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Domestic Explanations for War and Peace in Ukraine

Julia Strasheim

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GIGA German Institute of Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien
Neuer Jungfernstieg 21
20354 Hamburg
Germany
<info@giga-hamburg.de>
<www.giga-hamburg.de>

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Abstract

Why did Ukraine's 2004 Orange Revolution initiate a peaceful democratic transition, while the 2014 protests were followed by violent conflict? This paper complements previous studies on Russia's role in Ukraine by focusing on domestic explanations of the recent violence. It shows that structural factors were already conducive to violence in 2004, making it fruitful to analyse the role of agency to explain the 2014 conflict. It then demonstrates that while the 2004 transition introduced power-sharing guarantees that mitigated commitment problems for the relevant parties, the 2014 transition saw no such guarantees, making violence a rational strategy for the pro-Russian separatists.

Keywords: Ukraine, transition, power-sharing, commitment problems, armed conflict

Julia Strasheim
is a research fellow in the Security Sector Reform and the Stability of Post-War Peace project at the GIGA German Institute of Global and Area Studies and a PhD candidate at the University of Heidelberg.
<Julia.strasheim@giga-hamburg.de>
<www.giga-hamburg.de/en/team/strasheim>

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Article Outline

1 Introduction

Why did the 2004 Orange Revolution in Ukraine initiate a peaceful democratic transition, while the 2014 Euromaidan protests were followed by violent conflict?* A small but growing body of literature has analysed the causes of the recent violence in the Donetsk and Luhansk *oblasts*, two of Ukraine's primary administrative units.[1] After a wave of demonstrations demanding the resignation of President Viktor Yanukovych mobilised "millions of Ukrainians" across the country from November 2013 onwards, peaceful protests escalated into violence in

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February 2014.[2] Masked Russian troops without insignias began to appear on the Crimean peninsula in late February, and Russia annexed the Crimea on 18 March 2014, following a referendum that was not recognised by the international community. Thereafter, Ukraine's crisis escalated into large-scale violence in the Donbass region, with recent death tolls counting thousands of fatalities in 2014 alone.[3]

Most recent interpretations of this conflict have stressed the role of Russia. To name a few examples, Freedman analyses Russia's tactical decision-making during the Ukrainian crisis and holds that the violent escalation is a consequence of failed crisis management on both sides; Dunn and Bobick study how Russia justified its intervention in Crimea and find that Russia has recently developed new strategies and techniques for extending its sphere of influence (such as portraying its interventions as humanitarian); Rywkin examines how the competing historic or economic influences of Russia and the European Union (EU) have resulted in conflicting geopolitical identities in Ukraine; and Mankoff studies Ukraine's strategic and economic importance for Russia, as well as President Vladimir Putin's new willingness to confront Western leaders, as a partial explanation of the conflict.[4]

Russia's interests in Ukraine and its willingness to support pro-Russian separatists in the Donbass are without doubt of central significance to understanding why and how the Euromaidan protests escalated into Europe's worst armed conflict since the breakup of Yugoslavia.[5] Explanations that focus on the role of Russia build upon a body of scholarship that explores the external or regional causes of violent conflict, including factors such as the restructuring of the international system after 1989 and the presence of "bad" authoritarian, conflict-prone neighbour states or of violent transnational actors in border regions.[6] However, conflict is not a monocausal phenomenon, and there are multiple and different paths that lead to its onset.[7] While the role of Russia as a "bad neighbour" may be a key explanatory variable for the prolonged violence in the Donbass, research on the causes of armed conflict has proposed many additional domestic factors that explain why some countries experience violence while others do not.[8] For Ukraine, domestic factors have been widely studied within the discipline of comparative politics to explain the survival of authoritarian rule in the 1990s or the post-2004 democratisation process.[9] Domestic explanations have, however, been sidelined in analyses of the recent conflict. This gap represents a key shortcoming in the research and limits our understanding of this conflict's determinants.

The key aim of this paper is therefore to complement existing explanations with a focus on the domestic factors behind Ukraine's 2014 conflict onset. It proceeds as follows. First, the paper briefly shows that in terms of domestic explanations, all structural, macro-level variables commonly identified by past research indicate the potential for armed conflict in Ukraine as early as the time directly after the 2004 Orange Revolution. The fact that secessionist violence only erupted in 2014 thus poses a puzzle for students of transitions and conflict, meaning that the recent conflict onset needs more explanation. It is hence particularly fruitful to focus on the role of agency instead of on structural factors, and to understand

armed conflict as the result of commitment problems between political actors. By comparing the transitions that followed Ukraine's revolutions in 2004 and 2014, the paper shows that in 2004, the regime and the opposition negotiated credible and hard-to-renege-on power-sharing guarantees that mitigated commitment problems and that made peaceful cooperation the best strategy. In 2014, the transitional institutions did not include joint decision-making across political camps, thereby increasing the fears of marginalisation among actors in the eastern *oblasts* and making mobilisation for secessionist conflict a rational strategy.

