Jean Monnet Module Erasmus+ Civil society in conflict resolution process: the EU experience for Ukraine

101084973 — EURoCoRP — ERASMUS-JMO-2022-HEI-TCH-RSCH

Course "CIVIL SOCIETY IN RESOLVING MODERN CONFLICTS"

Academic year 2024-2025 Didactic materials

Co-funded by the European Union

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Ostroh 2025

Course “Civil Society in Resolving Modern Conflicts”. Academic year 2024-2025. Didactic materials. Ed. Serhii Ishchuk, Tetiana Sydoruk, Dmytro Shevchuk, Olena Shershnova, Kateryna Yakunina. Ostroh 2025. 80 p.

Co-funded by
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Contents

Project
“Civil society in conflict resolution process:
the EU experience for Ukraine”

Project Title: Civil society in conflict resolution process: the EU experience for Ukraine (101084973 — EURoCoRP — ERASMUS-JMO-2022-HEI-TCH-RSCH)

Timing of the Project: 01.11.2022-31.10.2025

Project Coordinator: The National University of Ostroh Academy

About the Project:

This Project aims to promote the EU values of civil society in the conflict resolution process and increase awareness about the present conflicts hybrid type. **Specific objectives** are:

- to activate discussions about current conflicts hybrid type between the academic world and broad audiences, especially media, local policymakers, representatives of amalgamated communities of Rivne and Khmelnytskyi by providing three roundtables with EU speakers;
- to remote excellence in teaching and research in the field of EU studies worldwide by preparation of 3 courses “Hybrid conflicts as a threat to security systems,” “Activism in cyberspace as a hybrid threats

counter," and "Civil society in resolving modern conflicts" (15 ECTS) for not less than 75 BA students;

- to generate knowledge about civil society in the field of conflict resolution process through research activities in this field by preparing 2 peer-reviewed articles;
- to strengthen the role of the EU as a political actor in the conflict resolution process by providing 10 planned project events, especially in Three International Conferences "The problem of cultural identity in the situation of contemporary dialogue of cultures" and the International Conference "Civil society in conflict resolution process: the EU experience for Ukraine" with EU spikers (not less than 200 people will take part);
- to build a stronger project team, who receive the ability to adapt EU experience at local and regional levels for sustainable development of project deliverables, as well as for future ideas and plans;
- to increase the number of information products on the topic of civil society in the conflict resolution process in the project implementation process by creating 3 didactic materials;
- to provide information dissemination and promotion of project activities and results among the citizens of Ukraine by spreading 3 types of this Project's deliverables (website, MOOC and Textbook) to a wider audience.

Course:
“Civil Society in Resolving Modern Conflicts”

Topic: 1: Theoretical foundations of civil society.

Approaches to understanding civil society. Models of functioning of civil society. The structure of civil society. Functions of civil society. Value characteristics of civil society.

Topic 2: Civil society as an integral attribute of modern democracy.

Concepts and principles of functioning of civil society. Self-organization as a basic feature of civil society. The structure and functions of civil society. Institutes of civil society. The relationship between civil society and the state. The problem of civil society maturity. The question of the ratio of individual and collective rights and freedoms in the process of civil society functioning.

Topic 3: Collective and individual participation in the partnership model of interaction between civil society and state institutions.

Legal aspects of interaction between civil society and the state. consultations with the public. Activities of public councils under executive authorities. Public examination of the activities of executive authorities. The problem of effectiveness of public control mechanisms.

Topic 4: Legislative principles for ensuring the functioning and development of civil society.

General characteristics and principles of legislation in the field of civil society. Norms that determine basic approaches to understanding civil society and its interaction with the state. Norms regulating the activities of civil society institutions. Norms defining the legal basis of collective and individual participation in the

process of interaction between civil society and the state. Norms providing for state financial support of civil society initiatives.

Topic 5: Political parties as an instrument of civil society participation in government.

The place and role of political parties in the institutional structure of civil society. Functions of political parties. Political parties as a subject of the electoral process. Guarantees of activity of political parties. Peculiarities of the activity of opposition parties.

Topic 6: Public sentiment, government and civil society.

The concept of global responsibility: state – civil society. Constitutional principles of interaction between civil society and the state. Comparative analysis of the interaction between the state and civil society in the EU states and in Ukraine. Characteristics of models of interaction between the state and civil society.

Topic 7: Modern practices of public activity and self-organization.

Public organizations and movements in the structure of civil society. Concept of public organizations and movements. Public organizations and movements in EU countries. Public organizations and movements in Ukraine.

Topic 8: Public associations are the basic institution of civil society functioning.

Functions of public associations in the structure of civil society. Concept and principles of formation of public associations. Principles of interaction of public associations with state authorities, authorities, and local self-government bodies. Peculiarities of formation and functioning of public associations. Legal status of members of public associations.

Topic 9: Anti-corruption activities of civil society organizations.

Civil society and anti-corruption. Tools and activities. Internal and external success factors. The impact of anti-corruption activism in Ukraine.

Topic 10: Features of the functioning of civil society in the economic sphere.

The place of economic relations in the structure of civil society. The middle class as a result of the development of freedom of members of civil society in the economic sphere. Direct financial support of civil society institutions. Indirect financial support through the establishment of tax incentives for civil society institutions and initiatives. Social services as an economic form of interaction of executive power bodies, local self-government with institutions of civil society.

Topic 11: Mass media as a control and information resource of civil society.

Mass media as a means of formation and channel of expression of public opinion. Mass media as a "control resource" of civil society. Legal principles of mass media functioning in Ukraine. The concept of "citizen mass media" and features of its implementation in Ukraine. Peculiarities of the application of the institution of refutation in the process of mass media activity.

Topic 12: Volunteer movement in Ukraine.

Principles of the volunteer movement. Forms of the volunteer movement. The Russian-Ukrainian conflict as a factor in the activation of the volunteer movement in Ukraine. The role of the volunteer movement in deterring Russian aggression before 24/02/2022.

