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Research Report

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An Atmosphere of Growing Political and Societal Instability in Ukraine

Susan Stewart

For some time now, both Ukrainians and foreign observers have been inquiring whether the time is right for a 'Third Maidan'. The protests that took place on 17 October 2017 and in subsequent weeks were not the beginning of anything larger. Rather, they were initiated primarily by political actors and did not have the potential for mass mobilization. However, these protests convey important messages about the political and societal situation in the country. Against the backdrop of developments in recent years, they are a sign that the situation could heat up dangerously in the coming months.

Four years on from the Euromaidan, the Ukrainian population has hardly benefited from the reforms implemented so far. Electricity and gas prices have increased considerably and, according to surveys, the general social and economic situation has deteriorated rather than improved. There are also no indications that those who plundered the country and violently attacked Maidan protesters have been held accountable. While the ruling elite can point to significant progress on macro-economic developments and relations with the EU, it is becoming increasingly clear that the fight against corruption stops when it affects the key interests of political and economic leaders. This group includes the President, many ministers and influential parliamentarians, heads of key authorities, as well as oligarchs and their confidants. The inadequate fight against corruption in

the milieu of these elites calls into question the reform progress accomplished thus far. In addition, Ukrainians are still dying almost daily in the Donbas. For all these reasons, dissatisfaction among the population is high. Even though many in the country recognize that instability in Ukraine could easily be exploited by Russia, their patience with today's elites has its limits.

Protests: not much stamina

On 17 October 2017, several thousand protesters marched in front of the Ukrainian Parliament (Verkhovna Rada). They made three demands: the creation of an anti-corruption court, electoral reform towards a proportional representation system with open party lists, and the abolition of parliamentary immunity. All these issues are at least indirectly related to the fight against

corruption and have long been under discussion. However, by 20 October, the total number of protesters had fallen from around 4,500 to only a few hundred, despite none of the relevant laws having been adopted. Two draft immunity bills were passed to the Constitutional Court for review and the first reading of legislation on changes to the electoral system has now been adopted by the Rada, although it is not yet binding. When President Poroshenko finally did table a draft bill on 22 December to establish an anti-corruption tribunal, it met with strong criticism from some parts of Ukrainian civil society. The President was accused of disregarding recommendations made by the Venice Commission of the Council of Europe when drafting the legislation and thus creating loopholes that would allow the court to be controlled by political authorities.

Respected civil society organizations (the Reanimation Package of Reforms, the Anti-corruption Action Centre (AntAC) and the Chesno movement) and some younger parliamentarians (including Mustafa Nayem and Yehor Sobolev) had called for the October protests. The former Georgian President, Mikheil Saakashvili, and his Movement of New Forces also played a very prominent role. Saakashvili called for a law on impeachment and continued the protest after 19 October, although most protesters had already left the camp by then. Saakashvili remained at the camp in front of the Rada until the beginning of December. After a failed attempt by law enforcement authorities to detain him there, he was finally arrested on 8 December after massive clashes between his supporters and the police. He is currently being prosecuted for supporting a criminal organization. He allegedly received \$500,000 from Serhii Kurchenko, a Ukrainian oligarch currently living in Russia and a supporter of former President Viktor Yanukovich, to finance – among other things – the Rada protests. Saakashvili denies the allegations. His application for political asylum in Ukraine has been rejected but is subject to appeal.

Politics: intrigue and weak decision-making

While the recent protests have not been key events for Ukraine, they have provided important clues as to the political and societal situation in the country. Firstly, they show that many political forces are already positioning themselves for the parliamentary and presidential elections, which will both take place in 2019. This not only applies to Saakashvili but also to all political parties represented in parliament, to President Petro Poroshenko and to other potential presidential candidates. By and large, Ukraine is currently experiencing a period of political intrigues in which forging tactical alliances and bartering deals are more important than political content and reform initiatives.

Secondly, the protests indicate a certain fragmentation of opposition forces. Saakashvili and his supporters, on the one hand, and civil society activists and reform-oriented parliamentarians, on the other, do not always speak the same language. Saakashvili's case is certainly special because of his colourful personality, his past as the President of Georgia and his outsider status in the fabric of Ukrainian politics. However, attempts by other Ukrainian oppositionists to generate a common political approach in order to play a stronger role both inside and outside Parliament have also been largely unsuccessful so far. This applies to both the 'Eurooptimists' in the Rada and the supporters of the 'Demalliance' party which was intended to unite these new forces.