2 Ukraine and the Domestic Causes of Armed Conflict

Why do some states experience violent conflict while others do not? Existing research on the domestic causes of armed conflict proposes several structural explanations for why violence occurs that can broadly be divided into economic, ethnic identity, and political arguments.

First, economic explanations of armed conflict stress the role of motive and opportunity, holding that a necessary condition for societies to experience violent conflict is that groups have grievances and thus attempt to improve their situation through violence.[10] These studies emphasise the expected private returns to potential insurgents as a motive for starting a rebellion, which they at times portray as a form of banditry or "quasi-criminal activity."[11] By itself, this mechanism significantly over-predicts armed conflict: if motive were sufficient to make men rebel, the world "would be engulfed in the flames of … violence."[12] In reality, groups often lack the opportunity to rebel.[13] Empirically, economic works often use structural, macro-level predictors to test their arguments. Collier and Hoeffler find that a state's dependence on primary commodity exports raises the risk of armed conflict.[14] Their argument stresses opportunity over motive, holding that resource abundance creates chances to finance a rebellion through the looting of resources. They also find that countries with low levels of per capita income have a higher risk of conflict, and they argue that this is because the opportunity costs of engaging in violence are low. Others dismiss this reasoning, holding that a more convincing reason why states with these features have a higher risk of conflict is that they also have weak formal state institutions.[15]

The structural factors proposed by economic research on armed conflict onset indicate that in 2004 Ukraine was as likely a candidate for conflict as it was in 2014, especially because a large regional discrepancy in economic wealth that corresponds to the regional population patterns of identity groups traditionally exists across *oblasts*. Ukraine is dependent on natural resource rents, and mineral deposits (such as iron ore) and agriculture account for two-thirds of its exports.[16] This dependency has decreased in recent years because of a decline in the iron and steel industry since the 2008 financial crisis that has threatened Ukraine's principal industrial exports.[17] As a result, agricultural products (such as wheat) have come to account for the largest set of exported goods. The industrial decline has hit different regions of Ukraine unequally, as the country's iron and steel industry is concentrated in eastern and

south-eastern *oblasts* where ethnic Russians and Russian-speaking Ukrainians make up a much larger percentage of the population than in other parts of the country.[18] Agriculture is the strongest sector in the central or western regions, which are largely home to ethnic Ukrainians. Accordingly, the eastern and western *oblasts* are suffering to different degrees from unemployment, poverty, and low per capita income. Poverty has been among the most severe social problems in Ukraine since its independence, and in the year after the Orange Revolution, 27.1 per cent of the population lived below the national poverty line.[19] This high number was also due to the recession that hit the country in the 1990s; it had decreased to 9.1 per cent by 2012.[20] Poverty has traditionally been higher in rural areas in western and central Ukraine, largely populated by ethnic Ukrainians, than in the industrial sites in the eastern *oblasts*, where average wages have been the highest.[21] However, due to the decline in Ukraine's industrial sector and the recession of the 1990s, the increase in unemployment has been more severe in the east.[22] Some workers in these districts also work in extremely low-paying jobs but are not reported as seeking work.[23] Still, observers note that ethnicity is not a reason for unequal employment opportunities and that all groups "have equal access to the labor market."[24] Differences in unemployment or poverty are instead explained by the distinct economic sectors that dominate in the various regions.

Studies that stress the role of ethnic identities in armed conflict onset understand the concept of ethnicity as a differentiation between individuals and groups on the basis of identifying markers such as colour, language, or religion.[25] These works emphasise the high conflict potential of ethnicity relative to other identities, such as political affiliation or social class, because these latter identities typically lack the clear boundaries of ethnicity: while one can change one's political affiliation, ethnicity is seen as being "uniquely sticky."[26] Within ethnic groups, the similarities to others (such as a shared language or religion) build trust and facilitate coordination, but these same factors make cooperation between ethnic groups inherently difficult. Therefore, many studies argue that ethnically divided societies often experience ethnic voting and the development of party systems based on ethnicity, because shared identity encourages political leaders to rally support from within their particular group.[27] Given the prevalence of ethnic voting, if an ethnic minority faces a majority that always wins elections, the former can never assume power by peaceful means and thus may have a motive to rebel violently.[28] Empirically, the consequences of ethnically heterogeneous societies in terms of armed conflict onset are disputed based on results using structural, country-level variables. For instance, Fearon and Laitin do not find that ethnic heterogeneity *per se* increases the risk of conflict.[29] Rather, studies suggest that ethnic dominance and exclusion increase the risk of armed conflict.[30]