Topic 13: The main trends of youth activity and self-organization.

Youth public organizations as a tool of socialization and formation of an active public position. The level of youth involvement in the activities of youth associations. The level of civic and socio-political activity of young people. Youth activity and social capital. Self-organization of youth and self-organization of society.

Topic 14: Effective responses to threats to national security: opportunities for civil society.

The security aspect of civil society functioning. The role of civil society in the process of settlement of the Russian-Ukrainian conflict. Public initiatives for conflict resolution. Information and advocacy activities.

Topic 15: The Orange Revolution and the Revolution of Dignity as manifestations of the maturity of civil society in Ukraine.

Ways of formation of civil society in the process of modernization of modern Ukraine. Bodies of self-organization of the population as a factor in the development of civil society in Ukraine. The role of mass media in building civil society. Electronic democracy as a factor in the development of civil society.

Topic 16: Exercise of the right to civil protest and peaceful assembly.

Concept of public protest and its forms. Constitutional principles of the exercise of the right to peaceful assembly. Rule on the legislative subject of legal regulation of freedom of peaceful assembly. Grounds for restricting the right to peaceful assembly. Obligations of the state regarding the realization of the right to peaceful assembly.

Topic 17: Identity: the cause or precondition of conflict.

Types and forms of identities. Conflict and integration potentials of the problem of identity. The problem of "identity conflicts". The problem of identity formation and the national interest of the country. Valuable ideas about the identity of the country as a safeguard against the occurrence of conflicts. The role of identity politics in the cognitive dimension of hybrid conflicts.

Topic 18: International standards for implementing the right to peaceful assembly and the problems of their provision in Ukraine.

General characteristics of the practice of the European Court of Human Rights in the sphere of peaceful assembly (Article 11 of the Convention). Issues regarding the quality and necessary orientation of the normative act in the field of peaceful assemblies. The issue of restriction of the right to freedom of peaceful assembly: a three-pronged test. Prior notice rule. Peculiarities of holding simultaneous meetings and counter-meetings.

Topic 19: EU engagement with civil society.

The importance of civil society in the EU. The influence of civil society on the processes of European integration. Participation of civil society in the public life of the EU countries. The influence of civil society organizations on EU foreign policy.

Topic 20: Civil society in the Eastern Partnership countries.

Forum of civil society. Thematic priorities of activity. Ukrainian national platform. Initiatives. Statements of the forum on conflict situations in the countries of the Eastern Partnership.

Teachers

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Reading Texts

David Jackson, Oleksandra Keudel
Anti-corruption capacity in Ukraine's local self-government

Investing in anti-corruption capacity is an important route to securing the democratic benefits of decentralisation reforms in Ukraine.

Decentralisation of governance has been a major success for Ukraine so far. It has created a system of local self-government (LSG) authorities with relative autonomy and resources for public service provision across 1,470 *hromada*s (municipalities). Every *Hromada* has directly elected mayors and councils that jointly appoint accountable executive bodies, separate from district (*rayon*), regional (*oblast*), and national levels of government.

The introduction of martial law due to the Russian invasion has impacted some LSG operations. However, LSGs maintain their relative autonomy in local socio-economic development, and provide public services during wartime. This continued capacity is important. Because the Russian invasion has caused significant damage in the housing, energy, and social sectors, most reconstruction efforts will be in local communities. Ensuring that reconstruction is fair, efficient, and free from corruption is an increasingly important task for LSGs.

Ensuring that reconstruction is fair, efficient, and free from corruption is an increasingly important task for local self-governments.

The November 2024 U4 Issue Advancing anti-corruption capacity in Ukraine's local self-government by local government expert Oleksandra Keudel, demonstrates how there is an emerging assortment of credible anti-corruption practice at the LSG level that should benefit from further investment. The paper is based on interviews with practitioners in local governance, anti-corruption, and development, and *Hromada* representatives. It highlights how anti-corruption capacity can progress at these levels to help safeguard the democratic outcomes of decentralisation reforms, even during the war.

Credible, sensitive, and innovative anti-corruption within local self-governance

While it is not easy to generalise, the evidence demonstrates how many local communities have strengthened their anti-corruption capacities since the Revolution of Dignity in 2013-2014. This has been underappreciated. The U4 Issue outlines the range of tools that LSGs have available to improve capacity, from anti-corruption officers and risk management instruments for increasing transparency, to open data and e-governance mechanisms: all entry points for further capacity development.

LSGs' anti-corruption practice is often sensitive and innovative. LSGs have been at the forefront of public engagement and open government in Ukraine since 2014.

LSGs' anti-corruption practice is often sensitive and innovative. LSGs have been at the forefront of public engagement and open government in Ukraine since 2014. LSG officials are integrated in their communities and often committed to the community's prosperity. In smaller communities, officials may address integrity breaches to protect their reputation in response to formal complaints and corruption rumours. National and local non-governmental organisations have improved local integrity by being

incorporated as watchdogs, facilitators, and partners. Sometimes, anti-corruption activists may join LSG executive bodies to implement reforms. LSGs have also experimented with innovative tools such as participatory budgets, multi-stakeholder platforms, and consultation mechanisms.

Investing in anti-corruption as protection from creeping re-centralisation

Despite this emerging capacity, there is an increasing challenge to decentralisation: concerned about corruption at local levels, the central government has sought to re-centralise powers and competences from LSG levels. For example, a recent draft law, no. 5655, attempted to transfer municipal planning rights to a centralised body under the premise of fighting corruption; it received pushback from the European Parliament and Ukrainian civil society. Centralisation is often justified by capacity arguments: because of administrative cohesion, central levels of government can enact stricter controls and processes.

There is an increasing challenge to decentralisation: concerned about corruption at local levels, the central government has sought to re-centralise powers and competences.

