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The end of the Yanukovych regime

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The enormous death toll resulting from the clashes between the Maidan Self-Defence and the police (especially among members of the former) was a shock which led first to the concessions made by President Viktor Yanukovych in the negotiations conducted with the EU mission, and later to Yanukovych and the state leadership escaping and abandoning power. The only legislative organ remaining was parliament, which took over full power to remove Yanukovych from office and calling early presidential elections for 25 May. In accordance with the restored 2004 Constitution, the leadership of the state was taken over by Oleksandr Turchynov, the new chairman of the *Verkhovna Rada* (Ukrainian parliament). Some of the actions of the new authorities do constitute abuses of the law, but can be justified by the emergency situation, which was not provided for in the Constitution. Concerns about separatist tendencies in the east and south of the country have not been borne out – although the exception is Sevastopol, which may try to break away from Ukraine.

The coming days will most likely see the appointment of a new government and the consolidation of a new political system, including achieving a *modus vivendi* with the Maidan, which does not intend to surrender its influence over political decisions. The new government must quickly restore order in the country, which has been severely affected during the recent events, and also face the centrifugal tendencies in Crimea, especially in Sevastopol. The most important challenge for the new government, however, is the serious economic situation, which requires foreign assistance.

The victorious uprising

On 18 February the Maidan Self-Defence decided to block the building of parliament, in order to force the restoration of the 2004 Constitution. This gave rise to clashes lasting several days. On 20 February, the authorities sent snipers from anti-terrorist units to shoot at Self-Defence members. At least 80 people were killed and about a thousand injured; 11 policemen were killed too. The psychological impact of such a large number of dead brought the Maidan a moral victory. The authorities had been preparing a massive assault on the Maidan, possibly with the participation of the armed forces, although they did not manage to carry this out.

The talks President Yanukovych held on 20 and 21 February – with the leaders of the opposition parties, but without the participation of any representatives or trustees from the Maidan, and with the participation of the Polish, German and France foreign ministers – led to an agreement providing for an early presidential election in November 2014, among other

points. The Maidan did not accept this agreement, demanding Yanukovych's resignation by 9 am (CET) on 22 February. A few hours later, Yanukovych and his closest associates had left Kyiv (they probably tried to leave the country; at the time of this text going to press, his whereabouts are still unknown). The agreement negotiated that afternoon became no longer current, but had already served its purpose: it accelerated the disintegration of the ruling camp.

Parliament takes power

Given that the president fled (as it must be called), and the acting prime minister and most of the ministers was at unknown locations, the only remaining authority capable of acting was the parliament. Its speaker Volodymyr Rybak (of the Party of Regions) resigned, enabling the Council to legally elect a successor on 22 February. This was Oleksandr Turchynov, a member of *Batkivshchyna*'s leadership. The parliament then once more voted to restore the 2004 constitution (as it had already done on 21 February), passed a resolution stating that the president had "voluntarily removed himself from his duties", and called an early presidential election for 25 May; finally it arranged the early release of Yulia Tymoshenko from prison. On 22 and 23 February, the parliament took a number of personnel decisions. According to the restored constitution, Turchynov took over the duties of head of state. Most of the resolutions were supported by 270-330 deputies, including most of the Party of Regions members who were present, and some even by the Communists.

The re-confirmation of the 2004 Constitution was necessary because Yanukovych had not signed the earlier bill, and so it could not come into force. This time, the matter was concluded the form of an act, which does not require the signature of the head of the state. Most of parliament's subsequent decisions were passed in the form of acts, as the acting president has limited powers, especially regarding personnel appointments.

The parliament's actions did not constitute a coup d'etat. Although some of them were unconstitutional, but these were actions of the indisputably legitimate parliament. One can at most speak of a 'parliamentary coup'. The desertion of the president, the lack of an appointed prime minister (the previous one having been dismissed in January), the absenteeism or escape of many of the top officials, as well as the progressive disintegration of local organs of power, created an emergency situation that required emergency measures.

