences uncompromising rivalry of political elites. Historical memory, to eliminate "blind spots" of the past.

**Ukrainian political nation** will be able to accept and implement innovative areas of development, to ensure the irreversibility of democratic choice, to focus energies and resources on social development, to produce highly contemporary culture in all its aspects. At the same time, to implement state-national identity of Ukraine, the State is required to provide the high level of political stability, open wide prospects for successful modernization.

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# **Eurointegration Policy Crisis in the Donetsk Area: Information Aspect**

Sergii Bondarenko

*Center for Public Communications Analysis and Development «DIALOG»,  
Ukraine*

## **Abstract**

The official choice of the European vector of Ukraine development implies a row of system changes in the political, economic, legal and humanitarian systems. Changes of many life spheres of the state according to the European standards require the support of its population. Making actions of government clearer and pursuing an effective informative policy which will provide forming and distribution of objective knowledge about processes and actions directed on the confluence of Ukraine in European space is needed. Adaptation of large array of information for the necessities of every purpose audience allows us to talk about aims, tasks and expected results of policy of European integration in Ukraine fully and clearly.

**Key words** *Eurointegration policy, information policy, political communications*

## **Methodology**

Success of Euro integration policy realization of Ukraine depends directly on the citizens' awareness, their self-identification and the amount of knowledge they have. The latest events (November 2013 - March 2014) are the evidence of the particular failure of European integration' policy. To be objective, the author tried to define the reasons of ineffectiveness of informative policy of authorities through comparing the expected results of authorities' information policies (Laws of Ukraine, Decrees of President, Decisions of Cabinet of Ministers of Ukraine, government Programs and strategies of informing the people), estimative results of level of the citizens informed (sociological researches, conducted by Razumkov Center and Keu Communication Company) and analysis of the regional MASS-MEDIA materials (monitoring the Internet of MASS-MEDIA and expert estimations of materials about Euro integration in Donetsk traditional MASS-MEDIA).

## **Introduction**

Independent Ukraine started searching for its own harmonious and safe place in the geopolitical map of the world after collapse of the USSR. Having a certain industrial, economic, scientific potential it lost its traditional communications that caused the emergence of new problems and challenges. New groups of influence which in the future will define the vectors and history of

development of the country up to today started being formed on the fragments of "the old state".

Despite of a non-block status declared, the government of Ukraine has defined a strategic vector of further development of the country directed on the European integration. Integration into the European community started in 1994, after Partnership and Cooperation Agreement signed between Ukraine and the European Union and its member states. In 2010 Eurointegration process was fixed in the Law of Ukraine "About the principles of domestic and foreign policy", as an official vector of foreign policy of the country. It is worth highlighting that an active phase of occurrence of Ukraine in the European legal, political, economic and humanitarian space began in Ukraine exactly in 2010.

In March 2013 the President of Ukraine issued the Decree "About Urgent Measures of the European Integration of Ukraine" which accelerated the process formally. This document had to provide further development of strategic partnership of Ukraine and the European Union, and as result the Agreement on association had to be signed. Unfortunately, signing of Association was broken by the Government of Ukraine in November of the same year.

Despite of the support of a certain part of the population, Euro-integration processes are estimated ambiguously within certain territories. Considering features of political system of Ukraine, its vertical, it is possible to assume that regional policy directly depends on national features, taking into account local features, self-identification of the population, preferences of the local elite, political and social relations.

Within the article the author aims to define the reasons of low support of the European integration in the territory of Donetsk region in a context of the state information policy.

Among the domestic researchers studying the role of information policy of government authorities and its influence on various processes, particularly on the European integration and formation of positive image of territories, it is possible to point out Pocheptsov G.G. [Pocheptsov, Chukut 2008], Gubersky L.V. [Gubersky, 2007], Yefimova V. V. [Yefimova, 2009], E.B.Tikhomirova [Tikhomirova, 2013], N.P.Karpchuk [Karpchuk, 2011], Shevchenko G. V. [Shevchenko, 2009], Nagornyak T.L. [Nagornyak, 2013] and Kachinskoy N. A. [Kachinskaya, 2010].

In order for any actions of authorities to have the maximum effect, system for informing citizens is necessary. This activity is intended to provide communication, to imbue it with meanings, to focused on providing and achieving strategic political goals. It has to define the algorithm of formation and distribution of adequate knowledge across the state, to be a "road map" in information space, both in the country, and beyond its borders.

The information policy of authorities can be considered as a set of principles, approaches, meanings defining laws of functioning of the information sphere [Pocheptsov, Chukut, 2010:12] within competences in which the government body works and it is directed on the state strengthening. [UNESCO, 2010: 71].

Several attempts to organize and realize national information strategy on formation of objective knowledge of Euro integration were made during the last 10 years in Ukraine. In 2003 the State program of public informing concerning the European integration of Ukraine for 2004-2007 was approved. The mission of the

Program was to ensure a broad public support for a state policy in the sphere of the European integration.

According to the authorities, the following was necessary to achieve the goal:

- to improve essential Ukrainian population's awareness concerning EU (history and development prospects, the main activities, the legislation, functioning of institutes and distribution of powers of authority between them, expansion, the relations with other states, etc.);
- to widely inform the public about the strategy of realization of Eurointegration policy, priority tasks in this sphere for achieving deeper understanding of the European integration of Ukraine as the main strategic direction of socio-political and economic development of the state.

Among the main instruments of implementation of the Program there were some possible press actions (press conferences, press tours, etc.), public meetings (round tables, conferences, symposiums, etc.), the press and distribution of newsletters, creation of separate web pages on sites of authorities and local governments, direct advertizing, implementation of various training programs, programs for training of specialists concerning the European integration, etc. [the President of Ukraine 2003].

In 2008 the government of Ukraine approved the State target program of informing of the public concerning the European integration of Ukraine for 2008-2011. By the results of implementation of the previous Program the purpose to continue the increase of the level of public awareness as to the European integration of Ukraine and to create a stable pro-European majority in the Ukrainian society was set.

The Program of 2004 was based on separate actions. By contrast the Program of 2008 gave preference to using the integrated mechanisms and the tools focused on the consumer of information. Organization of information and educational campaigns in regions, inter-level interaction, consultations with the public, increase of transparency level of authorities' activity, interaction with civil society and independent mass-media were planned. If earlier the Cabinet of Ministers of Ukraine was in charge of all coordination and realization of information policy in 2008 this responsibility were conferred on a specific government body – the State committee on radio and telecasting of Ukraine. Also one of the features of the program was publicly declared forecast and financing sources. The budget of the program was 65 million 286 thousand hryvnias (in 2008 it was about 13 million US dollars) for 5 years [the Cabinet of Ministers of Ukraine 2008]. The previous program had no amount for implementation of the Program. The lack of clear resource support testified to a formalistic approach to its realization and minor value that negatively influenced the achievement of political goals.

The acceptance of the law of Ukraine "About the principles of domestic and foreign policy" became the next significant moment in 2010. According to the Art. 11 of this law, providing of integration of Ukraine in the European political, economic, legal space for the purpose of obtaining a membership in the European Union is one of the priorities of the foreign policy. [VerkhovnaRada of Ukraine 2010].

In 2013 the urgency of development and realization of effective information policy was fixed in the Concept of realization of a state policy in the sphere of informing and establishing communication with the public on topical issues of the European integration of Ukraine for the period till 2017, which was approved by the Government of Ukraine on March 27, 2013. The purpose of the Concept is providing steadily high level of the population's conscious support of Ukraine's Euro integration policy as one of the priorities of domestic and foreign policy of our state, reforms which are carried out and will be carried out by the power for the purpose of preparation of Ukraine for future membership in EU. The Concept is aimed at providing appropriate level of awareness of Ukraine's citizens about the features of the European integration process, the contents and tasks of the Agreement on association between Ukraine and EU [the Cabinet of Ministers of Ukraine 2013]. According to the President of Ukraine, the forced informing of the population had to provide support for the politicians.

According to the Plan of implementation of the Concept, informing of citizens of Ukraine has to pass through preparation and distribution of video and audio materials, holding special events (round tables, conferences, seminars, etc.), educational actions, interaction and training of representatives of mass media, carrying out press actions and other special events (for example The Day of Europe), involvement of independent experts in the sphere of the European integration, public organizations [the Cabinet of Ministers of Ukraine 2013]. Considering a short time, a political situation and a lack of any means the success of this campaign is questioned. Artificial planting of ideas of Euro-integration using of «administrative resource» and promotion through under control of mass media, public organizations and scientific community began. On the one hand, such policy created information dissonance and provided support for ruling political force (Party of Regions and its satellites). On the other hand, it made the pro-European forces in Ukraine more active. As a result, "violent" Euro-integration and a failure of signing of Association with EU disappointed not only the supporters of the European course, but also the electorate of ruling party. This resulted in the events of November 2013 – February, 2014 (the Euromaidan – the Maidan).

In 2008 Razumkov Center research published that 70,6% of the interrogated experts negatively characterized the level of information support of Euro-integration process (The State program of informing of the public concerning the European integration of Ukraine for 2004-2007); 54,9% - are rather negative; 15,7% - are unambiguously negative; only about a quarter (23,5%) of respondents gave positive versions of the answer [Razumkov's Center, 2008: 41]. Poll also showed a low level of knowledge of Ukrainian citizens about EU (working selection were a number of 2007 people). 47,2% of respondents showed a low level of knowledge; on average – 36,9%, 7,3% had no information at all and only 4,3% answered that they are rather informed. The request for objective information also has high percent. 54,2% of respondents would like to know more about EU, 18,6% - are completely not interested in EU, 18,9% - have enough information; 7,8% had no opinion. [Razumkov center, 2008: 46].

The results of research of the Razumkov Center, which were presented in 2013 also show low level of knowledge of the population concerning the European integration of Ukraine. At national level 43,5% of respondents (working selection

accounted 2010 people) answered that they had not enough information, 38,6% - the average level, 9,5% - knew nothing and only 5,3% had high level of knowledge on this subject. In spite of the fact that the percentage of people informed insufficiently decreased, and the percentage of people having enough information increased substantially, did not change a situation that indicate inefficient information policy of the state [Razumkov's Center, 2013: 118].

Similar results were show in 2013 at the request of Embassy of Great Britain in Ukraine by the Key Communications company. The results of complex research (polls, focus groups, studying of documents, the content analysis of media materials) found out that there was a steady division into supporters of EU and the Customs Union in the Ukrainian society, thus a very essential share accounted citizens, whose position was not defined [British Embassy Kiev, Key Communications 2013]. Such "uncertainty" testifies that the work with the population was not conducted.

According to an official position low level of knowledge is connected with:

- lack of procedure of carrying out system nation-wide sociological research on questions of the European integration;
- misunderstanding of information requirements of target groups of the Ukrainian society which information policy is intended for;
- lack of appropriate financing;
- lack of effective interaction and communication between authorities (both on central, and local levels) and civil society;
- use of outdated methods of creation and distribution of information (knowledge);
- inefficient use of information resource of EU;
- improper adaptation of information product to the needs of the Ukrainian consumer (including regional);
- insufficient information work at regional and local levels [the Cabinet of Ministers of Ukraine 2013].

According to the author, the causes of inefficient information policy are noting its technical realization or a lack of means, but in poor philosophy and misunderstanding of strategic transformations by political, economic, public, cultural, etc. elite. Self-identification of persons in power and their dependence on political elite of neighboring states can also be considered as an important cause. During 23 years of independence Ukraine was not engaged in formation of new identity of "the citizen of Ukraine", "the European state", and it was concentrated on maintenance and opposition of deep archetypes of "Banderovites" and "homo sovieticus". Such opposition influences the process of the European integration, serves as an anchor of further transformations and a core of disagreements in the Ukrainian society.