While structural, country-level variables show that Ukraine is an ethnically diverse society, ethnicity has traditionally played a limited role in social relations and politics there, and there is no evidence of voting along ethnic lines. According to the 2001 census, 77.8 per cent of the population identifies as ethnic Ukrainian, while 17.3 per cent call themselves ethnic

Russians (many ethnic Ukrainians report Russian as a native language; they are referred to as Russian-speaking Ukrainians).[31] Observers note that even though the country is ethnically and linguistically diverse, the divide has been insignificant in the past.[32] For instance, D'Anieri concludes on the lead up to the Orange Revolution that ethnically motivated secessionist movements had little success and that violence was thus virtually "non-existent."[33]

Ukrainian politics have been marked instead by a conflict between regional identities. As noted above, ethnic Ukrainians tend to live in the western and central *oblasts*, while ethnic Russians and Russian-speaking Ukrainians are more heavily represented in the eastern and south-eastern regions. Between these regions, politics are often perceived "as a zero-sum game and … rather confrontational," but neither group has been able to become a dominant player because the large Russian and Russian-speaking minority has resulted in a balance of power.[34] Due to the regional divide, Kuzio has labelled identity groups in Ukraine not as ethnic Russians or Ukrainians, but rather as "Sovietophiles" and "Westernizers," with the former seeking closer ties to Russia and the latter being oriented towards the EU.[35] Given these geopolitical identities, ethnic voting does not prevail in Ukraine. For instance, Frye finds that while one could expect that voters would elect a candidate who shares their ethnicity or language, these factors are far less relevant for voters than whether a candidate favoured an economic policy oriented towards Russia or the EU, both of which are traditionally trading partners of Ukraine.[36]

Finally, among the most prominent political explanations of armed conflict are regime type and the design of formal state institutions. Many studies hold that an absence of large-scale repression in consolidated democracies removes the motivation for violent rebellion among potential insurgents, as this lack of repression opens up less-costly channels for expressing dissent, such as peaceful protests. Therefore, in theory, non-democratic regimes should generate more motives for armed conflict.[37] Having said that, non-democratic regimes usually do not allow for the organisational space that potential insurgents need to form a movement, and thus decrease logistical opportunity structures for violent mobilisation. As a result, authors typically hold that hybrid regimes, in which elections take place but authoritarian features such as the censoring of media and the oppression of opposition voices prevail, have the highest risk of violence. This hypothesis on the conflict potential of hybrid regimes is further underlined by the argument that states in transition often see a number of new actors compete for power by drawing on nationalism or ethnic sentiments in order to gain votes.[38] Empirically, the relationship between regime type and armed conflict has been disputed due to problems with macro-level, structural indicators measuring the degree of democracy or autocracy in a country.[39] Recent studies suggest that different types of hybrid regimes, such as multiparty electoral autocracies and personalist or neo-patrimonial autocracies, demonstrate the greatest risk of conflict onset.[40]

In Ukraine, political macro-level explanatory variables indicate that the potential for conflict was already present in 2004. In the year of the Orange Revolution, Ukraine looked back

on 10 years under the rule of President Leonid Kuchma of the Party of Regions, a party that traditionally enjoyed particular electoral and financial support from ethnic Russians and Russian-speaking Ukrainians in the eastern *oblasts*. Kuchma has been perceived by some as a "poster-boy" semi-authoritarian ruler.[41] The "ingredients" of his semi-authoritarian rule included regular elections that were nevertheless marked by an absence of fairness or the restriction of the opposition's access to media, strong links between judicial and executive state institutions, and regular (and fatal) attacks against opposition candidates or journalists. After the Orange Revolution, however, Ukraine made progress in terms of democratisation (for instance, it was rated as "free" by Freedom House in 2005), but the country relapsed into semi-authoritarian rule in 2011. This reversal came after the leader of the Orange Revolution and the subsequent president of Ukraine, Viktor Yushchenko, lost the 2010 presidential elections against Yanukovych, whom he had already contested in 2004. Yanukovych "quickly redefined the rules of the … political system," limited academic freedom, and introduced press censorship.[42]

