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Escalation of the situation in Kiev

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The adoption on January 16 by the Ukrainian parliament of laws affecting the civil society and freedom of the media, together with the inconsistency and passivity of the opposition leaders, led to a radicalisation of the public protests which have been ongoing since last November, and to the outbreak of violence on 19 January in Kyiv. On 22 January, during clashes with the *Berkut* special police branch, two people died in disputed circumstances. The leaders of the opposition parties have no control over the protests, and radical organisations have come to the foreground. It is possible that the brutalisation of protests is actually helpful to the authorities, who in public propaganda have highlighted the protests' anarchy and the need to restore order; this could pave the way for the use of violence to resolve the situation. Yet on 19 January, consultations were initiated between President Viktor Yanukovych's team and the Maidan's leadership, which were continued on 22 January between the President and the leaders of the three opposition parties.

The chances of reaching a compromise, however, seem low. The most likely scenario is that the government will continue the limited use of force in order to prevent an uncontrolled escalation of the protests. It does not seem to be in the authorities' interest to definitively clear out the Maidan, although the growing importance of the internal security forces surrounding Yanukovych and the legal changes carried out in their interest may favour such a resolution. In its current form, however, the protest does not pose any real threat to President Yanukovych's rule. The continuance of the Maidan protests may even be beneficial for the authorities, as divisions within the protest movement will deepen and the role of the leaders of the political opposition will be weakened.

Anti-civic acts of parliament

On 16 January, the *Verkhovna Rada* (the parliament of Ukraine) adopted the budget bill, and unexpectedly, a further ten laws that significantly restrict civic self-organisation, the freedom of the media and the Internet, and the activities of non-governmental organisations. The bill was signed by President Viktor Yanukovych next day, and most of the laws came into force on the date of their publication, 21 January. Most of these acts (except the budget) were enacted by violating the constitutional principle of personal voting (the vote was taken on a show of hands, but the votes were not counted), which makes them illegal; therefore by signing them, the President has also violated the constitution.

The most important of the new acts toughen the sanctions for participating in an illegal gathering and protest actions, and introduces legal measures aimed at civil society: the crime of 'extremist activity', which can include almost any opposition to the actions of the authorities; classifying any NGOs which benefit from foreign aid as 'foreign agents' (following the model of Russian legislation); and imposing tax restrictions on foreign grants for such NGOs.

The radicalisation of the protests

On 19 January, at a rally on the Maidan, the leader of the *Batkivshchyna* party, Arseni Yatsenyuk, announced a plan for further action: the establishment of a People's Council (an alternative parliament) and a Constitutional Assembly, followed by a People's Government. The leader of the *UDAR* party, Vitali Klitschko, announced that the opposition was demanding early presidential elections. Meanwhile, in response to a request from the vehicle-based Automaidan movement that a single leader of the protest movement should be appointed, Yatsenyuk announced that "the only leader is... the nation of Ukraine", which shows the opposition's inability to designate one leader for the protests.

On the afternoon of 19 January, a group of several thousand of the most radical protesters moved from the Maidan to Hrushevsky Street, in order to blockade the seat of the parliament and the government. A significant part of this group were members of the Maidan's self-defence units, and it also contained nationalist militants from the 'Right Sector of Maidan' (some of whom are also members of the self-defence units), as well as members of the *Svoboda* party. The demonstrators attacked the cordons of the Interior Troops and the *Berkut*, the special police forces. Violent clashes took place, after which the demonstrators maintained their positions. 'Fights for positions' between the demonstrators and the security forces lasted throughout the next day, and on the night of 20/21 January the demonstrators repelled another attack. During the next day the two parties engaged in mutual harassment, and the police began to use rubber bullets. On the morning of 22 January another assault by the *Berkut* took place, which was interrupted after the capture and partial dismantling of some of the demonstrators' barricades. A few hours later, the police drove the demonstrators from Hrushevsky Street and then stopped their action. A few hours later the police forces withdraw to the positions they had held in the morning. On the same day the government hastily modified three of the regulations governing the use of force by the Interior Ministry; this may indicate that the authorities are considering the use of force to resolve the situation.

After the police withdrew, two people were found shot dead; no more is currently known about the circumstances of their deaths. Information about a third fatality has not been confirmed: a protester who fell off a colonnade on Hrushevsky Street on 20 January is still in hospital. In recent days there have been reports that protest activists have been kidnapped off the street; on 21 January one of the leaders at the Maidan, Ihor Lutsenko (no relation to Yuri Lutsenko), was abducted and beaten by unknown persons, and abandoned in the forest after several hours. It is possible that criminals are being used to carry out such 'dirty work', which would confirm the presence groups of hooligans (known as *titushky*) harassing protesters, whom the police have been treating favourably.

At noon on 22 January, President Yanukovych invited the three leaders of the opposition (Yatsenyuk, Klitschko and Oleh Tiahnybok of *Svoboda*) to a meeting. It is unlikely that these talks will lead to a breakthrough in the ongoing conflict. So far, all the government proposals for a 'round table' have simply been plays for time, and have not constituted any real attempt to solve the situation. Regardless of the talks, the opposition has called for a rally at 5pm CET on 22 January, during which the creation of a People's Council (an alternative parliament) may be proclaimed.