The advance of ideas of the European integration is also characterized by a low level of understanding of processes and expected results at regional level. If the western areas, owing to the historical features, more aspire to Europe, eastern areas think the other way round. According to the author, it is connected with self-identification of the population of Eastern Ukraine, Donetsk region in particular, its historical roots and future vision. The results of the research "Factors of formation

of the European identity in modern Ukrainian society: regional aspects" (March-April, 2012, selection – 1212 people) showed that 18% of respondents consider themselves as "Europeans" in Donetsk region, 37,7% - "the Soviet people", 36,5% - "nihilists", i.e. denying any identity; 7,7% - "amorphous" [Korzhev 2013].

The results of researches estimating level of knowledge of Ukraine's population and Eastern areas are very similar. In 2008, according to research of the RazumkovCenter, 49% of respondents in the east had low level of knowledge of Euro-integration processes. 33,2% - average; 8,3% - had no information, only 3,3% of respondents told that they are rather informed. Also, as well as the other part of Ukraine, the east in 2008 need for information on EU and Euro-integration remained rather high. 50,3% would like to know more, 21,9% - wanted to know nothing; 19,1% - were satisfied with the information they had; 8,7% found it difficult to answer [Razumkov Center, 2008: 46]. In 2013 the situation in the east of Ukraine did not change significantly, but the general negative dynamics was observed. 46% of respondents defined the level of knowledge of EU as low; 36,6% - had the average level; 11% had completely no information, and only 2,9% of respondents could tell that they were rather informed [Razumkov Center, 2013: 118].

According to DW-Trend, the day before signing the Association with EU and the Free trade zone the number of supporters of association with EU (39%) in the east, traditionally pro-Russian region, exceeded the number of its opponents (35%) [DW-Trend 2013]. However, it is not enough for the policy of the European integration to be unconditionally supported by the population.

Dependence of preferences of Eastern Ukraine's population, including Donetsk region, concerning policy of the European integration directly depends on their level of knowledge and self-identification. It should be noted that realization of information policy in Donetsk region has situational character. According to standard and legal base, responsibility for realization of a state policy in regions lies on public authorities, on regional public administrations in particular. To characterize their activity in Donetsk region, it is possible to tell that it is limited to scanty information on a site and in mass media. For many years in Donetsk regional public administration there was no profile management which would be engaged in systematic realization of a state policy of the European integration in the region.

Superiority in this direction can be given to non-governmental organizations, representatives of scientific community and independent mass-media. Considering technical, organizational and financial capabilities, they cover only insignificant part of the population of Donetsk region. Generally, work is concentrated on interaction with students and studying youth (Euroclubs), carrying out researches on various aspects of realization of Euro-integration policy (for example, liberalization of a visa regime), special events (Day of Europe, Days of culture, Days of cinema, etc.). On May 24, 2013 the EU Information Centre, which main objective is providing the help to universities and scientific centers of the Donetsk region in training experts and carrying out research work as to Euro-integration and developments of the relations between Ukraine and EU, distribution of information on EU and its policy, and also assistance to participation of students and

researchers in debate on the corresponding perspective [EU Information center 2013] was created on the basis of Donetsk national university.

The representation of a subject of Euro-integration in mass-media of the region is indicative. According to results of selective monitoring the Internet of mass media carried out by the TitanInfo company in July-August, 2013 testifies to low level of interest to the designated subject. For the studied period according to the chosen media card (39 online media) 11337 materials were processed. The European integration was mentioned in 33 of them which amounts 0,3% of total number of the processed materials. 12% of materials were directly connected with a subject of signing of Association with EU, 21% - with East partnership, other 67% to some extent affected Euro-integration. The vast majority of materials were short information messages (85%), the share of analytical materials was minimum (3%), reports and interviews (on 6%). The Internet editions of Donbass wrote about the European integration mainly as the process having political character. This subject was generally associated with activity of power institutes (the President, the Cabinet of Ministers of Ukraine, the Verkhovna Rada). There was extremely low quantity of mentioning's public organizations which usually position themselves as "vanguard of Eurointegration". It testifies to absence of journalistic interest towards this subject, along with necessary knowledge of it to a perspective [TitanInfo, Center for Public Communications Analysis and Development "DIALOG" 2013]. It should be noted that the majority of materials were reprints (reposts) of the central mass media and news agencies.

The similar situation could be seen in print media of the region. Generally, problems were presented in the form of short information materials of the top officials of area describing hospitality events and the states (meetings, visits, opening of consulates, etc.). Analytical materials were insufficient, generally, they concerned the economic part of the European integration and were aimed for a narrow readership. It is possible to consider such significant events as visits of the top officials of the state to EU countries, visits of official delegations to Ukraine and regions, signing of intermediate documents, within Association preparation in EU as peaks of activity of regional mass-media.

The regional mass media started to cover a subject of the European integration more actively after speeding up of process by the President of Ukraine in March, 2013 [the President of Ukraine 2013]. In most cases materials didn't bear semantic loading and were aimed at describing the achievements of ruling party (Party of Regions) in the course of preparation and Association signing with EU. The picture changed dramatically after a suspension and failure of signing the Association in October and November 2013, and also after the beginning of protest moods in Ukraine and regions.

According to monitoring results of Donetsk mass media (November-December, 2013), materials testified to imbalance of covering of public protests. Donetsk mass media write either too much or nothing: it is a lot of about a power position, almost no information about how citizens fight for the right to be heard. After "black Thursday" (making decision by the Cabinet of Ministers of Ukraine on the termination of preparation for signing the Association at the Summit of East Partnership) materials generally contain justification why the Agreement will not be signed, about possible economic risks and explanations "pauses for the sake of the

future" in Vilnius. According to regional media of experts censorship, especially in mass media under control to the power [The Ukrainian educational center of reforms 2013], is felt.

## **Conclusion**

Failures in realization of the policy of the European integration are directly connected with information policy of authorities, both on national, and regional levels. The critical amount of knowledge about the European integration which would allow citizens to make a rational choice of the European vector of the country's development was not given because of inefficient communication of the power with the general public. The population is extremely careful and does not trust the European integration owing to the ignorance of main objectives of the policy, expected results and personal benefits in the east of Ukraine, in particular Donetsk region. Also a major factor is self-identification of the population of Donetsk region. Existence of "phantom Soviet roots", supported by the Russian and pro-Russian mass media in the region blocks the formation of new identity.

It is possible to consider a formalistic approach, low level of professionalism of responsible persons, a lack of knowledge and motivation, conscious sabotage by local elite, including the heads of the area focused on the Euroasian vector of integration, as the reasons of a failure of information policy. Having direct influence on development of meanings and knowledge formation at broad masses about the European integration, they either strongly distorted, or changed concepts which allowed them to manipulate public consciousness and deflect attention. It is necessary to recognize that the international institutes which responsible for advance of policy of the European integration in Ukraine weren't ready to work with regions. All information policy was aimed for national level and limited in most cases to Kiev and partially large cities.

For the situation to improve, it is necessary to reconsider completely the principles of formation and realization of information policy. It is necessary to divide it into national and regional level which will consider features of each region separately, and the states generally, and also to satisfy a query of target audiences. The greatest possible support of independent mass media and information projects will give an opportunity to create alternative information space where it will be possible to gain additional knowledge and to make a conscious choice towards one of the policies. Strengthening of information maintenance of the projects realized by public organizations will also allow to inform more widely various target groups and to form a pool of the loyal population. Not only support and a conscious choice of the European vector of development depends on efficiency of information policy, but also formation of an external image – a brand of the country and its certain regions - as European and democratic.



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# **Mythologization of the Metaphor *the door to Europe open for Ukraine* in the Modern European Political and Media Discourse**

Olena Taranenko

*Donetsk National University, Ukraine*

## **Abstract**

On the basis of the analysis of the wide media-map, the transformation of the key metaphors of a foreign-policy discourse of Ukraine during 2007-2014 is proved. Specifics of mythologization by means of media channels in the course of eurointegration of Ukraine are shown on the example of a metaphor "a door to Europe open for Ukraine" which during the specified period was transformed into a metonymical sign according to the laws of mythology. Semantic dynamics of a metaphor and creation of the new semantic field, which is close to the myth, are the indicators of transformation of the political European discourse of Ukraine. The media discourse of the period of the Euromaidan of November 2013 – February, 2014 is emphasized in the article.

**Key words** *mythologization in a media discourse, the Euromaidan, a political discourse, a metaphor, a metonymy*

## **Methodology**

The main feature of the modern information processes is their mass character and publicity, and this fact actualizes the creation of myths, used as technology. Actualization occurs at a subconscious level of perception of the audience and in a conscious manipulation by the media.

Many functions and signs of mass communication as a process coincide with the logic and structure of the archaic myth. Such characteristics of mass consciousness as noncriticality, high controllability, affectivity, intolerance, tendency to extremes, illogicalness, indifference to contradictions and the absence of necessity of verification are the basis for the creation of myths and are maintained by modeling of social reality in media. Mass media define today's norms and priorities, impose estimates and labels, create a new mythological system of ritual worship, which are regulated by rite behavior of the member of society.

The methodological basis of research of a mythologization of political space by media channels are the polydisciplinary scientific and applied developments. The declared object of research is studied by experts in the field of social communications, political sciences, applied linguistics, the international diplomacy, etc.

In this context modern researchers fairly noticed that mass media play a role of "the powerful generator of myths" [1]. The Russian scientist Sergey Neklyudov believes that consequences of communication revolution facilitated a manipulation of mass consciousness by the media. It seems that "the level of mythologization" of public life for the last decade extremely increased, and we from a kingdom of science and rationalism stepped into a certain "mythological" era. Thus, as the scientist remarks, the symbolical structure of mythological ideas is extremely poor [2, p.17].

The modeling of reality, creation of the parallel mythologized reality in media occurs first of all with the help of the language means. For this purpose, metaphors, which according to mythological logic, are transformed to metonymies are actively used.

The process of interconversion of a metaphor and metonymy in real language practice, including the media discourse, were studied, in particular, by Roman Jakobson, Claude Lévi-Strauss, Roland Barthes, Edmund Ronald Lynch, on whose ideas we can rely in the research.

Roman Jakobson's idea that the message represents not a typewritten string, but the orchestral score, the connection of a metaphor and a metonymy, paradigmatic association of images and syntagmatic sequence, is supplemented in the mythological researches by Claude Lévi-Strauss. For the theory of the French ethnologist the idea that the meaning depends on transformations from one system to another was important. The model of mythological structure is described by Lévi-Strauss as linear sequence of signs which turns into a set of metaphors, and they are again understood as a metonymy. The paradigmatic structure is transformed to a syntagmatic chain. Interpretation of the myth assumes double switching: from the metonymical form to metaphorical one and back to a metonymy form.

Edmund Ronald Lynch describes an essence of similar transformation on the example of mythological and religious discourses. According to the scientist, metaphoricalness in them is denied; mythological and religious formulas are considered as absolutely true. At this level keywords are entered into the metonymical relations, and they become interdependent signs [3].

In the classical myth the image is interpreted as a sign, an index of direct action. It is supported by absolute belief of participants of ritual in the effectiveness of this image. In a remythologization situation the metaphor is used for facilitation of understanding and remembering, association brightness. The successful metaphor is repeated in media, consolidating the gained effect.