3 The Role of Agency in War and Peace in Ukraine

As the above discussion shows, the macro-level, structural variables that are commonly promoted in the existing research as the causes of armed conflict point to the potential for violence in Ukraine in 2004 or show that in terms of such structural indicators, 2014 was not much different from 2004. The fact that violent conflict only erupted in Ukraine in 2014 is thus a puzzle, and one which makes it fruitful to study agency factors in order to increase our understanding of the country's recent conflict. Using such agency explanations, past research has often modelled armed conflict onset as a result of strategic bargaining failures between political actors.[43] In the bargaining situations modelled, two players (such as a government and an opposition group) negotiate the distribution of an object (such as control over territory), and both prefer the outcome that most favours their respective interest (such as controlling the entire territory). Bargaining theory models violent combat as an extremely costly strategy for reaching an outcome, firstly because such combat destroys resources – making the "pie" to be divided between the players smaller after armed conflict than before (e.g. all arable land on a territory may be inaccessible due to landmines) – and secondly because the act of fighting itself has no inherent benefits. Given these high costs of fighting, there must in theory always exists at least one ex ante peaceful bargain that leaves both players better off than if they were to resort to violence. But players are often unable to reach this deal, meaning that bargaining breaks down and armed conflict occurs. This inability to arrive at a peaceful bargain that both parties would prefer over a costly fight is explained by the presence of commitment problems. Commitment problems arise when relative positions of power between parties that are becoming stronger and parties that are becoming weaker change.[44] A party that is becoming stronger cannot credibly promise not to exploit its

powerful position in future, meaning that it cannot credibly commit to not breaking the peaceful deal that both initially preferred to a fight. This means that a party that is growing weaker must initiate a fight as early as possible, in order to prevent its elimination if power shifts too much in the stronger one's favour, which would then consolidate the latter's new position.[45]

Credible commitment problems can, however, be overcome. Past research has particularly supported the idea that power-sharing institutions can mitigate commitment problems and increase the likelihood of peace, while institutions without cooperative elements are more likely to be followed by war. Power-sharing institutions can provide credible guarantees for a weakening party that it will be included in consensual decision-making and thus have a voice in future politics. Power-sharing thereby increases the immediate benefits of cooperation over those of defection and armed conflict for a weaker-growing party – for instance, by granting parties pay-offs that make participating in the institutions guiding a peaceful transition more attractive than undertaking a costly fight. A position within a power-sharing regime also increases the party's political leverage, its voice in the design of institutions or in the passing of laws that will be hard to renege on, and its ability to learn about the rules of the political game and how to manipulate these rules to its advantage.[46]

Moreover, power-sharing can also reduce the expected utility of armed conflict for both parties by decreasing the perceived probability of winning and thus increasing the cost of fighting. Power-sharing means that a former government now has to share resources instead of being in control of all national means to defend or attack. For potential insurgents, power-sharing increases the cost of combat as it weakens the relationship between elites and subordinates: If a government offers potential insurgents seats in a power-sharing government, it signals its aim to make the government a body that addresses the insurgents' fear of marginalisation, thus weakening a leader's claim to her/his followers that the government does not act in the interest of all citizens and should thus be fought. This increases the costs involved in mobilising the rank and file.[47]

To understand the role of commitment problems following Ukraine's transitions, the remainder of this section seeks to identify the precise mechanisms that connected institutional designs to the onset of conflict in 2014 and the absence of conflict in 2004. In order to precisely identify and assess the decision-making processes of political actors, the paper uses media reports as well as previous studies to gather elite and civil society statements from all parts of the political spectrum.

3.1 Commitment Problems in the Aftermath of the Orange Revolution

Can agency factors explain why the Orange Revolution initiated a peaceful transition to democracy? Ukraine's citizens were scheduled to elect a new president on 31 October 2004, and President Kuchma had served two five-year terms since coming to power in 1994. While the 1996 constitution prohibited a president from serving more than two terms, the

constitutional court had in 2003 declared that Kuchma could run again. In this very controversial decision, the court had argued that the person first elected under the 1996 constitution (which was, in effect, Kuchma in 1999) had the right to run again.[48] But facing very low popularity levels, Kuchma backed out and instead supported his Party of Regions ally and the sitting prime minister, Yanukovych. The latter ran against opposition candidate and former prime minister Yushchenko of the Our Ukraine block.