While there may be a short-term rationale to these efficiency arguments, Dr Keudel argues that the narrative of centralisation to manage corruption risks is based on a false economy: the creeping re-centralisation of competences over the management of resources may unnecessarily undermine Ukraine's democratic future. Considering a history of misusing anti-corruption to consolidate power in Ukraine before 2014, centralisation could strengthen authoritarian tendencies that are more difficult to tackle during war. Also, past cases of donor-driven reconstruction, which undermined local accountability by disempowering local authorities,

show that centralisation in the name of efficiency has negative unintended consequences for state-building.

Dr Keudel argues that anti-corruption efforts must be aligned to Ukraine's democratic state-building. Therefore, international partners and national and regional governments should recognise that further investment into anti-corruption at local levels in Ukraine is not an expense, but a credible investment in Ukraine's democratic future.

Four priority areas to advance anti-corruption practice

The U4 Issue's ideas for how to build capacity can be grouped around four strategic priorities:

1. Getting the framework in order: Clarify conflicting recovery and anti-corruption policies

Currently, the legal framework for recovery and reconstruction remains in flux due to the war. This complicates LSG operations and public monitoring. Overlapping planning documents, such as the mandatory 'recovery and development plan for recovery territories' and the optional 'complex programme for recovery of the *Hromada* territory', create confusion for LSGs. These documents lack alignment with national, regional, and local sectoral strategies, and potentially hinder effective recovery.

Laws governing LSGs are not fully aligned with the newest anti-corruption legislation. For example, contradictions and confusion in conflict-of-interest policies affects policy implementation in areas such as schools and municipal enterprises where working dynasties are firmly part of the professional culture.

Establishing clear communication with ministries through the Ministry for Communities, Territories and Infrastructure Development of Ukraine could help clarify these frameworks.

2. Provide incentives to promote further transparency and external evaluation

Competition for external financial and material resources drives LSGs to adopt anti-corruption tools as evidence of trustworthiness to attract potential partners, such as donor investments and business links. For example, with increased humanitarian aid needs and occasional misuse reports, Ukrainian municipalities began voluntarily reporting aid on their websites and social media to demonstrate credibility. Some use Prozorro (the online procurement portal) or develop their own systems to report disaggregated data in machine-readable formats.

Transparency should continue to be a focus for anti-corruption cooperation. Further efforts must address the lack of transparency on municipal asset management, general decisions, procurement, and housing options to ensure that citizens can intervene before LSGs make policy choices.

3. Strengthen LSGs' internal core

While outward anti-corruption, such as transparency, should continue to receive attention, resources and expertise are needed to support LSG institution-building on principles of integrity. This is not always incentivised: inward anti-corruption action – institutional redesign and corruption risk assessments (CRAs) – cannot be easily assessed from the outside. Therefore, these actions are rarely prioritised by LSGs due to resource constraints and the costliness of institutional change.

To do this, LSGs should work with the National Agency for Corruption Prevention, which offers tools for local CRAs, training on whistleblower protection, asset declaration, and conflict of interest policies. International cooperation partners could follow the

example of the EU Anti-Corruption Initiative in supporting LSGs to redesign their processes and internal organisation.

4. Foster local cross-sectoral communication

Anti-corruption reforms at the local level in Ukraine often emerged as a byproduct of communication between professional groups across different sectors. In the cities, which demonstrated 'political will' to fight corruption, LSG officials, civil society experts, and business representatives often negotiated the institutional change in iterative rounds of communication. Such negotiated reforms help sustain them, even when relevant top-down regulations change.

International partners can use their resources and reputations to foster cross-sectoral communication by setting up platforms and places where it can occur. Such platforms would be needed for LSGs and their local stakeholders, and for structuring communication between the LSGs and the regional and national authorities. Fostering mutual accountability in such collaborative platforms is a necessary component of anti-corruption capacity support.

Links in the article:

- https://zakon.rada.gov.ua/laws/show/64/2022#n2
- https://www.u4.no/publications/anti-corruption-capacity-in-ukraine-s-local-self-government
- https://www.europarl.europa.eu/doceo/document/B-9-2023-0275_EN.html
- https://www.chesno.org/en/post/5665/
- https://cup.columbia.edu/book/how-corruption-and-anti-corruption-policies-sustain-hybrid-regimes/9783838214306/
- https://ndupress.ndu.edu/Media/News/News-Article-View/Article/1979782/pathologies-of-centralized-state-building/

- https://infobox.prozorro.org/articles/zvituvannya-teritorialnih-gromad
- https://suspilne.media/mykolaiv/640590-u-2024-roci-na-mikolaivsini-zapracue-sajt-monitoringu-zberiganna-ta-vikoristanna-miznarodnoi-dopomogi/
- https://icld.se/en/publications/marcia-grimesoksana-huss-ksenia-ivanyshyn-2021-building-political-will-to-combat-corruption/
- https://www.mdpi.com/2076-3387/11/4/127

Published:

https://www.u4.no/blog/anti-corruption-capacity-in-ukraine-s-local-self-government

Review questions:

1. *Why is investing in anti-corruption capacity considered vital for the success of decentralisation reforms in Ukraine?*
2. *How have local self-government (LSG) authorities in Ukraine demonstrated resilience during the ongoing war?*
3. *What kinds of anti-corruption tools and mechanisms are currently used by LSGs to strengthen transparency and integrity?*
4. *What are the potential dangers of re-centralisation in Ukraine under the pretext of fighting local corruption?*
5. *How do participatory practices and public engagement contribute to anti-corruption efforts at the local level?*
6. *What legal and administrative challenges complicate the implementation of anti-corruption policies at the LSG level?*
7. *Why is it important to balance external transparency measures with internal institutional reforms in anti-corruption efforts?*
8. *How can international partners effectively support the development of local anti-corruption capacity in Ukraine?*

Jaap Hoeksma
The EU and the Global Quest for Lasting Peace

[Jaap Hoeksma focuses on the nature and functioning of the EU. He has recently published The Democratisation of the European Union*.]*

Seventy years after the start of the experiment with pooling sovereignty, the European Union turns out to embody the most significant innovation of the modern state system so far. The hallmark of the EU in its present form is that it applies the constitutional values of democracy and the rule of law to an international organisation. As a result, the EU can no longer be comprehended in the traditional terms of the Westphalian system of International Relations as either a state or an association of states. Instead, the EU has established itself as a new kind of international organisation, which may be perceived from the internal viewpoint of the citizens as a democratic union of democratic states, while it can be identified from the UN-perspective of global governance as a democratic regional polity. Recalling that the original aim of the founding states in the middle of the 20th century was to prevent the renewed outbreak of war (Nie Wieder Krieg), it will be suggested that the EU has developed a new model for ensuring lasting peace.