So, in political discourses collective meanings, ideologems and the world outlook views are the indicators of political regimes, foreign policy vectors of development and personal ways "are implanted".

George Lall believes that repeatability is an essential feature of modern culture which forms its redundancy. Permanent repetition of dominant ideologems determines the culture, especially for the people, who are intensively influenced by mass media [4, p.24], "cultural redundancy produces and reproduces values and concepts which form the foundations of coordinate social interaction" [4, p.122]. Claude Lévi-Strauss also described similar redundancy, accenting on its transforming character. According to the scientist, the myth creates a system of the self-description of the world with a redundant potential.

Metaphors which are repeated many times in mass media depreciate, impoverish the symbolical character and meaning, becoming empty signs, labels. According to theory of Roland Barthes, whenever concept of the myth loses its object, concrete meaning, is symbolized. The second, built-on semiotics system is created: here we have signified, signifier, which itself represents primary semiotics system, and, at last, there is a representation of signified by means of the signifier [5, p.80]. Thus former signifier becomes signified, the myth turns into devastating form for the poor contents. Mythemes, created thus – not symbols and not signs, are "an alibi of the idea" (R. Barthes), "simulacrum", "replica without original", "signs without reference" (J. Baudrillard). Exactly in it is the essence of creation in the myth the secondary semiotics system. The myth naturalizes the concept, makes it so alive, convincing, real, natural that the addressee even doesn't notice its unnaturalness, persuasive artificiality. The System "empty signs" which exorcises the addressee aggressively interferes in media, and these signs calm the addressee with the images of virtual stability and wellbeing. According to exact definition of R. Barthes, "the myth represents a word to which justification extremely strong arguments are given" [5, p.96].

Danger of such process is that the poor metonymical sign creates productivity illusion for the addressee. Having being fixed in repetition, such image tries to work as a mythological spell, convinces the addressee of media communication that the problem is solved by designation. Naming and repetition replace the solution of public problems. The essence of this problem is also emphasized in the well-known statement of the media theorist Marshall McLuhan, "The medium is the message" [4, p.30].

The similar concept is actively used in practice of neurolinguistic programming. This concept of a reframing, means the transformation of a person's point of view on a situation by changing her purposes or intentions in this situation. Reframing means process of revaluation of the meaning of the event without changing the context in which it is placed. In a situation of obviously complicated communication between the authorities and society in Ukraine many frames are used by media not as a content, and as mythemes, stereotypes, signs without meaning. Informing is substituted for frame construction, in fact for the mythologization which is powerfully influencing mass consciousness.

In our opinion, such process can be observed in the using of metaphor "a door to Europe open for Ukraine" in a modern European political and media discourse.

## **Introduction**

Expression "a door to Europe open for Ukraine" starts being used actively as a metaphor with typical comparison of hopes and opportunities of Ukraine about accession to the European Union with the image of open doors. It is observed, for example, in Yulia Tymoshenko's statement in 2005 after a series of meetings of the Ukrainian delegation with heads of the European states and eurocommissioners: *"We understood that doors to the European house remain for Ukraine open irrespective of results of a referendum. I received a lot of optimism"* (<http://www.pravda.com.ua>). We will remark here natural for a metaphor of open

doors an image of Europe as a house. We will easily present such an image, it is bright and constructed on expected paradigmatic associations.

As the visual association this metaphor extends to other contexts close to an image of the European house. For example, in the headings *"Bush Opens NATO Doors for Ukraine and Georgia"* (11.04.2007, <http://www.segodnia.ru>); *"Timoshenko: the EU doors become open for Ukraine"* (25.08.2009, <http://www.realt5000.com.ua/news/utf/ru>); *"Hillary Clinton: "Doors of NATO are open for Ukraine"* (02.07.2010, 1news.az); *"The European Union thought up some kind of conditional "doors" for Ukraine. The European Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle declares that the door to Europe is open for Ukraine on condition of observance of the European standards"* (29.09.2010, <http://ua-reporter.com>); *"NATO Secretary General: doors in NATO are open for Ukraine"* (29.09.2010, <http://newsland.com/news>); *"Observers from European Parliament: The door to Europe has to be open for Ukraine"* (8.02.2010, Korrespondent.Net); *"Near the open door to Europe..."* (12.10.2011, weekly 2000); *"Yatsenyuk: the EU still holds doors open for Ukraine"* (2011, <http://objectiv.tv>); *"Brussels opens a door for Kiev"* (29.03.2012, the newspaper "Delo"); *"Javier Solana: The European doors are still open for Ukraine"* (09.2012, <http://ua-reporter.com>); *"Yeliseyev: Reaction of Europe to elections in Ukraine testifies to open doors in EU"* (30.10.2012, radio "Svoboda") etc.

We will emphasize two tendencies in these and similar examples. Firstly, the metaphor of open doors at the same time refers to Europe, the European Union and even NATO. Such diffusion of meaning leads to loss of symbolism of the European house without which the image of doors loses the concreteness and a semantic significance. Secondly, absolute mixture of times and modalities in the use of verbs is an important peculiarity. Doors to Europe seem to be already open or that can be open in the future or have to be opened and still remain open, but may be closed without observance of certain conditions.

From our point of view, just the mixture, imposing of semantic layers leads to metaphor transformation in a metonymical sign. Such transformation means mythologization of the meaning. The image of the door opened to Europe unfastens from the initial meanings and presents the solution of an important public problem by itself. As the addressee illusion is created through continuous repetition, so, the familiar and clear image in itself designates presence of Ukraine in Europe, fulfillment of all conditions and an escape from difficult and conflict situations.

The mythological self-presentation of a metaphor of open doors to Europe becomes obvious in situations when by means of this image problems of alternative, a choice in confrontation are described. In this way, for example, the media illuminate the questions of Ukraine's possibility to access to the Customs union or Yulia Timoshenko's release as a condition for Ukraine receiving the status of the associated member of the European Union .

For example, in the heading quoting the statement of the deputy of the Bundestag, *"Doors of Europe are open for Ukraine, but the Customs union – a step back from them"* (<http://ipress.ua/news>), metaphorical meaning is supported in an image of a step from doors. Thus absence of the subject of this action in the statement, an identification of other direction of movement (to the Customs union)

with action (step) and similar aspects, make a metaphor indistinct, secondary, used for creation of a new semantic field, other context.

Similar example – *"To Europe advise to open doors for Ukraine that didn't pass to Russia"* (<http://glavcom.ua/news>). In this case the richness of metaphorical associations is reduced to the elementary mythological binarity, to literal opposition by the principle "own" – "alien". The metonymical sign gains aggression and is free from variability of a metaphor.

In the headings *"Timoshenko's Release will open to Ukraine doors to Europe"* (27.04.2013 <http://MIGnews.com.ua>) we also have a metaphor of open doors in obviously poor meaning deprived of concreteness. The addressee gets the impression is made that release of the most known Ukrainian political prisoner will automatically solve all the problems of eurointegration of Ukraine. Thus, a concrete description of this process is unclear and even unnecessary – whether it is about the accession to the EU, about the association agreement, about political or economic measures, etc. The metonymical sign of doors to Europe "washes out" the sense. Thereby the manipulation with the addressees is carried out – they are cheated, given illusion of easy, automatic solution of problems by the very use of an image of the opened doors as achieved result.

The situation which has developed since November, 2013 in Ukraine changed also requirements to the media. Obvious danger for the eurointegration processes in Ukraine made participants of a political and media discourse express more certain and more concrete views, not to hide the political position under empty signs and manipulative mythemes.

Actually, already in 2013, before the Euromaidan, the use of a metaphor of open doors to Europe returns to initial metaphoricalness and definiteness of meaning is observed. Such dynamics is confirmed also by practice of political decisions (withdrawal of the president from the planned course on eurointegration). Those two tendencies, which we emphasized in metaphor functioning in the Ukrainian media for 2007-2012, almost disappeared. Firstly, the concept "Europe" becomes more certain and connects in mass consciousness it becomes connected with the association signing with the EU and realization of policy of the East European cooperation. Secondly, in the use of verbs, there is no free transition from the past to the present and future times, the emphasis is placed on semantics of expectation of concrete measures in the present – "doors remain open". It was, for example, repeatedly declared by the ambassador of the USA Geoffrey Pyatt: *"Europe keeps open the door for Ukraine"* (radio "Svoboda"), the eurocommissioner Štefan Füle: *"Doors for Ukraine to Europe remain open"* (<http://gazeta.zn.ua/authors/shtefan-fyule>), the Minister of Foreign Affairs of Sweden Carl Bildt: *"Europe leaves doors open for Ukraine "* (<http://media-office.ru>) and other politicians: *"The European Parliament holds doors for Ukraine open. But Ukraine can be allowed to access to the EU only if the country improvement and advance to democracy will begin"* (<http://obozrevatel.com/politics>).

Returning of a concrete meaning to the metaphor of open doors is well illustrated by the statements of the European Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle. In the process of changing of a situation in Ukraine in November 2013 – February, 2014, in the statements of the politician, this image achieves the increasing definiteness, and, therefore, and

efficiency. So, 24.11.13 eurocommissioner declares in the account in Twitter: *"Our commitment to modernization of Ukraine remains firm, door remains open, benefits for neighbours too, despite rhetoric"* (<http://kyivpost.ua/ukraine/news/fyule>). In this statement the attention of the politician for a negative role of the so-called rhetoric, in this context – empty speaking, pronouncing meaningless words and promises is representative. Further Štefan Füle, as a rule, replaces concept of Europe with more concrete concept of the European policy which doors are open for Ukraine. Even using a metaphor, the politician speaks more and more definitely: *"Doors to signing of association remain open as soon as the government of Ukraine will testify the readiness to resume movement to political association and economic integration with Europe"* (<http://www.20khvylyn.com/news/politics/news>).

Shift of a vector of a metaphor in a political field (to association braking by the government of Ukraine) gives to the appeal a definite answer about the one who is guilty for changing the foreign policy vector of development of the country and, respectively, who is responsible for the problems of social and economic character and stay of cultural dialogue between Europe and Ukraine.

We will remind that in Victor Yanukovych and Mykola Azarov's numerous addresses to the Ukrainian people and comments for media concerning euointegration of Ukraine open doors to Europe were also often mentioned. In a paradoxical way, after refusal of signing the EU-Ukraine Association Agreement, these politicians continued to repeat the statement that we do not close a door to Europe. In this meaning this metaphor became an absolutely devastated sign, in fact, suitable to any even opposite in meaning context. That empty and false rhetoric about which danger the European politicians warned was conducted.

They actively used this emptiness of a metaphor in the comments about the absence of dialogue between the authorities and society and in a context of readiness of Europe to support the civil initiatives in Ukraine. The autumn of 2013 will come into the world political history as the time of the Euromaidan beginning – actions of civil disobedience in Ukraine which initial purpose was an association signing with EU, as it was declared in an election program of the candidate for president V. F. Yanukovych.

The media discourse of Ukraine during November 2013 – February, 2014 represents complicated stratification of inconsistent information streams, mediacrats including both external, and internal players. The metaphor of open doors again "comes to life", tries to become efficient and effective. It is used by all authors of a discourse, and therefore it gets opposite connotations, losing initial meaning. Most often the media discourse offers expression "Europe is ready to close doors for Ukraine". But if from the point of view of the Euromaidan supporters, this image possesses the connotation of possible danger which has to be prevented, its opponents use the threatening connotations of cheating by Europe, refusal of the EU from Ukraine are used.