In the first round of elections on 31 October, no candidate managed to secure the necessary absolute majority of votes, and the Central Election Commission waited 10 days – the maximum number allowed by law – before releasing the results of the first round of voting, arousing much suspicion among voters. A run-off vote was then set for 21 November. According to the results of the Central Election Commission, which were published on 24 November, Yanukovych won this run-off, but foreign election observers reported that the elections had been rigged.[49] Protests, previously limited to Kiev, escalated into mass demonstrations all over Ukraine. Some hold that at this point, Ukraine was on the brink of secessionist conflict.[50] Local governors in the eastern and south-eastern *oblasts*, the strongholds of the Party of Regions, had begun to meet with Yanukovych and the mayor of Moscow, Yuriy Luzhkov, in Donetsk in order to prepare for outright secession and the independence of eastern Ukraine, or at least regional autonomy.[51] After these meetings, the governors of three *oblasts* declared that they would hold an autonomy referendum for a "South-East Republic" if Yanukovych's victory was not recognised. Some Yanukovych supporters were even quoted as calling for armed rebellion.[52]

From a bargaining perspective, this threat of violent secession or regional autonomy was likely perceived as a credible one by Yushchenko's political camp, because for both sides in the 2004 crisis, the best possible outcome would be winning the presidency and thus gaining control over the entire Ukrainian government and its resources. The second-best outcome was not secessionist war, but rather a compromise that would see the parties share such resources. For instance, Donetsk mayor Oleksandr Lukianchenko was quoted as follows: "No one wants autonomy – it's a last resort. Our call for a referendum is a warning … The demonstrations in Kiev must cease so that politicians can negotiate a compromise to include Yanukovych in the government."[53] That the threat of secessionist violence was still credible becomes apparent if we look at potential commitment problems. After the electoral run-off on 21 November, Yushchenko's camp was on many counts the party that was growing stronger. He had managed to secure the support of many EU leaders, of other opposition candidates in Ukraine, and of civil activists in the streets of Kiev who had begun to block all government buildings in the capital. The majority of international monitoring organisations present in Ukraine had also "declared that the Ukraine 2004 presidential elections had been rigged," thereby increasing "the pressure on the government to rerun the elections."[54] President Kuchma, on the other hand, faced extremely low popularity levels. State security forces had shifted sides and refused to use force against Yushchenko's supporters, and the

civil administration had also begun to side with Yushchenko.[55] Moreover, due to the economic recession of the 1990s, the once-strong iron and steel industry in the eastern *oblasts* populated by Kuchma's and Yanukovych's support base had begun losing its strength and provided significantly less bargaining leverage to the Kuchma camp.[56]

In this strategic bargaining situation and without any credible guarantees that they would not be marginalised in a future state, a Kuchma and Yanukovych camp that feared that Yushchenko would manage to take all of the "pie" had two options: it could either accept political defeat and Yushchenko as president, or it could mobilise more strongly for either autonomy or secession. In fact, Yanukovych may even have been inclined to choose the latter strategy: he was reported to have tried to persuade Kuchma to use force against civil protesters; however, with defecting security forces weakening his bargaining position, Kuchma had already lost this option.[57] At the same time, the Yushchenko camp had at several points in time hinted that it would not let the other side go unpunished if Yushchenko was to win the presidency. For instance, in 2002, Yushchenko and other opposition leaders had already proclaimed "the beginning of a state revolution in Ukraine" with the ultimate goal of overthrowing the Kuchma regime.[58] And during the Orange Revolution, Yushchenko's ally and the leader of the All-Ukrainian Union Fatherland political party, Yulia Tymoshenko, spread all but conciliatory messages. For instance, she called Kuchma a "red-haired cockroach" and asked his political supporters to "hang themselves."[59] More generally, in a country where patronage networks strongly predicted how state resources were distributed and where loyalty to the president determined who had access to administrative jobs, each political camp must have feared being marginalised if the other were to win the presidency.[60] In sum, without any credible guarantees in place that would have prevented their marginalisation within a future state, the pay-offs of secession for the Kuchma and Yanukovych camp were greater than those of accepting defeat.