Restoring the Constitution by means of act was contrary to its provisions, but it had previously been restored by a law, as part of an agreement with the president, who then violated that agreement by not signing the bill. Similarly, the reference to the president "voluntarily removing himself from his duties" was illegal because the constitution did not provide for such a form for the termination of the Head of State's duties. But it was a necessary solution – a constitutional procedure for impeachment would have taken several months. Another legal peculiarity is also order the release of Yulia Tymoshenko with reference to "parliamentary scrutiny of the implementation of Ukraine's international obligations", and not of the law of the country.

The use of the phrase “expressing the sovereign will of the Ukrainian Nation” in the resolution concerning Yulia Tymoshenko refers to the provisions of the Constitution of Ukraine, proclaiming that “the only source of power in Ukraine is the people”, and “the right to determine and change the constitutional order in Ukraine belongs exclusively to the people, and cannot be usurped by the State” (Article 5). In revolutionary conditions these statutes acquire a new meaning, becoming not just a formal justification, but a real basis for the actions of the institutions of state.

The situation in the regions

The outbreak of fighting in Kyiv, and then the reports of the large number of casualties, renewed the rebellion in the west and centre of the country: government buildings were taken over en masse and their heads forced to resign, in some regions, the police went over to the protesters’ side. The eastern regions remained quiet, but support grew for the changes being made in Kyiv. The previously announced meeting held by deputies and councillors from the east and south of the country took place in Kharkiv on 22 February. Some announcements indicated that the congress could have made pro-autonomy and even separatist demands; however the whole meeting fizzled out because Yanukovych (who at the time was probably staying in Kharkiv) did not show up at the convention, thus bringing his political career to an end. Suggestions about the possible emergence of separatist tendencies in Ukraine (which have mainly been disseminated by Moscow) have not come to pass.

A huge impression on the public was made by the opening to the public of and TV broadcasts from the residences of Yanukovych and the former Prosecutor General Viktor Pshonka (who also fled). Their ostentatious luxury deepened the de-legitimisation of the ‘old’ power in the eyes of society, especially in the east, among the poor and still attached to the Soviet ideal of the equality of property.

Another response to the bloodshed in Kyiv was the mass ‘de-Leninisation’ of public space. Within four days more than 50 statues of Lenin were pulled down, mainly in the central districts of the country, but also in the east and south, and even in the Crimea (the west of Ukraine has not had any since 1992), and there is no indication that this spontaneous action has come to an end. The crowning achievement was the removal on 25 February of the Soviet star from the spire of the parliament building in Kyiv.

The situation in Crimea has taken a different turn. There were demonstrations of protest against the ‘fascist coup’ in Kyiv, and the participants sometimes advocated the annexation of Crimea to Russia. However, the authorities of the Crimean autonomy distanced themselves from such ideas, probably mostly fearing the reaction of the Crimean Tatar community, which has strongly supported both Crimea’s affiliation in Ukraine and the new government in Kyiv. The local structures of the Party of Regions are also strongly opposed to such ideas, as their dominant position on the peninsula depends on their links to both Donetsk and Kyiv. On 26 February, two demonstrations, one pro-Russian and one anti-Russian, prevented an extraordinary meeting of the Crimean parliament.

Meanwhile, a mass meeting was held in Sevastopol on 23 February. The participants acclaimed as mayor Aleksei Chaly, an entrepreneur and a citizen of the Russian Federation,

and began the formation of self-defence units. The city raised the Russian flag, and anti-tank barricades and pickets appeared on the outskirts. Volodymyr Yatsuba, the chairman of the municipal administration (Sevastopol is the only city in Ukraine that does not have an elected mayor), resigned. The situation in the city remains unstable; it is conceivable that the city authorities wish to proclaim secession of Sevastopol and the city's (which holds one of the Russian Navy's main bases) accession to the Russian Federation. On 25 February, the Council of National Security and Defence of Ukraine discussed the situation in the city; the decisions taken there are not known at the moment.

Prospects

At present, the main task of Ukraine's parliament is to form a government, without which the control over the country which was disturbed during recent events cannot be resumed (including political intervention in Sevastopol), or remedial measures be taken to resolve to the serious economic situation (for more, see Appendix). There is a dispute within the new ruling camp as to whether the new government should be a coalition made up of party politicians (and possibly representatives of the Maidan), or a 'technical' government which would perform ad hoc tasks and, after the political situation has been resolved, give way to a 'political' government. The situation is complicated by the fact that over the coming weeks, the parties must nominate their candidates for the presidential election, as well as for the post of mayor of Kyiv (the municipal elections in the capital will take place on 25 May, as the presidential elections). The new government should be formed on around 27-28 February, but the rivalry between the former opposition parties, which is growing together with the beginning of the election campaign, could delay this process.