Eternal Foundation

The historical reason as to why the new model for attaining lasting peace emerged in Europe, is that the old continent formed the theatre of two devastating world wars in the 20th century. Since the start of the Early Modern Era the states of Europe have been conducting their mutual affairs on the basis of the Westphalian system of International Relations. The core of this system consists of

absolute sovereignty. It has been celebrated by Jean-Jacques Rousseau as the eternal foundation of our international system.

After its restoration in the wake of the Napoleonic adventures, the Westphalian system was generally regarded as the guarantor of the balance of power. Due to the emergence of the principle of self-determination in the course of the 19th century, major European powers saw themselves confronted with internal unrest and secession movements. The Great War (1914-1918) resulted in the demise of four empires and the rise of numerous smaller sovereign states in Europe and beyond. However, both the Treaty of Versailles and the League of Nations failed to address the root causes of war by leaving the principle of absolute sovereignty untouched.

The Legacy of Westphalia

The Organisation of the United Nations, which was founded after World War II, reaffirmed the right of self-determination and accentuated universal faith in human rights. On the old continent, ten countries established the Council of Europe in 1949 and adopted the European Convention on Human Rights and Fundamental Freedoms in 1950. Promising as these developments appeared to be, they did not meet the demand for no more war, expressed by the peoples of many European countries. The difference between the existing organisations and the European Community for Coal and Steel was that the founding states of the ECSC broke with the principle of absolute sovereignty by attributing sovereignty over the raw materials required for war to a higher authority. So, the process of European integration started as a deliberate attempt to overcome the constraints of the Westphalian system.

Notwithstanding their intentions, the way of thinking of post-war politicians continued to be dominated by the Westphalian template. In line with the artificial distinction between states and

international organisations they propagated the view that the values of democracy and the rule of law can only thrive within the borders of a sovereign state. In consequence, the legacy of the Westphalian paradigm caused a paralysing debate in the emerging polity. While all participants in the discussion about 'the nature of the beast' wanted their Europe to be democratic, one school of thought posited that the member states were to be regarded as the natural keepers of democracy, while the other school located the seat of democracy in the polity *per se*. Over the decades, the two opposing schools came to mistrust each other so deeply that progress could only be made if and as long as the end goal of the common effort was not mentioned. In hindsight, the appearance of this 'paradox of the finalité politique' is the more perplexing since the drafters of the 1957 Treaty of Rome had formulated the objective of their endeavour in post-Westphalian terms as 'to lay the foundations of an ever closer union among the peoples of Europe'.

The Democratisation of the European Union

This state of mind may be the main reason for explaining why post-war scholars and politicians have been unable to observe that the steadily expanding European polity was evolving in another direction than they had predicted. While customs unions are not uncommon in international law, the finding of the European Court of Justice in 1963 that the Member States had given their Community an 'autonomous legal order', should have been perceived as a clear sign that the polity was moving away from the Westphalian system. The ensuing identification of the Communities as a Union of Democratic States (Copenhagen 1973) served as an encouragement for the Member States to ensure that their polity would also acquire democratic legitimacy of its own. They transformed the existing Parliamentary Assembly into a directly elected Parliament. The first direct elections for the new parliament

were held in the spring of 1979, albeit that its members were chosen by the electorates as citizens of the Member States brought together in the Communities. The conditions for European democracy were created through the foundation of the European Union and the introduction of EU citizenship in 1992. Contrary to Westphalian premises, the new status established a direct link between the Union and its citizens and subsequently enabled the citizens to participate in the political life of the Union. The constitutional character of the emerging polity was accentuated through the introduction of the values of the Union by virtue of the 1997 Treaty of Amsterdam. The Charter of Fundamental Rights of the Union, adopted in 2000, was integrated in the 2007 Lisbon Treaty and openly defies the Westphalian dogmas by applying constitutional principles to an international organisation.

After the entry into force of the Lisbon Treaty, the EU was hit by a wave of crises. For almost a decade, the Union was shaking on its foundations, causing a number of member states to raise the question as to whether they should return to the old concept of national sovereignty. One country decided to withdraw from the EU altogether, while other member states envisaged to reform the Union from within. Poland and Hungary contested the introduction of the rule of law-mechanism in 2020 and argued in a dispute before the EU Court of Justice that the new mechanism amounted to unwarranted interference by the EU in their internal affairs. The ECJ rejected the utterly Westphalian complaint by establishing: first, the member states have voluntarily created their Union; second, have first agreed among themselves on their common values; and third, have subsequently applied these values to their Union. By concluding that the Union must also be able to defend these values within the limits of its competences, the Court confirmed that the EU has abandoned the Westphalian system.

The Kantian Quest for World Peace

Seen from the perspective of the quest for perpetual peace, which was initiated by the German philosopher Immanuel Kant towards the end of the 18th century, it may even be argued that the EU is emulating the Westphalian system. By sharing the exercise of sovereignty and by functioning as a dual democracy the EU is developing an alternative in reality to Kant's speculative binary option of either World Republic or Free Federation. Recalling the Kantian observation in his essay *Zum Ewigen Frieden*, that the consequences of injustices, committed in one part of the world, will also be felt elsewhere, it must be concluded indeed that the world has become too small for the exercise of absolute sovereignty by absolutely sovereign states. Today's blockade of grain from Ukraine by Russia leads to starvation in the Middle East and Africa. Europe may have been the first continent to experience that the Westphalian concept of absolute sovereignty has become obsolete in a globalised world. In consequence, the EU and its member states owe it to the world to lead by example and to show in practice that their post-Westphalian model of transnational governance can work.