But instead of experiencing an escalation into secessionist conflict, the Ukraine saw peace prevail and took steps towards a non-violent democratisation process in 2004. From a bargaining theory perspective, among the determinants of the peace after 2004 was the fact that following international mediation, the rival camps negotiated credible guarantees for power-sharing institutions that alleviated commitment problems by altering Ukraine's political system considerably. The round-table talks between Kuchma, Yanukovych, and Yushchenko began on 26 November. On 1 December, the parties signed a compromise paper in which Kuchma and Yanukovych agreed to repeat the run-off vote of 21 November (they had earlier demanded to repeat the entire vote), while Yushchenko agreed to ask his orange-clad supporters on Kiev's streets to cease the blockade of government buildings. Most importantly, the parties agreed on constitutional changes for the years to come. These reforms, passed by the parliament on 8 December, greatly restricted presidential powers relative to those of parliament; the president could now appoint only the prime minister, the defence minister, and the foreign minister, and the president's own appointment was largely

ceremonial and subject to the approval of parliament. He also lost the right to dismiss the cabinet.

These reforms changed the rules of the political game and turned Ukraine from a presidential system into a semi-presidential one. This negotiated compromise did more than just increase all actors' input into the design of political institutions, their knowledge of the rules of the political game, and their belief in long-term political survival. It also provided Yanukovych and Kuchma with a credible guarantee that they would not be marginalised in a future state under Yushchenko. And while Yanukovych was likely to lose the presidency, he knew that he was in control of the largest party in the now significantly strengthened parliament, and with the constitutional power-sharing rules in place he negotiated the best possible outcome for his role in future politics. Given this strong position, Yanukovych's commitment problems were alleviated and his camp's best strategy was cooperation rather than secession.

Consequently, when the run-off vote was repeated on 26 December, Yushchenko won the majority of votes and the election was evaluated by international observers as being substantially closer to international standards.[61] Yushchenko appointed Tymoshenko as prime minister on 24 January 2005, and Yanukovych's Party of Regions assumed its role as the opposition. However, the new government came to be marred by power struggles between Yushchenko and Tymoshenko, which ultimately paved the way for Yanukovych's return to power. In 2006, the Party of Regions won the parliamentary elections, and Yanukovych resumed his position as prime minister. Because the latter had negotiated a strong role for this position during the Orange Revolution, this election initiated a period of power-sharing between Yushchenko and Yanukovych that the swiftly implemented constitutional compromise of 2004 was not equipped for, as the constitutional model involved a "risky dual executive approach" that lacked "an efficient system of checks and balances."[62]

3.2 Commitment Problems in the Aftermath of the Euromaidan Protests

Yanukovych's return to power did not stop at becoming prime minister. On 7 February 2010, he won a run-off vote for the presidency against Tymoshenko, becoming Ukraine's fourth president. The same year, the constitutional court reversed the constitutional amendments that had been negotiated during the Orange Revolution, thereby weakening the role of parliament and strengthening Yanukovych's presidential powers considerably. In 2013, with his rule – during which Tymoshenko was imprisoned – becoming increasingly authoritarian, Yanukovych refused to sign an association agreement with the EU, opting instead to seek closer economic ties with Russia.[63] This decision motivated new protests in Ukraine that escalated into violence in February 2014, when gunshots, allegedly fired by pro-Yanukovych policemen, left several civil activists at Kiev's Independence Square dead.[64] These shootings erupted shortly before German foreign minister Frank-Walter Steinmeier and his Polish and

French counterparts Radoslaw Sikorski and Laurent Fabius met with Yanukovych to negotiate a compromise between the government and the political opposition, as international mediators had also done in 2004.[65] As in 2004, local governors in the eastern and south-eastern *oblasts* discussed the possibility of declaring independence and seceding from the state – for instance, in Kharkiv, where "local governors voted to take control of their territories."[66] Yanukovych's camp was again the party that was growing weaker in the bargaining situation, with a mass defection of allies in the parliament and the Interior Ministry.[67] A police officer was cited, for instance, as saying that the minster of the interior "had disappeared, and nobody was taking calls," and that all the superiors were "running away."[68] And as in 2004, a deal, mediated by the European foreign ministers, was signed by Yanukovych and the opposition on 21 February. In this "Agreement on the Settlement of Crisis in Ukraine," the signatories agreed to form a national unity government, to reinstate the 2004 constitution that had turned Ukraine into a semi-presidential system, and to hold early presidential and parliamentary elections.[69]