Increasingly, there are calls for the early dissolution of parliament, and for new elections to be held according to a purely proportional electoral system, including the regional lists (as referred to in the demand for 'open electoral lists'). Such a decision is possible, but only after the a new president is inaugurated (in the second half of June), in which case the elections could be held in late autumn. This decision will open up a new field for violent political rivalries, as well as a regional dimension: introducing regional lists will require the division of the country into constituencies, as well as a fundamental revision of the electoral law.

It seems that the period of confusion within the Party of Regions and the Communists is slowly passing; their representatives in parliament are increasingly active and are beginning to defend their party platforms. In the near future the leadership of the Party of Regions is expected to change (its chairman hitherto, Mykola Azarov, has also disappeared), and that it will soon nominate its candidate for president. Serhiy Tihipko may fill both these positions.

All the signs indicate that Yulia Tymoshenko will not return to active political life for the time being; she has given up her attempts to run for the posts of prime minister and president. In this way, the new favourite to win the presidential election is Vitali Klitschko.

Some of the Maidan's leaders have political ambitions, and some of them may want to become members of the government or of the management of some ministries. Others are betting on remaining at the vanguard of civil society, and thus exerting constant pressure on the ruling camp. The Maidan, still commemorating the 'Heavenly Hundred' (the name given

to those killed in the January and February fighting), feels very strong and does not intend to dissolve its armed camp in the centre of Kyiv. In all likelihood it will continue up until the presidential election, as well as those to parliament, if they are called.

The main challenge for the new Ukrainian authorities, however, is the dramatic economic situation. The imminent collapse of the state's economy, which will not be averted without significant help from outside, might compromise all political calculations.

Appendix

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Ukraine's economic situation is very bad, and in the case of public finances, catastrophic. While in the first half of this year Ukraine could still emerge from its year-and-a-half long recession, the budget situation nevertheless requires immediate intervention: this year's state budget, adopted this January, is unworkable. According to preliminary data, in January this year the budget's tax revenues were lower than the planned sum of over 4 billion hryvnia (almost US$500m), and the state's money had to be saved by increased, unplanned payouts from the National Bank of Ukraine (NBU). The statistics at the end of February will probably be even worse. Arseni Yatsenyuk, one of the opposition leaders taking power in the country now, said on 24 February that the state is effectively bankrupt (which is confirmed by international rating agencies, which have rated the Ukrainian economy CCC), and that there are problems with implementing the harsh budgetary expenditure in February (a ten-day delay in paying wages). This January, the NBU's foreign exchange reserves fell by a further US$2.6 billion, to US$17.8 billion, barely half as much as two years ago, and much lower than the critical amount, i.e. the equivalent of three months of import expenditure. A significant part of the reserves has been spent protecting the national currency: the currency hryvnia's market exchange rate has weakened by over 15%. since the beginning of the year The central bank's interventions and the devaluation of the hryvnia did not help much: the pressure to devalue is continuing, which in turn has disturbed the banking market (including the public withdrawing their savings in hryvnia). Ukraine owes Russia about US$2 billion for Russian gas and, without the resources to pay for imports this year (despite Russia reducing the price by over 30%), it is currently mainly drawing on stocks in reservoirs. The situation can only be saved by rapid external financial assistance.

The new head of the central bank, Stepan Kubiv, announced the imminent resumption of negotiations with the IMF on a new loan, which Yanukovych's team had earlier unsuccessfully sought; the main obstacle then was Kyiv's reluctance to make its domestic gas prices more realistic.

The financial assistance from Russia, which was in December 2013 to Yanukovych's Ukraine, may no longer be granted; but even if it was, it could still prove to be insufficient. According to Yuri Kolobov, the previous finance minister, in the years 2014-2015 Ukraine will need macro-financing to the tune of around US$35 billion, mainly due to the need to repay and service its foreign debt during that period.