The opposition's crisis of action

As a result of the radicalisation of the protests since 19 January, the leaders of the opposition parties have been unable to control the organisations and radical groups, and –regardless of the outcome of the current confrontation – have little chance to regain control and win over the movements and leaders who would emerge from the regional 'Euromaidans'. The protest camp on the Maidan has been maintained in a kind of siege for too long, with no clear or explicit scenario for action, or any specific, realistic goal, and this has led to an explosion of aggression from those groups and organisations which have not been under the control of the Maidan's 'commanders'. This in turn has resulted in a decline in public support for the protest, because the majority of Ukrainian society regards any use of violence with great aversion.

The political opposition could regain support if it achieves a compromise with President Yanukovych, but that would involve significant concessions from the authorities. On the evening of 19 January, Vitali Klitschko went to President Yanukovych's residence in Mezhyhiria near Kyiv to seek a resolution to the situation, and obtained an announcement of 'round table' talks from him. Consultations were undertaken next day without the participation of the political leaders, although the prospect of talks between the President and the party leaders is likely; however, conditions for agreement must be negotiated first . Klitschko again contacted the president on 21 January, but no further details of this approach are yet known. However, the death of two demonstrators calls into question the possibility that any compromise can be achieved between the opposition and the authorities.

The opposition's crisis is also due to the inability of the two main leaders, Yatsenyuk and Klitschko, to agree on the fundamental issues. The dispute over whether both of them are to stand in the first round of the presidential elections, or just Klitschko alone (their dispute about pre-election strategy boils down to this), has come out into the open, and is undermining the leadership of both. In this situation, we may expect an increase in the role of middle-ranking politicians such as Oleksandr Turchynov and Andriy Parubiy of *Batkivshchyna* (the latter being one of the 'commanders' at the Maidan), as well as Yuri Lutsenko (who heads the nonparty Third Republic movement, and is also another of the 'commanders'). However, no politicians of this rank could pose a serious challenge to Yanukovych in the next presidential elections.

The rise to prominence of strong and aggressive extreme nationalist groups during the protests has called into question Oleh Tiahnybok's leadership of the Ukrainian rightwing. Although his cautious stance in recent days and his lack of aspiration to the role of an equal partner with Yatsenyuk and Klitschko could boost his image and bring him certain political

gains, his participation in the coalition is weakening his authority among the natural constituents of *Svoboda*, namely the radical nationalist circles, who are beginning to seek their own path.

Yanukovych regains the initiative

The adoption of the new laws on 16 January and the consequences of that move testify that this operation was prepared by the authorities and aimed squarely at stopping the protests, as well as striking a blow at civil society and worsening the position of the opposition groups in the upcoming election campaign. It is possible that this plan foresaw a violent reaction from the radical part of the Maidan, as well as their use of violence against a police force behaving with relative restraint; this would have seriously compromised the Maidan movement, both in the eyes of the majority of the Ukrainian public, and especially international opinion.

The passing of the anti-civic legislation was accompanied by changes in the ruling elite. On 17 January Yanukovych sacked the head of his Administration, Serhiy Lovochkin; this probably marks the removal from the President's inner circle of people, upon whose complete loyalty he cannot count. Lovochkin's sacking was not only revenge for his act of disloyalty (namely his attempt to resign after the 'pacification' of the Maidan on 30 November), but also for having played his own political game, including making contacts with the opposition. The departure of Lovochkin and his people from the Presidential Administration marks the end of the influence of the 'non-Donetsk' political group, as well as a closing of the ranks in the face of the political crisis. This does not necessarily mean that President Yanukovych has chosen to resolve the situation by force (e.g. by declaring a state of emergency and breaking up the protests by armed force), for which Ukraine's security forces seem to be too weak. On the contrary; ensuring the unity of the ruling camp makes the agreement of some form of compromise more likely, as concessions made to the opposition cannot became an instrument of internal struggle within this camp.

The fatalities, for which political responsibility falls on the government and the President personally, have significantly complicated his situation in both domestic and foreign policy. There are two possible interpretations of the use of firearms: 1) a conscious decision by the authorities to use live ammunition on a limited scale in order to intimidate the demonstrators, or 2) a provocation aimed at forcing the President to take more radical actions, and thus isolate him internationally.

Possible further developments

The Ukrainian authorities' strategy is based around the presidential elections scheduled for 2015. A compromise with the opposition would mean a gain for it, and thus the threat of a resurgence of the Maidan after elections which would probably be rigged; Yanukovych's mandate to govern would thus be weakened. The option of force (such as a state of emergency and the bloody pacification of the Maidan) cannot be ruled out; the ruling elite may well be that way inclined (after the sacking of Lovochkin and his team), although this would be a dangerous scenario for Yanukovych. Such a move would risk Ukraine's international isolation, as well as the emergence of divisions among the elite before the

presidential elections. Nor is it certain that a crackdown on the Maidan would end the wave of protests and reduce political tensions in the country, considering the strength of public feeling and the inefficiency of the state's structures. On the contrary, such a move might lead to further radicalisation, and outside Kiev as well; in this scenario, it would be hard for Yanukovych's team to control the situation in western Ukraine. Therefore, it is in the government's interest to employ the selective use of force, and to continue playing on the divisions within the opposition and the protest movement. Yanukovych's key to success in 2015 is to convince the public that the Maidan poses a threat to the stability of the state, while not offering any political solutions himself.