Summit for Democracy

The present conclusions are not without relevance for the second edition of the global Summit for Democracy, which is to be held towards the end of March on five continents in a hybrid form. So far, academic authors have merely acknowledged the appearance of the democratic peace dividend. According to the Democratic Peace Theory, countries with liberal democratic forms of government are less inclined to wage war on each other than countries with other forms of government. The way in which the European polity has evolved in the course of seven decades, demonstrates that there is more to it. Summarising the EU's evolution in an aphorism, it may

be suggested that the desire to prevent the recurrence of war is resulting in the emergence of a transnational European democracy. The political prerequisite for this outcome consists of the willingness of the participating states to share sovereignty. Obviously, the practice of pooling sovereignty is only feasible between democratic states. The history of the EU corroborates the thesis that the new model for ensuring lasting peace can work on condition that the participating states have liberal democratic forms of government and that they are willing to refrain from the Westphalian principle of absolute sovereignty for the realisation of their common endeavour.

The Russian invasion of Ukraine without a formal declaration of war and, indeed, without a valid *casus belli* highlights the challenge for the present and the coming generations of European politicians. They have to make their post-Westphalian approach work in a world in which the Westphalian dogma of absolute sovereignty still prevails. In addition, it must be acknowledged that other democratic countries and allies continue to profess their adherence to the Westphalian paradigm. While the EU may argue that the European experience of the 20th century demonstrates that the 21st century world has become too small for absolute sovereignty, it can not force its friends let alone its foes into acceptance of its multilateral world view. The recognition of this dilemma should, however, not be perceived as an encouragement for returning to the old Westphalian ways, as the Brexiteers in the UK erroneously believe. The lessons to be learned from its own history compel the member states and the EU to go forward. There is no guarantee that their endeavour will succeed and that their attempt to transform the UN-system of global governance will bear fruit. Contemporary transborder problems like nuclear proliferation, climate change and pandemics, however, are exposing the limitations of the current system of international relations. They

highlight that absolute sovereignty is no longer the answer to global problems. If mankind wants to ensure the survival of Planet Earth, it will have to substitute a multilateral approach to global governance for the outdated Westphalian paradigm.

Links in the article:

- https://opiniojuris.org/2022/11/19/the-identification-of-the-eu-as-a-new-kind-of-international-organisation/
- https://opiniojuris.org/2010/07/17/is-the-european-union-now-a-state/
- https://curia.europa.eu/juris/document/document.jsf?text=&docid=254061&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=901318
- https://curia.europa.eu/juris/document/document.jsf?text=&docid=254062&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=3771365
- https://www.thoughtco.com/democratic-peace-theory-4769410

Published:

https://opiniojuris.org/2023/03/03/the-eu-and-the-global-quest-for-lasting-peace/

Review questions:

1. *How does the European Union challenge the traditional Westphalian system of international relations?*
2. *What historical events prompted Europe to develop a new model for lasting peace based on shared sovereignty?*
3. *Why is the European Community for Coal and Steel considered a significant departure from absolute sovereignty?*

4. *What is the «paradox of the finalité politique», and how did it affect the development of the EU?*
5. *How did the introduction of EU citizenship and the Charter of Fundamental Rights contribute to the democratisation of the EU?*
6. *How did the EU Court of Justice justify the rule of law mechanism in the face of challenges from member states like Poland and Hungary?*

Tarik Solmaz

Opinion – The West Should Drop the 'Hybrid Warfare' Discourse on Ukraine

Two years after the Kremlin escalated its 'deniable' intervention in Ukraine into a full-scale war, the term 'hybrid warfare' continues to be used to describe and refer to Russia's operations. Yet, this usage presents notable conceptual and practical challenges. Firstly, it obscures the misconceptions in Western defence thinking regarding Russia's way of warfare. Secondly, the persistent use of this label can be misleading as it overemphasises the non-kinetic aspects of Russia's war with Ukraine, which are no longer the centre of gravity of Russian strategy in Ukraine. Finally, the continued use of 'hybrid warfare' distorts the original meaning of the term and leads to semantic confusion.

To better understand these points, it is necessary to apprehend how and why 'hybrid warfare' has become established as being central to the security discourse of Western analysts and policymakers. In 2014, Russia annexed the Crimean Peninsula and weakened Kyiv's sovereignty in the Donbas region by combining covert military actions, such as employing masked soldiers wearing unmarked uniforms dubbed 'little green men', deploying mercenaries, and supporting local self-defence units, with a broad array of non-military means, comprising diplomatic pressure, cyber operations, propaganda, disinformation, and economic coercion, all without engaging in an open conflict with Ukraine's army.

Given that Russia's 2014 intervention in Ukraine deviated from traditional interstate war, it was widely characterised as a novel type of warfare in Western academic, political, and media discourse. Thus, there was an intense debate aimed at defining and categorising such a form of warfare. In this context, a broad range

of concepts, including 'hybrid warfare', 'grey-zone conflict', 'ambiguous warfare', and 'sub-threshold activity', has been used in the West to delineate Russia's so-called 'new' kind of conflict.

In mid-2014, NATO embraced the concept of hybrid warfare to describe Moscow's ambiguous operations in Crimea and the Donbas region. This adoption led to hybrid warfare becoming the most commonly used term in reference to Russia's activities in Ukraine. Furthermore, it was widely expected that hybrid warfare would emerge as the primary mode of Russia's future operations, both within Ukraine and beyond. As a consequence, while principally focused on neutralising the threats posed by Russia's hybrid warfare tactics, Western states underestimated the likelihood of an all-out war.