So, for example, the People's Deputy Petro Poroshenko warns that the EU can forever close doors for Ukraine, calling for active work on legislative base of process of euointegration of Ukraine. *"28 EU Member States can make the decision – whether to open doors for Ukraine, or to close them forever"*, – the Ukrainian politician says, specifying measures for prevention of such negative result. At the same time the chairman of the State Duma Committee of Russia on the



international affairs Alexey Pushkov declares on the page in the microblog Twitter: *"EU isn't capable to bring Ukraine out of financial crisis – it has neither means, nor desire to do it. Actually doors to the EU for it are closed"* (<http://www.from-ua.com>).

During the active period of the Euromaidan the metaphor of open doors for Ukraine is used in the specified "European open door policy" meaning. This image is specified by logical arguments that removes a mythological context and obviously promote returning to rational conversation. In fact, the outdated metaphor becomes the steady term and starts being filled with more concrete meaning.

So, asserting that "The EU continues an open door policy", the Ukrainian newspaper "Uriadovy Kurier" supplements a metaphor with specifications: *"The EU assures Ukraine that none association failed. At the same time, no association was conducted by the EU in the conditions of such sharp polarization which is now observed in Ukraine"* (24.12.2013, <http://ukurier.gov.ua>). Ukrainian television "the 5th channel" in January, 2014 constantly quoted the European Commission representatives who, according to journalists, *"remind Ukraine of policy of the doors of Europe opened for it"*. The president of European Commission José Manuel Barroso, confirming an open door policy, specifies that for the end of January, 2014 indispensable conditions for this purpose are measures for democracy development in Ukraine, namely cancellation of laws on January 16 and adoption of law about amnesty (<http://ua.interfax.com.ua/news/political>). This term is extremely often used in Ukrainian media discourse in January – February, 2014 in quoting of the European politicians Catherine Ashton, José Manuel Barroso, Štefan Füle, Aleksander Kwaśniewski, Pat Cox and others. All European politicians in the period of the Euromaidan say about inadmissibility of bloodshed in Ukraine as an indispensable condition of continuation of an open door policy.

Thus, it should be emphasized that the specification of a metaphor of open doors in a political and media discourse was perceived by the Ukrainian audience against dissatisfaction with concrete measures of the real help to Ukraine from the European states and public institutions. It allowed, on the one hand, to the pro-Russian media channels actively quote statements of the Russian politicians about Europe which betrayed the Ukrainian people and about the European doors which actually slammed for Ukraine. Many People's Deputies from the Party of Regions also made similar statements. So, Vadim Kolesnichenko, being indignant with visits of the European politicians to the Maidan, claims that for similar intervention of Ukrainians in the European policy *"Kiev would be laughed and pointed at the door for not minding its own business"* (<http://vsenovosti.in.ua>).

On the other hand, supporters of the Euromaidan also showed feeling of the deceived expectations by means of a metaphor of open doors. These feelings well illustrate, for example, statements of the former head of Security Service of Ukraine Igor Smishko on the 5th channel on February 26, 2014: *"The European Union only said that holds doors open, but actually these doors were closed"* or the leader of news on 1+1 TV channel Natalya Moseychuk on March 1, 2014: *"Ukraine is now in a situation similar to that of sitting on a twine. We are said that doors to Europe are open, but we're not allowed even to cross a threshold"*.

## **Conclusion**

On the example of functioning of a metaphor of open doors for Ukraine to Europe we observe the danger of processes of mythologization of public consciousness. Filled with semantic richness of associations, this metaphor adequately reflects important public processes and, thereby, helps with their solution. Many times and thoughtlessly repeated, it is impoverished to the empty sign darkening sense. Mythological illusion of realization of eurointegration only due to constant repetition and self-presentation of a metonymical sign is created in this way. With the audience's rejection of this image, its disapproval, its understanding as false results. The metaphor of open doors today, undoubtedly, needs such rehabilitation. It was confirmed in José Manuel Barroso's statement on March 9 about the obligation of Europe to the Ukrainians who died in February, 2014 for the European values. This obligation is certainly also expressed symbolically, but filled with deep associative sense which also will rehabilitate a metaphor of doors open for Ukraine to Europe. We hope that interaction of the new Ukrainian government with representatives of the European Union who became more active in March, 2014, become a real basis for a new vector of eurointegration of Ukraine with saving preservation of its national interests and for making media discourse free from myths and stereotypes which are inconsistent and unclear to mass audience.

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# Russian-Ukrainian Information War in the Context of EuroMaydan

Mikołaj Szelest

*University of Gdansk, Poland*

## Abstract

The article is an attempt to present and compare the views on the events in Ukraine in the period from November 2013 to March 2014 reflected in Russian and Ukrainian media. My knowledge of English, Russian and Ukrainian languages was widely used for this purpose. Particular attention was paid to Russian pro-government media (such as RIA Novosti) and Ukrainian media favourable towards Euromaidan (e. g. HromadskeTV). Such the analysis may contribute to the much-needed understanding of the conflicting points of views concerning the events of Ukrainian revolution which are in recent times a hot topic.

**Key words:** *Euromaidan, Ukraine, media, information warfare, propaganda*

The aim of this article is possibly the shortest and most succinct exposition of the Russian-Ukrainian relations development during the period from November 2013 to March 2014 through the lens of media coverage of the selected events in both Ukrainian and Russian sources. The choice of this time span is motivated, firstly, by the particular dynamism of political developments in Ukraine during this period and secondly, by the intensity of disputes surrounding these events, conducted in media. The quoted articles and speeches, appearing in Russian, Ukrainian and Polish sources appear in authors' translation. At least three quite far-reaching simplifications were made for the purpose of this work due to the extensivity of both the subject of the events of Ukrainian Revolution 2013-14 and the subject of Russian-Ukrainian information war.

Firstly, it was assumed that the events of the Ukrainian Revolution were directly triggered by the breach of earlier resolutions by the Ukrainian authorities originating from the Party of Regions. The mentioned resolutions were related to the signing of an association agreement with the European Union. The mass protests emerged in Kiev immediately "after the government had announced that work had been suspended on this agreement just before the Vilnius Summit of November 28–29, 2013. For Ukraine, signing the Association Agreement would have marked a decisive step away from the centuries-long orientation toward Russia and the east". [Diuk 2014] Omitted in this article are certain difficult Russian-Ukrainian relationship issues that certainly paved the way to these events. Yanukovych's presidency and period of governance by the Cabinet of Mykola Azarov in their entirety were also dropped. However, this does not mean that these issues are irrelevant in the context of the events described, but rather too large and extensive for a short article<sup>1</sup>.

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<sup>1</sup> To a large extent these issues are explained in the publication of the University of Opole, ed. by Rafal Riedel *Before and After Accession – Ukraine and Poland in Integrating Europe* and publications of numerous prominent Ukrainian researchers, such as Bohdan Nahaylo and Jaroslaw Hrycak.

Secondly, a comprehensive description of the information war between Russia and Ukraine as a state (or Ukrainians as a nation) would require yet further historical retrospection, perhaps it would be necessary to go even as far back as it is suggested e.g. by a Ukrainian writer Oksana Zabuzhko, a professor of History Aleksander Lukaszewicz or a philologist Vasyl Luchik – to the times of Tsar Peter the first, who in 1702 issued a law banning book printing in the Ukrainian language. [Lukaszewicz 2013] And at any rate, the understanding of contemporary developments in Russian-Ukrainian relations would suffer a lot from the lack of understanding of the mechanisms of information warfare used in the Cold War period. Modern Russia remains largely the heir of the Soviet Union, but more rarely uses the hard means and more often various economic and informational tools. [Zubok 2009: 332-344] However, the objective of measures remains - absolutely - the same: the subordination of the states of the so-called *near abroad*, treated by Russia as its sphere of influence. [McKew, Maniatis 2014] Therefore, Russia's propaganda activities deserve special attention, because it is an old war waged by new methods, which Russia itself admits. According to head of the Russian presidential administration Sergei Ivanov: "Russia conducts independent policy and firmly defends its national interests. It is not easy to explain this to the world, but it is possible and we have to do it (...) using the latest and most excellent technology". ["V Rossii nastupil period rastsveta gospropagandy"]

Thirdly, this article is limited to a description of the clash between the worldviews presented in Russian pro-government media and Ukrainian media associated with the opposition. The opposition has to be understood in a wider sense: both as political formations and movement of the broad masses of population advocating the removal of the ambient regime. The political frictions inside the opposition, such as conflicts between the oppositionist politicians, or between NGOs and politicians, or between journalists and politicians are skipped, which should not be viewed as an attempt to neglect their relevance. In the described informational war opposition politicians and activists of NGOs had to rely on journalists and to some extent speak with their voice, hence these conflicts were shifted to the background. It is also worth noting that there is a large number of media recourses in Russia that are critical of Putin's regime and Ukrainian state media in times of Yanukovych's reign represented roughly the same position on the Euromaidan as the Russian pro-government media. Thus the presented points of view can be called Russian and Ukrainian only with a big reservation, as they can be regarded only as partially representative to Russian and Ukrainian society respectively.

Pro-European protests in Ukraine were widely supported by the progressive and pro-European media since their very beginning. Also, the journalist environment played a significant role in the events of Euromaidan, which can be justified by the fact that well-known Ukrainian journalist Mustafa Nayem was one of the leading organizers of the protest. Nayem is one of the most recognized and valued journalist among the young Ukrainians. Former TVi station correspondent, nowadays he works for the newspaper *Ukrainskaya Pravda (Ukrainian Truth)* and *HromadskeTV (Public TV)* – the latter being the non-profit Internet television that emerged parallel to Euromaidan. [Kotsyuba 2013] He is also notably active in social media which due to their openness, mass scale and simplicity of use give the opportunity to enable the snowball effect and engage lots of people into every kind of mass event, be it rock concert or mass demonstration of a political nature. Due to the huge importance of the social media like Facebook and Twitter among the younger generation of Ukrainians Nayem had an opportunity to call together thousands of people to the Independence Square in Kiev immediately after the information about changing the course of government has been given to the public.

Mustafa Nayem is also considered an author of the term *Euromaidan* itself because it was his Twitter where this term was for the first time used publicly: “I’m going to the Euromaidan. All who have the opportunity to come during the day are asked to do so; our guys need your support. General meeting, according to the previous arrangements, will take place at 6 PM”. [Chervonenko 2013] This terse and media-friendly term containing in the same time the guiding principle of the demonstrations immediately gained the favour of the people demonstrating on the Independence Square. Other things that could have been contributed to Nayem’s incredible popularity as the media face of Euromaidan were his independence from all kind of political parties, courageous journalist activity, often in the very hot spot of the events and the openness of his criticism towards Yanukovych’s regime. [“Yanukovych vs. Mustafa Nayem”]

During the first week of the protests Russian Federation observed them in nearly complete silence. This only changed on November 30<sup>th</sup> 2013 when the Ukrainian authorities decided to use special police force *Berkut* against unarmed people gathered on the streets. The official pretext of the use of force that fateful day was the need to carry out the preparations of the square for Christmas, including cleaning and setting up the Christmas tree. According to local militia’s spokesperson the municipal services responsible for the preparations were concerned about the ensuing situation and thus turned to militia. Regarding the use of force the spokesperson stated the following: “People gathered on the streets were hindering the preparations and behaving violently, hence the force was used to restore order”. [“Berkutivtsi rozihnaly Yevromaydan...”] This version was also confirmed by the ruling Party of Regions, including president Yanukovych’s advisor Mikhaíl Chechetov, who stated that both people of Kiev and tourists wished to see on the square “Christmas tree and ice rink, not some noisy protest action”. [“Regional Chechetov o razgone Yevromaydana...”] The version given by the Russian media does not differ much from the version reported by the Ukrainian government forces. For example, on the website of the news agency *RIA Novosti* the article on events of November 30 is entitled *Ministry of Internal Affairs of Ukraine: the radicals involved in the clashes on November 30 in Kiev* and is basically a summary of views of the Interior Minister Vitaliy Zaharchenko concerning the case of dispersion of demonstrators. Zaharchenko claims that all the peaceful demonstrators (e.g. students) left the Independence Square voluntarily long before *Berkut* came in and the force was applied only against radical nationalists and hooligans. According to Zaharchenko, force was used against people on the streets with full consent of the authorities but “it has to be understood, to which organizations those people belonged”. [“MVD Ukrainy: radikaly uchastvovali...”]