But why did the 2014 accord fail, while the 2004 agreement resulted in a peaceful transition process? Whereas the 2004 deal lay down long-term changes to the political system that were at first difficult to renege on by the parties, the 2014 accord provided for concessions and early elections that "rather than securing his future … sent a signal to Mr. Yanukovych's allies that it was time to change sides." [70] In contrast to the 2004 compromise, the 2014 deal also included the concession by Yanukovych to allow an investigation into the recent shootings in Kiev that had left dozens of protesters dead, an investigation that was to be supervised by the Council of Europe. Yanukovych could thus have feared being prosecuted in a future state. He may also have feared this because, as in 2004, the opposition did not adopt a reconciliatory approach toward his regime: after signing the peace agreement, for instance, the mayor of Kiev, Vitali Klitschko, apologised to activists at Kiev's Independence Square that he had shaken hands with Yanukovych.[71] Most importantly, protesters were reported to have seized a large stock of weapons, leaving Yanukovych supporters "worried about being hung out to dry."[72] With the security forces defecting and the presidential administration building and Yanukovych's private home being left unguarded, the only rational move for Yanukovych was to flee. He left the capital on 21 February, and clashes between pro- and anti-Yanukovych protesters erupted throughout the country.[73]

Why were Ukrainian parties unable to avoid the costly violent conflict that followed these clashes? As argued in the introduction to this paper, previous accounts of Ukraine's violence have stressed the role of Russia in arming separatist insurgents in the Donbass. While this factor is without doubt among the central determinants of Ukraine's ongoing and prolonged armed conflict, domestic agency factors and commitment problems between political camps are also helpful in understanding the initial onset of violence. To recall, commitment problems arise if a party that is gaining in strength cannot credibly promise not to exploit its advantages in future and marginalise a weaker party, thereby causing the latter to initiate

conflict as early as possible to prevent power from shifting too much in the stronger party's favour. Such problems are overcome by giving the weaker party credible guarantees that it will not be marginalised.

When Yanukovych fled Kiev, the credible guarantees that were negotiated in the 21 February agreement were not put in place by the opposition, now that power had shifted so much to its advantage. On 22 February, the parliament started ousting former ministers of the Party of Regions. On 23 February, it voted to repeal the 2012 law on minority languages that had given Russian the status of an official regional language in some areas of Ukraine and that had permitted the use of Russian in courts, schools, and government institutions in the eastern and south-eastern *oblasts*. If the repeal had been signed into law by the president, it would have made Ukrainian the sole official state language. Politicians in Kiev recognised that this move would raise commitment problems for Russians and Russian-speaking Ukrainians (which ultimately led Acting President Oleksandr Turchynov to announce on 28 February that he would veto the repeal bill), and many ethnic Russians saw this act of parliament as evidence that they were entering a period without any serious indication that political institutions would credibly guarantee their rights and act in the interest of all citizens.[74] The perceived importance of the language bill as a credible guarantee of the rights of the Russian-speaking minority had been stressed by the author of the law in 2012, who argued that the "bill is a recognition that Ukraine is on a European path, that all people here are equal … It's a human right to speak your mother tongue."[75]

On 25 February, Acting President Turchynov called for the formation of a transitional government of national unity, which convened on 27 February. However, a true power-sharing transitional government of national unity, which could have alleviated commitment problems by ensuring that all parties had a voice in decision-making, would have included members of Yanukovych's Party of Regions; these elites did not receive any seats in the cabinet. In fact, members of the Yanukovych regime, such as the former governor of Luhansk, Oleksandr Yefremov, complained that they were never invited to participate in the transitional government. Yefremov stated that he had expected and wished for "more of a presence from his region."[76] Instead, positions in the transitional cabinet were distributed between members of the opposition, diplomats, and civil activists. The transitional cabinet also included members of the radical right-wing party All-Ukrainian Union Svoboda, a move that further increased fear and resentment among ethnic Russians and Russian-speaking Ukrainians. Svoboda's support base has traditionally been centred in western and central Ukraine, and was portrayed for years as a Nazi threat by the state-controlled media associated with the Yanukovych regime. Svoboda has in the past often emphasised the use of the Ukrainian language and has thus been labelled anti-Russian.[77] Hence, Svoboda's call to abolish the Crimean authority and its push to downgrade the status of the Russian language when it joined the transitional government were seen as a direct threat to the eastern Ukrainian strongholds of Yanukovych, as well as, arguably, "flagrantly provocative to Ukraine's millions

of ethnic Russians and incredibly stupid as the first steps of a new government in a divided country."[78]