However, Russia's full-scale military operation against Ukraine in February 2022 undeniably revealed that the hybrid form of warfare is not the sole element in the Kremlin's national security toolkit, raditional force-on-force confrontations are here to stay. The shift to a full-scale military operation against Ukraine in February 2022 caught Western media, analysts, and the public by surprise. Nevertheless, few defence intellectuals openly addressed the inaccuracies of Western predictions regarding the prevalence of hybrid warfare.

For example, in his article entitled, *Out of the Shadows*: *Ukraine and the Shock of Non-Hybrid War*, Patrick Porter said: "A large body of security practitioners and scholars axiomatically expected 'future war' to be ambiguous and hybrid, based on recent cases. The scale and overt form of the Russia– Ukraine war, which begun on February 22, 2022, demonstrates the limits of this orthodoxy." Similarly, In his *Real Clear Defense* piece, *What Happened to Putin's Little Green Men*?, Dan Gouré said: "Moscow's assault on Ukraine

seems to contradict what we had anticipated about how a future high-end conflict with Russia would unfold."

Nonetheless, the term hybrid warfare remains prevalent in characterising Russia's operations in Ukraine. Specifically, Russia's non-kinetic operations against Ukraine are often referred to as hybrid warfare. However, 'hybrid warfare' was essentially formulated in 2014 as an alternative to conventional military operations. The Alliance characterised hybrid warfare as a method of warfare for achieving strategic objectives through a combination of kinetic and non-kinetic tools while staying below the threshold of traditional interstate warfare. Thus, logically, engaging in a conventional military campaign should signify the end of hybrid warfare operations.

Warfare occurs across various domains, not all of which are kinetic. In other words, non-military domains have always been a part of armed conflict. Therefore, there is no need to use the term hybrid warfare to imply Russia's non-military forms of attacks during its conventional war with Ukraine. Instead, what the West needs to do is confront and intelligently address the misconceptions surrounding 'hybrid warfare', rather than adapting it to new conditions. Learning from past fallacies will be essential for accurately predicting future conflicts.

Another issue with using the term hybrid warfare in the context of the Russia-Ukraine conflict is that it may give undue prominence to non-military aspects of Russia's engagement with Ukraine, which are no longer the central focus of Russian strategy in the region. As noted earlier, during the period from 2014 to 2022, Russia's strategy heavily relied on elements such as cyberattacks, economic coercion, diplomatic pressure, and disinformation. However, Russia's post-2022 operations in Ukraine represent a significant departure from its past activities. This newer approach prioritise

direct, overt, and high-intensity force-on-force confrontations aimed at neutralising the opponent's warfighting capabilities, aligning more closely with a strategy of annihilation. As such, it becomes crucial to reconsider our characterisation of Russia's methods in light of the shifting character of the war in Ukraine.

Finally, the continued use of the term 'hybrid warfare' risks distorting its original meaning and leading to semantic confusion to a notable extent. While 'hybrid warfare' remains relevant in describing sub-threshold war activities, applying it to high-intensity warfare actions risks stretching its conceptual boundaries. For example, China's intimidatory operations against Taiwan are better understood through the lens of hybrid warfare. However, when 'hybrid warfare' is applied too broadly, it loses its specificity and meaning.

In conclusion, persistently labelling Russia's contemporary actions in Ukraine as 'hybrid warfare' fails to depict the evolving nature of the war in Ukraine accurately. Holding onto inappropriate terminology may impede effective strategic responses. Hence, it is crucial for defence analysts and policymakers to re-evaluate their conceptual frameworks and adapt to changing conflict realities.

Links in the article:

- https://www.lemonde.fr/en/international/article/2024/02/26/moscow-steps-up-hybrid-warfare-operations-against-kyiv-and-its-allies_6561102_4.html
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- https://smallwarsjournal.com/2022/02/25/hybrid-warfare-one-term-many-meanings/

Published:

https://www.e-ir.info/2024/03/25/opinion-the-west-should-drop-the-hybrid-warfare-discourse-on-ukraine/

Review questions:

1. *Why does the author argue that the continued use of the term 'hybrid warfare' is misleading when describing Russia's current operations in Ukraine?*
2. *How did Russia's 2014 annexation of Crimea influence the Western conceptualisation of hybrid warfare?*
3. *What are the dangers of overemphasising the non-kinetic aspects of conflict in current strategic analysis, according to the text?*
4. *How did NATO's adoption of the hybrid warfare concept in 2014 shape Western expectations about future conflicts with Russia?*
5. *What evidence does the author provide to show that Russia's strategy in Ukraine after 2022 shifted away from hybrid tactics toward traditional warfare?*
6. *Why might the ongoing use of the term 'hybrid warfare' create semantic confusion or distortions in understanding modern warfare?*
7. *In what ways does the text suggest that the West's misreading of Russia's military strategy contributed to surprise and unpreparedness in 2022?*
8. *What alternative approach does the author recommend to better understand and respond to Russia's current military strategy?*

Márta Pardavi, Bernhard Knoll-Tudor
Europe Needs a Civil Society Strategy

Shrinking civic space, in 2022, evokes real-life experiences for many people defending human rights: harassment through propaganda or social media, inciting statements by politicians, investigations or even legislation targeting the work or resources of civic groups. These actions are meant to intimidate human rights defenders, stigmatise them, weaken their credibility, turn their supporters and clients away, demoralise and burn out their staff, strongarm them into shifting their organisational focus to reactive mode, and force them to direct their resources towards fighting for survival and away from initiatives that foster cooperation with citizens.

Although these rights violations affect the way we live in Europe, why do they concern only a few engaged citizens who, in their outrage over failed national policies, mobilise empathy and courage to protest? The short and staple answer, as academics will tell you, is that we, as a Union, have not built a *demos* – a pan-European identity and awareness that, even though we fully appreciate our shared community of destiny, seeded by common laws, histories and institutions, does not collectively respond to regressive developments, although they concern not only one nation, but all of us.