However, the Ukrainian media presented these events in a different light. As reported by the newspaper *Varianty*: “the morning of November 30<sup>th</sup> task force *Berkut* dispersed hundreds of peaceful demonstrators. Then about a dozen protesters were hospitalized, more than thirty people were detained but later released”. [“Yanukovych znayshov triokh vynnykh...”] *Ukrainian Truth*, *HromadskeTV* and information agency *UNIAN* also reported on the beating of two Ukrainian journalists – Dmytro Hnap and Yakov Lubich by unidentified individuals. This event took place on 29<sup>th</sup> of November and was ignored by militia. According to the beaten journalists themselves, the assault was undoubtedly commissioned by the government forces. [“U Kyievi nevidomi pobyly..., U tsentri Kyieva “titushky”...”] It was then that the responses of Russia (and pro-Russian Ukrainians) on one hand, and the West (and pro-Western Ukrainians) have become more forceful and the antagonisms were doomed to continuously grow ever since. Radical reactions of the government caused some radicalization of both demands and methods on the protesters’ side. Demonstrators in Kiev (and in other Ukrainian cities to which the protests have spread at that time) no longer strived for the adjustments in the

political course of the authorities, but for no less than removal of the authorities. The situation aggravated day by day and Kiev's streets turned into battlefield where the regular wars between demonstrators and militia went on. Also, as things were becoming more dramatic, the symbols and mottos of revolution were evolving into a more radical and nationalistic direction. Black and red flags – symbols of Ukrainian Insurgent Army (UPA) and portraits of Stepan Bandera<sup>2</sup> emerged on the streets, which was the grist to the mill for the Russian propaganda. ["Yevromaydan v Odesse razvernul..."]

Georgi Potsheptsov, a renowned Ukrainian expert in the field of communication technologies and political marketing points out that "Information warfare takes on special significance in periods of crisis due to the growing importance of information in these periods. Therefore, in times of war the structures of power take the efforts to gain maximal control over the information. The same goes for planning of any substantial political events". [Potsheptsov 2001: 38] At the turn of November and December 2013 Russians no longer had any doubts that the situation in Ukraine was getting out of control so drastic solutions became required. In the decisive moments of history the way of presenting information becomes more vivid and emotionally coloured so that it may easily affect the emotions of the public. Hence the sudden advancement of Dmitry Kiselov, the extreme right-wing journalist who on December 9<sup>th</sup> 2013 was appointed by Putin to head *Rossiia Segodnya* – a large government owned international news agency. Kiselov was already renowned for his uncompromising anti-Western position – and West did not remain indebted to him, as his homophobic and anti-Semitic replicas designed to discredit the opponents of Putin's policy as well as conspiracy theories of history, in which the West figures as both overt and hidden enemy of Russia, were strongly criticized throughout the Western world for quite some time. Kiselov was by that time a recognizable figure in Russia as well, his "conspirational, almost coquettish grin and over enthusiastic hand gestures have made him a recognizable staple of Russian television. But it is his toxic cocktail of punditry and sensationalism that has gained him reputation". [Mills 2013]

Kiselov's activity was aimed at discrediting Euromaidan as an action held by marginal and radical nationalist groups as well as people paid up by the West, not having any real public support: "Everything was predetermined and staged just like in the movie co-produced by the West. (...) In fact, only three circuits rebel against the Yanukovich's decision: Lviv, Ternopil and Ivano-Frankivsk circuits inhabited by a total of 5 million people – quite a lot, but Ukraine's entire population constitutes 48 million people". It was also emphasized by Kiselov that the demonstrators attack the defenceless militia and want to overthrow the legitimate authorities of their country with the support of foreign countries: "A rank of policemen – young lads – gets hit again and again with a metal chain by a raving hooligan assured that he will miss penalty. Now the Ukrainian street-opposition turns to the United States for help saying that their demonstrations were peaceful and they got attacked (by militia). And the reaction of America shows its double standards: if the protestors acted like this in America, the police would open fire without hesitation. But in the case of Kiev – it's okay to beat the policemen. (...) It seems that to those who are behind these protests human blood is but the paint on canvas. First the policemen were provoked, beaten and peppersprayed. And then poor students were summoned to the square and cynically left without any protection as suitable victims of

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<sup>2</sup>Ukrainian Insurgency Army (*Ukrainska Powstancza Armia*, UPA) was the military wing of the Organization of Ukrainian Nationalists that fought against Soviets and Poles as their main opponents during the World War II and temporarily cooperated with German forces in hope of creating an independent Ukrainian state. Stepan Bandera was the main leader and ideologist of the organization. Source: <http://www.ukemonde.com/upa/> , 2014-04-15.

political technologies”. Kiselov was also being reproachful towards Vitaliy Klitshko – one of the leaders of the opposition - for his close contacts with the West and his part in the photo shoot for German magazine for gay men. [“Dmitrii Kiselev pro razgon Evromaidana...”]

Russian accusations against Euromaidan, according to which it had to be provoked by Western agencies, met an overwhelming response of the Ukrainian media. The latter declared a suspicion that those responsible for the beatings of people operate on behalf of Russian special services or even are Russians themselves. Accusations have become more direct when the demonstrators started being killed. Initially, there were just few separate incidents of death on Euromaidan, but until February 20<sup>th</sup> 2014 the number of killed people went beyond a hundred. [“Za sohodni vbyly bilshe 100 lyudey...”] The gunshots appearing as if from nowhere, as well as the operational recordings intercepted by Ukrainian journalists aroused the darkest scenarios: “There is no doubt that those snipers are Russian. The distinctive pronunciation reveals the inhabitants of the vicinities of Moscow, only one of them may be Ukrainian. The tapes should be commissioned by the experts (...) and all legal measures against these people should be taken. But we need to strengthen the control of airports and frontiers so that they could not leave Ukraine in the first place”. [“U merezhu vyklaly “radioperekhoplennya snayperiv” u Kyievi”] The journalists were also the target of attacks of unidentified assailants during the entire Euromaidan. The most renowned case was the beating of Tetyana Chornovol, *Ukrainian Truth* correspondent on December 24<sup>th</sup> which resulted in serious health complications. Brutal beating of the woman rocked the Ukrainian society. *Ukrainian Truth* commented: “Her last article was an article concerning assets held by the chief of police Zaharchenko. Previously, she criticized Medvedchuk<sup>3</sup>, Kluyev<sup>4</sup>, Azarov, Lyovochkin<sup>5</sup> and the Yanukovich family. Until the case is not duly clarified all those people we consider initiators of the assault on Tetyana”. [“Pobyly Tetyanu Chornovol”] But it is Vyacheslav Veremiy who must be considered the biggest victim among the journalist community. On January 20<sup>th</sup> his sight was heavily damaged as a result of beating and he was hospitalized for almost a month. On February 18<sup>th</sup>, the very day Veremiy left hospital he was shot in the chest by the unknown assailants and died the day after. [“U Kyievi vbyto zhurnalista – ZMI”] These events testify to the fact that journalists were actively involved in Euromaidan and the tragic fate of some of them may have been a certain kind of warning to all those who would want to disclose the “wrong” types of information.

European societies watched the escalation of violence in Ukraine with great concern. In many cities, especially in Poland the actions of solidarity with Ukrainian opposition took place and by the end of February have taken a mass scale. This fact has been noticed and appreciated by the Ukrainian media. The opposition publicist Yuri Sawicki commented on this as follows: “Not only Polish politicians, but ordinary Polish people are deeply concerned with the situation in Ukraine. They are expressing their solidarity with Euromaidan in every possible way. (...) In Kielce Ukrainian national flags are now decorating the main streets and town square. As the organizers of the event say, one hundred Ukrainian flags in the city centre are the sign of Polish support for those Ukrainians who demand rapprochement between Ukraine and EU”. [Sawicki 2013]

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<sup>3</sup>Viktor Medvedchuk – Ukrainian oligarch, lawyer and politician, head of Yanukovich`s presidential administration.

<sup>4</sup> Andriy Kluyev – influential Ukrainian businessman and politician, 2<sup>nd</sup> head of Yanukovich`s presidential administration.

<sup>5</sup> Serhiy Lyovochkin – the cheif of staff under president Viktor Yanukovych.

Russia, however, once again made use of its considerable experience in countering internal opposition as well as hostile political forces abroad and continued to combat the Ukrainian opposition in the information space. As we know, the traditional mass media such as television and radio are losing relevance in modern information campaigns, because younger generation sticks with the Internet and the opponents of Russian Federation are often well acquainted with the latest technologies required to conduct an active web-campaign. But also the Russian information arsenal constantly evolves, improves and enriches with new technologies. Just like in Estonia in 2008, cyber attacks were carried out against revolutionary forces in Ukraine and all the supporters in the West. According to Polish magazine *Newsweek*, people were hired from around the world by Russian special services to monitor blogs and Internet forums and write on behalf of ordinary citizens hostile comments on Euromaidan or those Western politicians who carry out pro-Ukrainian policy, for example: "Is Mr. Prime Minister Tusk able to explain why we should kiss Ukraine's ass? Since when are they our friends?". The IP from which this comment was sent is in the United States, other comments were sent from German, Greek, Polish and Swiss IP's but Andrzej Mroczek who is the specialist on cyber-terrorism working in the Polish university Collegium Civitas has a certain kind of explanation for this: "Just because the IP's are diverse doesn't necessarily mean that the comments were actually sent from those places. It's a standard trick of hackers and cyber-terrorists who don't want to be located. (...) Russia has one of the three largest armies of hackers in the world. There are many bases in the Russian Federation's territory, inter alia in Kazan and Chelabinsk, from where a massive propaganda campaign, not only in Poland, is run". ["Wynajeci Rosjanie bombarduja polski internet?"]

Large Russian media companies also have a considerable stake in the Western media market. Most prominent and popular of them is *Russia Today* – the multilingual Russia-based television network which significant expansion caused big concern of American notables. As *The Boston Globe* informed, "there used to be a time when the US media wrote the global narrative. The world saw itself through a largely American camera lens. No more. (...) US foreign policy is being reflected through a blinding array of prisms". [Pintak 2006] *Russia Today* has a format similar to BBC, CNN and Euronews and is, according to Danny Schechter<sup>6</sup>, a "channel of young people" both from Russia and from outside Russia, "who are inexperienced, but very enthusiastic about what they are doing". [Walker 2010] It seems, however, that reporters of *Russia Today* mainly focus on presenting the point of view of the Russian political elite, which became particularly evident in the case of a political crisis in Ukraine, especially after the events taking place at the turn of February and March 2014, namely Yanukovich's escape to Russia as well as the formation of the new Ukrainian government and unprecedented entry of Russian troops into the Eastern part of Ukraine. *Russia Today* presents Yanukovich as legally valid president, Russia's actions as a protection of abused minorities, Russian army invading Ukraine as self-defence troops and the seizure of power by the opposition as a violation of the Ukrainian Constitution and international law. ["Ukrainian military won't listen..."] But at least two cases have been documented of journalists openly criticizing the Crimean Invasion on *Russia Today*. Liz Wahl left on air expressing a statement that she can no longer be a part of a network that is supportive for Vladimir Putin's aggressive policy, whereas Abby Martin expressed her discontent with the Crimean Invasion, but did not leave *Russia Today*. ["RT journalist resigns on air"] This precedence was certainly a significant loss for Russia in this particular information campaign.