Thirdly, the methods chosen to deal with Saakashvili (and the protest phenomenon as a whole) reveal the difficulties and fears of today's Ukrainian leadership, whose actions are often contradictory. On the one hand, top political figures are aware that harsh treatment of demonstrators could provoke further protests. This is a lesson from the Euromaidan that today's leadership has taken to heart. On the other hand, Poroshenko, in particular, is not willing to tolerate serious competition. Even Saakash-

vili seems to belong to this category because - although he does not legally qualify as a presidential candidate - he stirs up anti-Poroshenko sentiment among the population. So the leadership is not adhering to a consistent line with regard to its political opponents: Even though Saakashvili has had his citizenship revoked, he has not been expelled for illegally entering the country and is allowed to organize opposition protests. Such inconsistency is typical of the way the government generally deals with protest, as the economic blockades of the Crimea (autumn 2015) and the occupied territories of the Donbas (early 2017) have shown. In both cases, the government initially criticized the protests but ended up adopting the protesters' demands by banning much of the trade between the occupied and unoccupied territories. This testifies to a certain weakness with regard to decision-making and, furthermore, calls the state's monopoly on the use of force seriously into question because the country's leadership was unable to put an end to the protests without accepting the protesters' agenda. This is especially dangerous in circumstances where there are many weapons in circulation and people are becoming increasingly accustomed to the idea of using violence to resolve conflicts.

Increasing dissatisfaction among the populace

The recent demonstrations and other events have shown that the need to protest is not particularly widespread among Ukrainian citizens at the moment. The opinion that such demonstrations cannot effectively influence political decisions is quite prevalent. Furthermore, many citizens are unwilling to support political forces by participating in actions the latter have called for. This was already to some extent the case during the Euromaidan. The opposition politicians who were the most visible at the time (Arseniy Yatsenyuk, Vitali Klitschko and Oleh Tyahnybok) were viewed with great scepticism by the population.

At the same time, concern and even anger over the lack of positive reform results are becoming ever more pronounced in society. Ukrainian citizens do not perceive any improvement in their daily lives and are increasingly aware that top-level corruption is not being tackled sustainably. In addition, fraudsters and proponents of violence from the Yanukovych era have not been held accountable because they have accomplices among the ruling elite protecting them from prosecution. The combination of a poor economic and social situation and an elite that enriches itself at the expense of the population can lead to serious consequences for the Ukrainian state, especially since Russian actors are more than willing to exploit any instability in the country in order to further weaken Kyiv.

Despite the low number of participants in recent protests, anti-corruption is a key issue for large sections of the Ukrainian population, as are conflict resolution in the Donbas and socio-economic issues such as inflation, unemployment, social protection, etc. Earlier protests, including the trade blockade mentioned above, have shown that the Donbas situation is a sensitive topic. Social problems have not usually led to such intense protests, and if they have, then primarily within the context of a particular profession, such as doctors or miners. However, the amalgamation of socio-economic difficulties, insufficient anti-corruption measures and continuing violence in the Donbas can be dangerous, particularly in a situation where politicians resort to populist slogans to discredit their opponents and gain greater support for themselves and their parties in the upcoming elections.

Acknowledging and protecting society

Even though there are currently no mass protests in Ukraine, the country's political and social climate is heating up and will probably continue to do so in the course of 2018. Political deals and intrigues will

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become increasingly evident and, given the social situation and the inadequate fight against corruption, the mood among the populace will turn even more negative, especially since no substantial successes in bringing peace to the Donbas can be expected. In this situation, the President will rely heavily on the EU card, as he has something to show here: the Association Agreement, which has now fully entered into force, and successful visa liberalization, including a visa-free regime for Ukrainians to make short trips to the EU. These achievements are indeed real, but they will remain sustainable only if Ukrainian politicians and bureaucrats commit to a fundamental overhaul of the political and economic system. This has not happened yet.

As a result, the EU should send clear signals that setbacks in the reform process will have negative consequences for the Ukrainian elite. In the short term, the independence and functionality of the National Anti-Corruption Bureau (NABU) must be ensured and an autonomous anti-corruption court established. In the medium term, the EU should push for genuine reform of the Prosecutor General's Office. It would also be advisable to pay more attention to the social dimension of the reforms. In particular, the EU should closely monitor the implementation of reforms in the health sector (together with Ukrainian experts) as they provide an opportunity to bring concrete positive changes for citizens. The implementation of pension and education reforms also deserves greater attention. Finally, looking to the future of Ukraine, German and EU actors should contribute to creating opportunities for the emergence of a new elite. This could take the form of training seminars abroad, but also of closer cooperation with key institutions in the Ukrainian educational system, such as the Mohyla Academy in Kyiv or the Catholic University in Lviv.

Russian aggression against Ukraine has bound together a large part of the Ukrainian population, but that will not suffice if their leadership lacks the will to accommo-

date society and acknowledge that the interests and needs of citizens should be given priority. The current absence of mass protests should not hide the fact that discontent in Ukrainian society has reached worrying levels and continues to grow. The population has so far been confronted by the indifference of a ruling elite that cares first and foremost about its own interests. Mass protests could result from this constellation of factors, but they are not a given. However, the current state of affairs could be used by both Russian actors and populist and nationalist forces in Ukraine to bring about a dangerously unstable situation.