How did we depart from the promises we made ourselves? When she took over the helm of the European Commission, President von der Leyen promised a Europe that protects and stands up for justice and values. This promise still awaits delivery when it comes to securing democracy, justice and values for every citizen. After long years of often lukewarm support by citizens for the EU, could it be the post-24 February moment that prompts us to value the Union anew, where our shared sentiments of community and belonging

are anchored in a common project of peace and democracy, in contrast to the exclusion and aggression by neighbouring autocratising states? Can it make us care more about what goes on in our own EU space?

The mess we're in

The loss of trust in democratic institutions and processes jeopardises democracy in Europe. The focus on building bureaucratic institutions and modes of technical collaboration – the movement of labour, capital and services across borders and the shared policies we have added onto this initial scaffolding – without strengthening citizens' engagement with them has paradoxically weakened democracy in a number of EU member states. Where citizens no longer trust their institutions, those who are interested in eroding and dismantling democracy will seize the opportunity to do so. A recent study examined people's attitudes about and experiences with democracy and shows that the real problem is not that most people prefer an alternative to democracy. The problem, rather, is an ambivalence towards democracy's meaning and potential to deliver tangible results. This crisis of trust creates deep divisions between people and institutions, and in societies. For too many citizens, democracy evokes feelings of indifference and disappointment. Young people especially feel ignored by politics, and can't see their concerns well represented. Just look at how young voters mostly abstained in the 2022 French parliamentary elections last week: 71 % of those aged 18-24 didn't cast a ballot.

Civil society, as a constitutive element of a liberal democracy, is meant to build solid foundations based on citizens' participation in democratic processes, and to hold government and institutions accountable to both the voters' fickle choices and the more stable rule of law anchored in constitutionalism. In a number of EU countries, governments have been squeezing civic space, rendering

it increasingly hard for civil society to operate unhindered. Many civil society activists and journalists working in the EU are affected by a pattern of abuse characteristic of illiberal authoritarian states elsewhere. This is particularly true for human rights defenders supporting migrants and refugees, LGBTIQ advocacy groups or those who investigate and uncover government corruption.

Protecting the space for civil society is not only important for citizens; it is also the way to strengthen the supranational legitimacy of the Union and secure public trust in its workings. EU institutions cannot implement concrete policies and safeguard European norms and values without the support of member state governments and their citizens. Both the Covid pandemic and the war on Ukraine highlight the critical role civil society plays during crises and why it can act as a crucial ally for governments as well as EU institutions – in the latter case, by launching and complementing efforts to shelter, feed, advise and support people affected as safely and quickly as possible. Action for protecting the climate is driven by awareness-raising campaigns powered by transnational movements. Likewise, when they promote human rights, equality, democracy, the rule of law and government accountability, civil society advocates for the values and rights that have become the EU's DNA and make it a global standard-setter. Its contribution to EU integration itself has been vital.

Without it, dystopian scenarios of corruption going undetected, injustice not being brought to court and human rights abuses not being remedied could become the norm in Europe. What, you ask, is the problem? The problem is that the Commission has looked at European civil societies as either implementors of its policies or victims of backsliding. A blind spot has formed around the crucial functions civil societies perform and their agency.

Too little, too late? What EU institutions have been doing

When systemic signs of human rights and rule of law backsliding began to emerge in some member states in the early 2010s, the European Commission was slow to recognise the gravity of the problem. As Tomasso Pavone and R. Daniel Kelemen demonstrated, over time it lost its appetite to take member states to court for breaching EU values. Yet, in a spout of normative activism, it launched several strategies to better protect fundamental rights, democracy and rule of law, such as the EU anti-racism action plan 2020–2025, the Gender Equality Strategy 2020-2025, the Strategy to strengthen the rule of law within the Union (2019) and the European democracy action plan (2020). Aiming to tackle rampant threats to press freedom, the Commission also recently unveiled plans for a European Media Freedom Act and a draft directive to protect journalists from abusive lawsuits (SLAPPs). These strategies do recognise the important role of civil society in protecting and promoting these fundamental values and call for supporting civic initiatives in these fields. So far, however, these have fallen short of actually yielding results in strengthening the civic sector and its ability to protect democracy and human rights in the EU.

The €1.55bn Citizens, Equality, Rights and Values (CERV) Programme, launched in 2021, is a promising investment in fundamental rights, civic space, democracy and rule of law within the EU itself. Yet civil society organisations (CSOs) and philanthropic donors realise that neither its pace nor its budget can bring substantial progress without supplementary actions. Paradoxically, the U.S. government has recently decided to return to funding free civil society, independent media and anti-corruption initiatives in Central Eastern EU member states, about twenty years after USAID had left the region.

The Commission has not been good enough in communicating how civil society matters. Its Communication on the European Green Deal (2019), for instance, mentioned ‘civil society’ or ‘NGOs’ just

twice. The transformations that will be brought about by the Green Deal and the Digital Agenda for Europe will require civil society to address likely social discontent, which could fuel anti-democratic political forces and disinformation amplified by the Kremlin.

Excluding European civil societies from continental policy-making is also short-sighted. They cannot push back against anti-democratic trends on their own, especially in EU member states that are mired in a rule of law crisis. CSOs need support from, and deserve inclusion by, EU institutions. They can deploy political, legal and financial pressure on governments, be it through infringement actions, the rule of law conditionality regulation or the Article 7 process.

To further the spirit of solidarity among a European *demos*, the relationship between citizens, civil society and the EU must become more participatory and inclusive. The EU needs to think strategically about reconnecting with its citizens – both directly and through their self-organised intermediaries, civic groups, and especially those that never get to Brussels. Clearly, it cannot expect to do so merely through its institutions and the member states' governments, several of which challenge and contest EU law and fundamental values. A few weeks ago, the citizens' panels of the Conference on the Future of Europe recommended to strengthen rule of law and civil society in the EU. The Commission has responded that it would consider them but gave citizens no guarantees.