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<sup>6</sup> American recognizable film producer, journalist and blogger.



Even though the number of people aware of the existence of Ukraine as a standalone political entity is increasing, the opinions on the current events as well as suggestions of solutions and visions of Ukraine's future are split within the international community. The authorities of the United States of America and many prominent European politicians, including German Chancellor Angela Merkel and Polish Minister of Foreign Affairs Radoslaw Sikorski were strongly involved in the supporting of the opposition. The postulates of protesters received an overall support of a number of Western democratic states. Radoslaw Sikorski, who was one of EU visitors witnessing the signing of the Agreement on the Settlement of the Crisis in Ukraine from February 21<sup>st</sup> 2014, is also a staunch supporter of extensive penalties for Russia for its military intervention on the territory of Ukraine. According to his statement made on March 11<sup>th</sup> 2014: "We (EU) are the largest economy on Earth, we have forced countries like South Africa and Iran to change course and we should communicate very clearly that there will be costs for occupying Crimea and even bigger costs for invading mainland Ukraine". ["BBC HARDtalk with Radoslaw Sikorski..."]

Still the international community is far from full unanimity concerning Euromaidan. Some of the Western publicists indicate an overwhelming role of far-right forces in the protests. On February 19<sup>th</sup> Palash Gosh, NY International Business Times correspondent wrote: "Britain's Channel 4 News reported that *Svoboda* has assumed a "leading role" in the street protests in Kiev, with affiliated paramilitary groups prominently involved in the disturbances. *Svoboda* flags and banners have been featured in the demonstrations at Kiev's Independence Square. During the continuing street riots, one *Svoboda* MP, Igor Myroshnychenko, created an iconic moment of sorts when he allegedly helped to topple the statue of Vladimir Lenin outside a government building, followed by its occupation by protesters. However, despite its extremist rhetoric, *Svoboda* cannot be called a *fringe* party – indeed, it currently occupies 36 seats in the 450-member Ukrainian parliament, granting it status as the fourth-largest party in the country". [Gosh 2014] But some of the parties of the extreme right are also critical towards Euromaidan. As can be read on the website of nationalist association *Wierni Polsce (Faithful to Poland)*, they "express solidarity with the Slavic nation of Ukraine and President V. Yanukovich in their struggle for sovereignty" and protest "against the attempts of inducing the civil war and robbing Ukraine made by the Zionist forces of USA, EU and Israel". [Kosiur 2014]

The attitudes towards Euromaidan are not less varied within the Ukrainian society itself. It seems that now in 2014 the forces of antagonism in the country are stronger than ever before. In particular, within the Polish minority of Ukraine there are considerable differences of opinion on the subject of Euromaidan and integration of Ukraine with EU. Not every Pole is supportive for the actions of Polish state's authorities regarding Ukrainian political crisis. Michal Bajcar, who is a prominent activist of the Polish minority of Ukraine and a Roman-Catholic priest, states as following: "The building of such a fictional state was doomed to failure and tended to collapse since the very beginning, which became even more evident when the government refused to sign the association agreement. (...) We pray for peace and we pray for wisdom for the authorities of Ukraine. It is however necessary for Ukrainians to decide for themselves what future they want for their country. Because at this moment we deal with situation when others decide for this nation and the nation itself is strongly divided". [Bajcar 2014]

Indeed, it is the unequivocal self-determination that seems to be the primary goal for Ukraine. The traces of long-term dependence from Russia are still very noticeable, especially in the East of Ukraine, which is largely russified. There are huge numbers of people in Ukraine that tend to be pro-Russian and don't consider integration with Europe to be a proper choice for Ukraine. Firstly, there is the

intelligentsia of Soviet formation – the pro-Russianness of these people is of the most conscious nature as they actively contributed to the Soviet regime’s longevity and later formed a strong and active reactionary wing within independent Ukraine. These well educated people were co-creators of Russian propaganda and contributed a lot to Yanukovych’s rise to power with their effective political technologies. Professor Dmytro Tabachnyk, a former Ukraine’s Minister of Education (March 11, 2010 – February 23, 2014) is the figure whose contribution to Yanukovych’s regime was especially significant. To mention just one of Tabachnyk’s statements: “Galicians (western Ukrainians) practically don’t have anything in common with the people of Great Ukraine, not in mentality, not in religion, not in linguistics, not in the political arena”. [Fedushchak 2010] Statements like the one above obviously serve the purpose of creating certain vision of Western Ukrainians as separatist and nationalistic and in the same time, paradoxically, too strongly linked to the Western cultural core because of long-drawn political dependence on Rzeczpospolita and Austro-Hungarian Empire. Dmytro Tabachnyk, during his political career that started in Soviet times and came to an end because of the events of Euromaidan, has made every possible effort to reinforce the existing antagonisms between people living in different regions of the country.

The group of socially deprived people who have suffered from the political and economic transformation is also quite numerous. Those people are mostly non-qualified workers with only basic education, both Russian- and Ukrainian-speaking. In today’s rapidly changing world they yearn for relatively stable and secure life that the Soviet regime offered to their kind of people. They do vote for pro-Russian parties like The Communist Party of Ukraine and Party of Regions but only because they do not identify themselves with the state that didn’t took a sufficient care for their interests. It can thus be concluded, that their seemingly pro-Russian position is in fact the nostalgia for Soviet Union wherein Russians were the dominant element and has little to do with their own national identity. In case of this group Russian social technologists are therefore intending to strengthen this nostalgia and enliven the symbols of the fallen empire so that Russian Federation may appear as heir to USSR and defender of the old (but not forgotten) values.

There is also the issue of ethnic Russians living in Ukraine who in fact constitute a large minority of population in some circuits in the south-eastern part of the country and the majority of population in Autonomous Republic of Crimea whose legal status is currently being disputed. Russian people living in Ukraine and Baltic states have been gradually losing their former position as ex-Soviet republics went through a political transformation, hence they tend to be even more loyal towards Vladimir Putin’s and Dmitriy Medvedev’s policy than their tribesmen from Russia concluding this policy to be a tool to uphold their vital interests. On the other hand, many ethnic Russians fully respect the sovereignty of Ukrainian state unlike many of the ethnic Ukrainians.

The division into Western, Ukrainian-speaking Ukrainians and Eastern, Russian-speaking Ukrainians appears to be a largely simplified, inaccurate and artificial division. There is a language barrier to some extent, as a large part of the older generation of people in the East does not speak in any language other than Russian, and does not use the Internet, so it is highly exposed to the influence of Russophone mainstream media. And those media form an image of constant threat for the Russian language and culture from the nationalist forces in Ukraine: “Russian Minister (Sergei Lavrov) urged the Secretary-General of the Council of Europe to demonstrate sustainability in the approach to the events in Ukraine and pay particular attention to decisions inconsistent with European law and violating the rights of Russians and other minorities in Ukraine”. [“Lavrov obratil vnimaniye na ushchemleniye...”] The linguistic situation is in fact twofold. The number of schools in which Ukrainian language is taught is almost negligible in the eastern

circuits of Ukraine, whereas in the western part of the country and in Kiev Russian language continuously loses popularity. However chances are small that language itself can be a barrier to communication, especially for younger people. The percentage of people speaking English increases and many Ukrainian media, such as *Ukrainian Truth* or *TVi* conduct their programs in both Ukrainian and Russian.

It is up to every individual Ukrainian in which version of the same events he wants to believe and this is the fundamental choice that the future of Ukraine depends on. Regardless of how the further events in Ukraine will go; it is needed to say that the revolution of Euromaidan is unprecedented in the modern Ukraine's history. The use of brute force resulted in a powerful mobilization of dormant energy levels within society. Among the protesters were representatives of various social groups, their average age were 35 years and many political experts view Euromaidan as the first geopolitical revolution of the 21<sup>st</sup> century. ["Support Ukrainians and they can help..."] Oleh Rybalkin, activist of the NGO *Spilna Sprava* (*Common Cause*) said in the debate on *TVi*, that "people did not just come out to change one tsar (Yanukovich) to another tsar (Klitschko or Yacenuk)". ["My bez krovi vladu ne viddamo"] In the opinion of Oksana Zabuzhko it would be wrong to think that Ukraine wants to simply move from one sphere of influence into the other. The aim of Euromaidan creators and activists was not just the political impact, but the transformation of awareness of people who are just now waking up from the torpor of the Soviet Union. The writer says to a Russian interviewer: "Here and now the new forms of interpersonal relations are being created. Those forms are based on the new system of values, not the one inherited from the Soviet Union, nor the one that is being exported from the West with its cult of wealth and division into better and worse". [Rybakova 2014] The memory of the ultimate effects of the Orange Revolution 2004, however, gives some serious doubts as to how long-lasting the changes initiated by Euromaidan will prove to be. And in this context the role of media will be constantly increasing and determining the future political course.

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# **Ukraine vs. Russian Federation: Challenges Ahead and Implications for International Law**

Wojciech Forysinski

*Eastern Mediterranean University in Famangusta, Northern Cyprus*

## **Abstract**

The purpose of this contribution is to offer a series of preliminary reflections on the international legal dimension of the situation in Ukraine and to construct a legal case, even if, at least for the time being, the case is only virtual, between Ukraine and the Russian Federation. The paper focuses, first, on the parties: Ukraine and the Russian Federation, both involved in building up their cases using many available channels and instruments, second, on the judges on those selected states and international organizations who have already taken positions concerning the legality/illegality of actions and omissions of the parties. The paper contends that this case is a legal case, a legal dispute concerning many questions of international law and the existence of facts constituting violations of international obligations attributable to the parties. The final section offers some tentative, concluding remarks concerning the future of this case, the prospect of its referral to an independent international court or tribunal and its implications for international law at large.

**Key words:** *international law, settlement of international disputes, adjudication, Ukraine, the Russian Federation*

## **Introduction**

The situation in Ukraine and its implications are watched by many international lawyers with a sense of disbelief. Who would have thought that the Russian Federation, a member of the United Nations, the Council of Europe and the Organization for Security and Cooperation in Europe could effectively annex Crimea, a part of the territory belonging to a neighbouring fellow member of those international organizations, Ukraine? Who would have thought that the parliament of the Russian Federation could authorize its president to use military force to achieve that end?

Who would have thought that Ukraine could increasingly become a failed state – in spite of Prime Minister Yatsenyuk’s rather catchy rhetoric that “Russia will fail to make Ukraine a failed state” – having lost a part of its territory without any meaningful attempt to defend it, and currently unable to effectively control parts of its own territory occupied by armed separatist groups who have organized local referenda and declared independence from Ukraine? And who would have thought that sanctions could be rather swiftly and effectively imposed against a great power, a permanent member of the Security Council officially declaring her deep attachment to the key principles of contemporary international law: state sovereignty, territorial integrity, self-determination, but behaving like a rogue state disregarding the most fundamental principles of international law? Indeed, there are reasons to be shocked.