The perception of a threat is further illustrated by quotes from protestors on the Crimean peninsula, who, commenting on the formation of the transitional government, stated that they would "never surrender to those fascists in Kiev," that their struggle was "only just beginning," and that bloodshed was "inevitable."[79] Accordingly, and in reaction to the transitional government, the council of Luhansk voted to remake Russian a second official state language and to ban Svoboda as a political party. Throughout the eastern *oblasts*, protesters began to seize government buildings, raised the Russian flag, prepared to set up a parallel administration, and demanded a referendum on secession.[80] The protests had left several dead as of mid-March 2014, and the parallel administrations became the self-proclaimed states of the Donetsk People's Republic and the Luhansk People's Republic in April.[81] Given the demonstrated lack of credible guarantees by the transitional government in Kiev, it was rational from a bargaining perspective for groups in the eastern *oblasts* to mobilise for secession and declare the parallel republics before the increasingly stronger pro-European block had fully consolidated its control over the Ukrainian security forces. The eastern *oblasts* must also have feared that if they waited, the transitional government would manage to gain full control of Ukrainian territory and their governing institutions. For instance, Crimean citizens are said to have feared "that the new leadership in Kiev [would] soon fire the local government." Thus, the "demonstrators elected a new city leader, Aleksei Chaly, who vowed to defend Sevastopol."[82] In response to this secessionist mobilisation and to insurgents refusing to lay down their arms, the transitional government launched a counter-insurgency on 15 April, which resulted in the first battle-related deaths between the warring parties and the onset of Ukraine's armed conflict.

4 Conclusion

This paper has asked why Ukraine's revolutions of 2004 and 2014 had opposing outcomes, with the 2004 Orange Revolution initiating a peaceful transition to democracy while the 2014 protests escalated into armed conflict. It has argued that in addition to previous interpretations of Ukraine's present conflict as a function of Russian strategies and interests, a focus on domestic factors is also helpful. This is particularly the case if we are interested in understanding the onset of armed conflict in the eastern *oblasts* rather than the prolonged nature of the violence, which has been fuelled by Russia's arming of separatist insurgents.

The paper has demonstrated, first, that on the basis of the structural, macro-level factors that have commonly been proposed by past research as an explanation of conflict onset, Ukraine in 2004 was not much different from Ukraine in 2014. The fact that violence only broke out in 2014 thus represents a puzzle for students of armed conflict, rendering it fruitful to take domestic agency factors into account. Consequently, the paper has followed the exist-

ing research by modelling armed conflict as a result of bargaining failures and credible commitment problems between political actors, thereby showing that commitment problems can be overcome through the institutionalisation of power-sharing arrangements at the national level. It has subsequently shown that during the 2004 Orange Revolution, the opposing camps jointly negotiated credible guarantees for the weakening party – Yanukovych's political constituency – that it would not be marginalised in future politics by, among other things, implementing a power-sharing arrangements that turned Ukraine from a presidential political system into a semi-presidential one. Conversely, in 2014 the transitional government made no power-sharing deals with representatives of the former regime and quickly took a confrontational stance against ethnic Russians (Yanukovych's support base) by proposing to repeal a law that made Russian the second official state language and by incorporating Svoboda ministers in the cabinet. These steps increased commitment problems among separatists in the eastern *oblasts*, and without credible guarantees to prevent their future marginalisation, it became rational for them to mobilise for secessionist violence in April 2014, as the transitional government in Kiev had not fully consolidated its grip on power throughout the territory.

In sum, this paper has contributed to previous interpretations of Ukraine's crisis by focusing on domestic agency factors as an explanation of the recent armed conflict. This analytical strategy should, however, be regarded as complementary to previous accounts that stress, for instance, the external role of Russia in Ukraine's war. For example, the bargaining situation between domestic parties is likely to have shaped Russia's decision to intervene. As noted above, Dunn and Bobick find in their recent analysis that Russia is increasingly developing new strategies to portray military interventions as humanitarian, and that it justified its aggressive behaviour on the Crimean peninsula as a response to the appointment of Svoboda ministers to the interim cabinet. [83]

This paper has also drawn upon past analyses of the role of institutions and intrastate warfare, demonstrating the benefits of power-sharing arrangements in helping parties overcome commitment problems and cooperate peacefully within formal political institutions instead of fighting for state power on the battlefield.[84] It has also shown that the 21 February agreement, which followed the 2014 protests and which was negotiated by the German, Polish, and French foreign ministers, already included power-sharing guarantees; however, the agreement did not survive, as Yanukovych was unable to uphold the terms of the agreement due to his increasing personal insecurity. The paper has thus also stressed the findings of past studies that emphasise the importance of third-party security guarantees which aid the implementation of agreements by alleviating such perceptions of insecurity for parties that are growing weaker.[85]

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