And the situation in eastern Ukraine continues to deteriorate. Ukraine, in fact, is on the brink of what could be an ethnically motivated and externally inspired internal conflict or, indeed, a civil war.

The main purpose of this short contribution is to offer a series of preliminary reflections on the international legal dimension of the situation in Ukraine and to focus on a range of issues that could build up a legal case, if only virtual, between Ukraine and the Russian Federation; to chart the legalization of the case and the territory within which the parties operate. The case may never reach the stage of being submitted, as a contentious case, to an international court, such as the International Court of Justice. However, there are strong indications that a legal case between Ukraine and the Russian Federation is actually brewing, and this will set out a conceptual framework of analysis, the form and structure of this paper.

The rhetoric of international law has, somehow, dominated the discourse used by both parties, and to some extent by other interested actors, who tend to justify all their actions or omissions of international resonance, lawful and unlawful alike, with the help of international law. Unfortunately, international law rhetoric does not stem from the fact that international law was actually respected. Professor Henkin's famous and commonly quoted observation that "it is probably the case that almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time" (Henkin, 1979: 47), sadly, finds no confirmation in this case in which international law has been flagrantly and arrogantly violated. "Of course, violations are not fungible; they must be weighted as well as counted" (*Ibidem*) and that is exactly what the following sections of this paper will attempt to do, looking at the case in hand from the perspective of both sides – Ukraine and the Russian Federation, as well as other actors who, convincingly or not, offered their judgment and understanding of the legal aspects involved.

The law is rarely uncontroversial, hence, the process of the Ukraine v. Russian Federation case building involves a number of highly contentious points of law and fact, conflicting legal views and interests between the two parties. Both parties have been actively involved in building up their cases using many available channels and instruments. Both parties, for instance, use the United Nations bodies, the Security Council and the General Assembly, as convenient tools for gaining their foreign policy objectives and mobilizing support among other states.

The next section will focus on the parties: Ukraine and the Russian Federation. It will provide a number of observations on the case building processes and tactics employed by both sides. The following section will focus on 'the judges' – on those selected states and international organizations who have already taken positions concerning the legality/illegality of actions and omissions of the parties. The final section will offer some tentative, concluding remarks concerning the implications of the Ukraine v. Russian Federation case for international law at large.

### **Ukraine v. Russian Federation: The Parties**

The case between Ukraine and the Russian Federation to be constructed here may in fact consist of a number of international legal cases either already submitted by Ukraine or under consideration for submission.

One case that has already been lodged by Ukraine against the Russian Federation is the case submitted to the European Court of Human Rights on March 13, 2014. This case, an inter-state complaint based on Article 33 of the European Convention on Human Rights and Fundamental Freedoms which both states are parties to, alleges the responsibility of the Russian Federation for violations of individuals' rights guaranteed by the Convention. Inter-state complaints are not

very common in the Court's practice and are often interpreted as unfriendly acts. (Burgenthal *et al.*, 2009: 178-180). In addition, Ukraine requested the Court to issue interim measures that would oblige the Russian Federation to refrain from taking measures threatening the life and health of the civilian population on the territory of Ukraine. The Court urged both parties to refrain from taking any measures, especially military actions which "might entail breaches of the Convention rights of the civilian population, including putting their life and health at risk, and to comply with their engagements under the Convention, notably in respect of Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment)". The interim measures decision obliged the parties to inform the Court of any steps taken to improve the situation (Press Release, ECHR: 13.03.2014).

The case of particular importance that Ukraine is working on, is to be submitted to the International Court of Justice in the Hague. In March the Ukrainian News Agency reported that the Ukrainian Minister of Justice Mr. Pavlo Petrenko initiated works on a complaint concerning Russia's encroachment upon Ukrainian territory. The complaint could also include the issue of real estates and deposits that Russia allegedly did not transfer to Ukraine after the dissolution of the Soviet Union. This case, however, has not been filed yet.

The prospect of the Ukraine v. Russian Federation case being successfully brought before the International Court of Justice seems to be rather slim. It would require consent to be given by both parties for the jurisdiction of the Court, in one of the formal ways provided by its Statute. Russia, however, still does not, in general, accept the compulsory jurisdiction of the International Court of Justice (Marochkin, 2009: 700) and reaching a compromise with the current government of Ukraine which Russia does not recognize, seems very unlikely. Nevertheless, it cannot be completely ruled out in the future. Indeed, Russia has substantially widened the scope of its acceptance of the jurisdiction of the Court and in 2008 found itself brought before the Court – Georgia v. Russian Federation - for the first time (Written statement by the Russian Federation, 2009: 3). It should also be noted that since 1989 Russia withdrew a number of its reservations on the acceptance of the compulsory jurisdiction of the International Court of Justice concerning disputes on the interpretation and application of several human rights conventions (Marochkin, 2009: 700).

In 2008, the Russian Federation was brought before the International Court of Justice by Georgia in a case concerning "actions on and around the territory of Georgia" in breach of the International Convention on the Elimination of All Forms of Racial Discrimination. At the end of the day, however, after considering a number of preliminary objections raised by Russia, the Court, by ten votes to six, found that it had no jurisdiction to entertain the application filed by Georgia on 12 August 2008. (ICJ - 2011: 16).

Another option Ukraine might entertain, is to follow the footsteps of Serbia and to request the UN General Assembly to request the International Court of Justice to render an advisory opinion on the question, similar to that asked with reference to the declaration of independence of Kosovo, of conformity with international law of the referendum that resulted in the secession of Crimea from Ukraine and its transfer to the Russian Federation (ICJ - 2008). Yet another avenue, for a semi-judicial case, could be filing a case against Russia before one of the UN human rights bodies, such as the Human Rights Council, the Committee on the Elimination of Racial Discrimination and the Committee against Torture jurisdiction of which the Russian Federation accepted in 1991 (Marochkin, 2009: 702-703).

In conclusion, it must be underlined that there is no guarantee that both sides will ever find themselves before an international court or tribunal or yet



another international judicial body who determines it has jurisdiction to deal with the case. Ukraine and the Russian Federation may or may not be able to present their arguments based on international law to independent international judges. Still, both Ukraine and Russia spare no effort in building up their cases before available *fora*. The UN Security Council, where the parties regularly accuse each other of misbehavior is, undoubtedly, one of the most important. In an attempt to illustrate the legal controversies between the parties, and to construct their positions, the records of the Security Council meetings, many of which focused on the situation in Ukraine, offer a valuable source of information.

### **The Position of Ukraine**

In the Ukraine v. Russian Federation case, the position of Ukraine is likely to centre around three issues: the annexation of Crimea, intervention, in many different forms, into its domestic affairs by Russia and the violation of human rights both in Crimea and in eastern Ukraine.

Russia illegally occupied and annexed Crimea, using its military forces and brutally violating international law. It is responsible for aggression against Ukraine and annexation of a part of its territory. This, in short, is the crux of the Ukrainian position repeatedly presented at many UN Security Council and General Assembly meetings over the past three months and, naturally, the first point on the list of violations of international law Ukraine accuses the Russian Federation of. Ukrainian representatives repeatedly appealed to all Security Council and United Nations members to find the means and measures, multilateral and bilateral, to stop the aggressor, the Russian Federation.

Andrii Deshchystia, Acting Minister for Foreign Affairs of Ukraine told members of the UN General Assembly on March 27, 2014, that

*Over the past month, we have witnessed the most flagrant violations of international law since the inception of the United Nations. After two weeks of military occupation, an integral part of Ukraine was forcibly annexed by a State that had previously committed itself to guaranteeing the independence, sovereignty and territorial integrity of my country in accordance with the Budapest Memorandum, by a State that happens to be one of the permanent members of the Security Council, entrusted by the membership of the United Nations with the primary responsibility for maintaining international peace and security. (UN General Assembly Official Records – 2014: 1).*

Ukraine accused the Russian Federation of violating the Charter of the United Nations and the Budapest Memorandum by which five states, including the Russian Federation, guaranteed Ukraine's independence and territorial integrity in return for the surrender of nuclear arms deployed on Ukrainian territory by the late Soviet Union. Ukraine will certainly explore the fact that Russia's Federation Council unanimously approved President Vladimir Putin's request to use Russian military forces in Ukraine, to strengthen its argument. On March 1, 2014, the upper house of the Russian parliament voted in favor of sending troops to the Autonomous Republic of Crimea to ensure peace and order in the region.

An important component of the Ukrainian argument and accusation is that the referendum in Crimea, held on March 16 was illegal and the Russian action amounted to a 'land grab'. It violated both international law and the Ukrainian Constitution.

In the jurisprudence of the International Court of Justice, there is no case which could offer a direct indication of how such an argument could be put forward. 'Land grab' cases are not commonly dealt with by international tribunals.

Nevertheless, in several cases the International Court of Justice dealt with territorial disputes or frontier disputes between states.

The second argument Ukraine would undoubtedly raise, is the Russian illegal intervention into domestic affairs of Ukraine. Ukraine accuses Russia of supporting illegal militant groups operating in the eastern region of Ukraine, endangering civilians, seizing hostages and creating an atmosphere of terror and violence. Ukraine is strongly of the opinion that the actions of armed 'separatists' operating in the Slavyansk and Donetsk regions of Ukraine, are in fact directly attributable to Russia.

The case Ukraine is building in this point closely resembles that brought to the International Court of Justice by Nicaragua against the United States of America. In this case, concerning the military and paramilitary activities in and against Nicaragua, Nicaragua accused the United States of:

*Using military force against Nicaragua and intervening in Nicaragua's internal affairs, in violation of Nicaragua's sovereignty, territorial integrity and political independence and of the most fundamental and universally accepted principles of international law. The United States has created an "army" of more than 10,000 mercenaries - many of whom served the former dictator Anastasio Somoza Debayle - (...) trained them, paid them, supplied them with arms, ammunition, food and medical supplies, and directed their attacks against human and economic targets inside Nicaragua (ICJ, 1984: 2).*

The 'separatists' responsible for acts of provocation against Ukraine aimed at undermining its sovereignty and territorial integrity are described as Russian saboteurs and mercenaries, or terrorists sponsored by Russia. Their description by the Ukrainian side, focuses on the fact that they are heavily armed, professionally trained and led by Russian military officers, that they kill Ukrainian police officers and take hostages and, in short, operate like terrorists and must be treated accordingly. A joint statement issued by the representatives of Ukraine, the Russian Federation, the United States and the European Union in Geneva on April 17 says that "all illegal armed groups must be disarmed; all illegally seized buildings must be returned to legitimate owners; all illegally occupied streets, squares and other public places in Ukrainian cities and towns must be vacated" (Geneva Statement of April 17, 2014). Ukraine attaches considerable importance to the Geneva 'agreement' and considers the document as a source of commitment, also for Russia.

The third argument likely to complement the first and the second is concerned with violations of Ukrainian citizens' rights. It is the accusation of violating human rights of the people in Ukraine by the armed groups associated with Russia and the fact that "the Russian leadership has done nothing to publicly dissociate itself from the armed separatists and provocateurs or to urge them to immediately lay down their arms and release captured administrative buildings. Russia has not even condemned the seizure of hostages, including journalists, or separatists' open acts of xenophobia and anti-Semitism" (Security Council, 29 April 2014: 17).

### **The position of the Russian Federation**

The position of the Russian Federation, the party accused of violating many fundamental principles of international law, is likely to be not only that of denial but also of counterclaims and counter accusations of Ukraine violating international law. In the first place, however, one can expect that Russia will refuse to accept the jurisdiction of any international court or tribunal, or raise preliminary objections, as it successfully did in the Georgia v. Russian Federation case before

the International Court of Justice in 2008, if Ukraine initiates the process. Today, one reason for such attitude is the Russian assertion that the Ukrainian President Victor Yanukovich was ousted in an illegal coup which ended Ukraine's constitutional authority. Consequently, Russia does not recognize the interim government of Ukraine calling it a 'self-proclaimed authorities' or a 'Kyiv clique'. Moreover, Russia *a priori* considers the Ukrainian presidential elections planned for May 25, illegitimate.

As far as the substantial arguments are concerned, Russia denies violating international law by annexing Crimea. Following the March 16 referendum, Russia swiftly recognized Crimea as an independent, sovereign state and accepted its request to join the Russian Federation. As for the referendum itself, Russia contends that holding the referendum was in line with international law and the UN Charter, and was also in line with the precedent set by Kosovo. President Putin, in his speech on March 18 gave a determined defence of his country's right to absorb Crimea and claimed that the situation in Crimea was akin to Kosovo's breakaway from Serbia in 2008.

In the case of Kosovo, the International Court of Justice rendered an advisory opinion on the question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international Law?" The Court, by ten votes to four, was of the opinion that the declaration of independence of Kosovo adopted on 17 February 2008 did not violate international law (ICJ, 2010: 44).

As a footnote, it must be remembered that in the Kosovo case, the Russian Federation strongly argued in favour of preserving the territorial integrity of Serbia and, more generally commented that "territorial integrity is an unalienable attribute of a State's sovereignty". In conclusion, Russia argued that the situation in Kosovo did not "even begin to come close to the 'extreme circumstances' under which the right to secession may be invoked" and, consequently, that the unilateral declaration of independence of Kosovo was not in accordance with general international law (Written Statement by the Russian Federation, 2009: 39-40). The reference to Kosovo in the Russian narrative seems to be greatly misplaced.

In an effort to justify the annexation of Crimea, Russia is likely to refer to the right of external self-determination of the people of Crimea, the majority of whom are Russian, the need to protect own nationals abroad or the fact it was invited to intervene in Crimea. The overall weight of the Russian 'defences' may not be very strong given that they are based on highly disputable facts. Yet, Krish contends, "it is ironical that these claims have come into the realm of the arguable because traditional constraints in the law on the use of force and self-determination have been blurred by instances of *liberal* interventionism over the last two decades." (Krish, 2014:2) In any case, each argument has to be carefully considered by the court.

The Russian Federation is also likely to register a number of counter claims and allegations of Ukraine violating international law. They have already been presented to the UN Security Council during its emergency session called by Russia on May 2. Russia accused "the Kyiv regime' and its 'Western sponsors', especially the European Union, of destabilizing Ukraine. More specifically, a reference was made to illegal "punitive military operations undertaken by the authorities of the Kyiv regime, involving terrorists, the pro-fascist Right Sector and other ultranationalist organizations against their own people in south-eastern Ukraine." (UN Security Council, 2 May, 2014: 3-4)

Additionally, The Ministry for Foreign Affairs of the Russian Federation has very recently published a *White Book on Violations of Human Rights and the Rule of Law in Ukraine (November 2013 – March 2014)*. The document alleges that it lists "most flagrant violations of fundamental international norms by ultranationalist,

neo-Nazi, and extremist forces which have monopolized the Euromaidan protests” and concludes that “the onslaught of racism, xenophobia, ethnic intolerance, the glorification of the Nazis and their Banderite sycophants should be brought to a speedy end through the united efforts of the Ukrainian people and the international community,” and that “the relevant international organizations, which in accordance with their mandates must contribute to the conducting of objective and non-politicized investigations into the numerous violations of human rights and the principle of the rule of law in Ukraine” (White Book, 2014: 64).

The list of arguments which have been mentioned as likely to be raised by the parties, Ukraine and the Russian Federation, is, by all means, tentative and does not aspire to be exhaustive. The situation on the ground too, may lead to the formulation of new allegations of international law being violated.

### **Ukraine v. Russian Federation: The Judges**

Before the real judges are given an opportunity to look into the Ukraine v. Russian Federation case and determine whether international law has been violated, by whom and how, a number of virtual ‘judges’, states and international organizations, have offered their views and judgments concerning the case at hand. For practical reasons and the size of this short contribution, references must be reduced to a number of key players. One of the most important and competent is the United Nations. Other international organizations, such as NATO, OSCE, the European Union, the Council of Europe, G-7, and very many states, within or outside the UN forum, have also spoken.

The United Nations has offered many states an opportunity to voice, individually or collectively, their opinions. It has, through a number of special reports, offered its own voice and opinion as well. The Security Council and the General Assembly debates on Ukraine attracted much attention and allowed many participating states to articulate their judgments. The Security Council was called more than ten times this year to debate the situation in Ukraine. The Russian Federation found practically no allies among its members since none of the ‘traditional’ supporters of the Russian Federation are currently non-permanent members of the Security Council.

The Security Council meeting on March 15 must be given special emphasis. A draft resolution sponsored by a group of forty-two states, including members of the European Union, noted, *inter alia*, that the Crimean referendum has no legal validity and will have no legal effect on the status of Crimea. At the end of the day, thirteen members of the Security Council voted in favour of this resolution, China abstained from voting and the Russian Federation voted against, casting its veto right.

Speaking for the United States of America, Ms. Power claimed that “from the beginning of the crisis, the Russian position has been at odds not only with the law, but also with the facts”. Mr. Araud of France, noted that “the violation of international law is so obvious at this point that one almost feels pity at seeing Russian diplomacy — so formalistic, so finicky in its respect for proprieties and its invocation of texts — struggling to find a legal basis for the coup”. Sir Mark Lyall Grant, the representative of the United Kingdom added that “the resounding message from today’s vote is that Russia stands isolated in the Council and in the international community” (Security Council, March 15, 2014: 3-5).

On March 27, 2014, the UN General Assembly, by 100 votes in favour to 11 against and with 58 abstentions, adopted a resolution, titled “Territorial integrity of Ukraine”. In its operative part, the Resolution “Affirms its commitment to the sovereignty, political independence, unity

and territorial integrity of Ukraine within its internationally recognized borders”, “Calls upon all States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine” and, finally, “Calls upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the above-mentioned referendum and to refrain from any action or dealing that might be interpreted as recognizing any such altered status” (General Assembly, 27 March, 2014).

Even though the Security Council resolution on Ukraine was vetoed, and the resolution adopted by the General Assembly is not legally binding, the role of the UN as a forum for aggregation and articulation of UN member states’ views on the Ukraine v. Russian Federation case must be appreciated. In the United Nations Ukraine did not obtain all it wished, nevertheless, the fact that 100 members of the United Nations voiced their opposition to the Russian annexation of Crimea and voted in favour of a strongly worded General Assembly resolution calling for its non-recognition, must be seriously taken into consideration.

The view of the UN General Assembly has already been taken into consideration by a number of other international organizations and is visibly reflected in their documents. For instance, in a statement, the G-7 leaders meeting in Brussels on April 25 reiterated their strong condemnation of Russia's illegal attempt to annex Crimea and Sevastopol “which we do not recognize” (G-7, 2014:1-2).

A very strong position blaming the Russian Federation for violating international law was taken by the Parliamentary Assembly of the Council of Europe (PACE). On April 10, the Assembly, by 145 votes in favour, 21 against and with 22 abstentions, adopted a resolution providing, *inter alia* that:

*The Assembly considers that the actions of the Russian Federation leading up to the annexation of Crimea, and in particular the military occupation of the Ukrainian territory and the threat of the use of military force, the recognition of the results of the illegal so-called referendum and subsequent annexation of Crimea into the Russian Federation constitute, beyond any doubt, a grave violation of international law, including of the United Nations Charter and the Organization for Security and Co-operation in Europe (OSCE) Helsinki Final Act (CoE, 2014: 1).*

NATO officials, Secretary General Anders Fogh Rasmussen and US general Philip Breedlove, referred to “Russia’s aggression in Ukraine” and claimed that it has caused “a paradigm shift” and “a completely new security situation in Europe”. They called the situation in Ukraine “outrageous” (NATO, 2014: 1).

Last but not least, one must of course consider the position of the European Union. The case of Ukraine against the Russian Federation features prominently on the Union’s agenda and the Union’s position is a topic in its own right. It can be best summarized with a reference to the European Council’s conclusions adopted at its March 20/21 session. The Conclusions reiterate that:

*The European Union remains committed to uphold the sovereignty and territorial integrity of Ukraine. The European Council does not recognise the illegal referendum in Crimea, which is in clear violation of the Ukrainian Constitution. It strongly condemns the illegal annexation of Crimea and Sevastopol to the Russian Federation and will not recognise it. The European Council asks the Commission to evaluate the legal consequences of the annexation of Crimea and to propose economic, trade and financial restrictions regarding Crimea for rapid implementation. (European Council 20/21 2014: para. 29)*

Additionally, a number of conclusions on the situation in Ukraine were adopted by consecutive meetings of the Foreign Affairs Council. Moreover, it is important to note that many third states, such as Montenegro, Iceland, Albania and Norway, aligned themselves with the Council's decisions. Also, practically on a daily basis, the situation in Ukraine is reflected in the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton's, statements and comments.

For obvious reasons, views taken by different states and international organizations must not interfere with the judgment of an independent international court, even if, at least for the time being, the case is only virtual. The court must be engaged in the resolution of a dispute in an unbiased, dispassionate manner. The judges are expected to exercise their powers impartially and conscientiously. However, the views presented above must not be ignored, or lightly dismissed, when serious allegations of violating fundamental principles of international law are made and substantiated. It is not uncommon that international organizations, such as the United Nations, perform quasi-judicial functions and, as Clive Archer rightly contends, "there is a great deal of rule adjudication that arises from the existence of international organizations" (Archer, 2001: 106).

## **Conclusion**

The virtual case filed by Ukraine against the Russian Federation may, or may not, find its way to the docket of an independent international court or tribunal. Ultimately, Ukraine may fail to convince the judiciary that it has the jurisdiction to deal with the case at hand, or, alternatively, the Russian Federation may convince the judiciary, as she did before, it does not have the jurisdiction to deal with the case at hand. This remains an open question. However, the most likely scenario seems to be that of no Russian consent for the jurisdiction of an international court.

The case, nevertheless, is a legal case, a legal dispute concerning many questions of international law and the existence of facts which, if established, would constitute a breach of international obligations.

Ukraine contends, *inter alia*, that the Russian Federation has violated international law by first, annexing Crimea, a part of the territory of Ukraine; second, by authorizing the President of the Russian Federation to use force against Ukraine and, third, by training, arming, equipping, financing and supplying the separatist forces operating in eastern Ukraine has acted against Ukraine, in breach of its obligation under international law not to intervene in the affairs of another State. On the other hand, the Russian Federation contends that Ukraine violated the rights of the Russian population of Crimea and used punitive military operations against their own people in south-eastern Ukraine.

Most of the actors, states and international bodies referred to in the previous section, have already concluded that the Russian Federation has acted against its obligations under international law, either directly or through actions of armed separatist attributable to the Russian Federation.

The future of this case depends in large part on the willingness of the parties to find a solution, with or without reference to adjudication. The prognosis for such settlement is not, however, encouraging. More importantly, violations of international law may sometimes be "incidental and not the cause of disorder" (Henkin, 1979: 46) but not in this case. In this case, the very foundations of international law seem to be severely tested and in defence of the rule of law, its settlement is surely indispensable.

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