What next? A European Strategy on Civil Society

Advancing democracy in Europe should build on robust efforts to strengthen civil society itself, in all its roles – as watchdogs, policy advocates and voices drawing attention to policy failure, rights defenders, community builders and service providers. Particularly in EU member states where the rule of law is defect, their efforts

should be boosted by the EU itself. The impact of its mechanisms to engage with, support and protect civil society have, however, been limited and its overall approach meek and fragmented. To make progress, we need to move beyond diagnosing the restrictions on civic space in the context of democratic erosion. Adopting a forecasting mindset means advocating for the expansion of civic space so that civil society becomes a permanent, empowered and engaged actor in future European governance.

To enable European civil societies to build strength as they attempt to roll back the rollback, the **European Commission should launch a European Strategy on Civil Society with a vision to foster a vibrant, independent and pluralistic civil society in the EU.** A comprehensive strategic approach on partnering with European civil societies would allow the EU to more effectively tackle challenges such as the climate crisis, economic recovery from Covid, rapid digitalisation, growing illiberalism and ambivalence about democracy. While in some member states independent civil society needs support to counter threats posed by illiberals, civil society everywhere in the EU needs recognition as an essential governance actor and as a strategic partner for EU institutions and governments. In a European Strategy on Civil Society, the Commission could express its political commitment to supporting and expanding civil society space and civil society participation in EU policy-making and implementation. The Strategy should lay out the path for increasing protection, improving participation and supporting civil society along three tracks.

1. Increase protection

EU Member states are obliged to respect the freedom of assembly, association and expression, and the independence of civil society actors. To counter unjustified government interference, a strategic *acquis* on civil society should be fortified by adopting legal

safeguards at the EU level, such as the European Statute for Cross-border Associations and common minimum standards across the EU. Also, it will be crucial for the Commission to devote more attention to civil society space in all EU27, as part of the annual Rule of Law reports, and take prompt legal action for breaches of EU law that stifle civil society and soften up constitutional rule of law guarantees. Civil society should have formal ways to give input to the Commission as it works to uphold EU values, such as in the course of infringement actions as well as in the implementation of the Rule of Law conditionality regulation for the EU budget as well as NextGenerationEU. CSOs should be promptly and effectively shielded from government backlash in their work to assist in safeguarding the EU's financial interests and core values.

2. Improve participation

Better interaction with EU institutions by improving the structured dialogue and consultations with civil society would be key. Currently, EU institutions use different methods to engage with civil society actors. The European Parliament follows an open, often informal approach by which CSOs can relatively easily engage with MEPs and their advisors. The Commission uses the formalised approach of public consultations, but these rarely provide sufficient room for CSOs to present their full perspective and analyses. Furthermore, they cannot request the Commission to open consultations on particular challenges they face, like an unbalanced distribution of domestic funds or government-led smear campaigns. Third, the Council – literally a black box – offers neither a process nor opportunities for consulting with the public in its legislative and non-legislative activities. The assumption that national constituency concerns will reflexively be represented by Ministers no longer holds, given defective democratic practices in some member states. CSOs are rarely, if ever, invited to address Working Parties and other Council configurations. Crucially, none of these EU institutions

has a dedicated focal point where civil society can refer concerns (i.e., a system of early warning). Access to public information on the work of EU institutions is too labyrinthine to be useful to social movements and civic groups. As a legitimising strategy, the EU should invest more in inclusiveness and participation through civic dialogue.

3. Provide support

The EU has several programmes to fund democracy, fundamental rights and the rule of law that should benefit the civic sector. These are not accessible to all civil society groups, especially smaller or informal organisations, do not cover all types of activities carried out by CSOs (e.g., strategic litigation) or may come with geographical or activity restrictions. The new CERV programme (2021-2027) is a welcome development; nevertheless, further steps are needed to achieve equal, fair and unrestricted access to all EU funding instruments for CSOs operating at different levels (international, national and local). It is equally important that CSOs participate in the design, implementation and monitoring stages of the various funds to render access to financial support more open and transparent.

Conclusion

It is striking how many civic organisations in the EU face stigmatisation, proposed or adopted legislation that intends to restrict their ability to work on certain themes or disproportionate reporting obligations that strain resources. In many traditionally progressive and liberal Western European countries, policies aimed at countering terrorism are increasingly applied across sectors, potentially hampering the proper functioning of NGOs. It appears that much like the single market for goods and services, the 'single market' for regressive policies in Europe is growing exponentially.

Worst practices are embraced across borders and smoothly copied into domestic jurisdictions, whatever their provenance.

Seeding a European *demos* whose absence we have decried for too long – the sense of pan-European care for our continental rights and freedoms – requires EU institutions to step up. In its next work programme, the Commission could bring these components – support, participation and protection – together in a European Strategy on Civil Society. Calls are mounting that Ursula von der Leyen should include in this in the Commission's 2023 work programme.

If the EU wants to remain a global champion for high democratic standards and human rights and rule of law protection, it must also take action «at home» within the Union itself to protect and fortify defenders of civic space in countries formerly considered safe havens for human rights and rule of law work. Given current pressures on democracy and human rights in the EU, focusing on boosting support for civil society, its inclusion in decision-making and protection over the next decade is key.

An earlier version of this article appeared, in German, in Internationale Politik under the title "Bedrohte Freiheit Europas".

Links in the article:

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- https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3994918

- https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en
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Published:

https://verfassungsblog.de/europe-needs-a-civil-society-strategy/

Review questions:

1. *Why is the shrinking civic space in Europe seen as a threat to democracy and fundamental rights within the EU?*
2. *According to the article, what is the role of civil society in sustaining democratic values and the rule of law in the European Union?*
3. *What criticism is directed at the European Commission regarding its past handling of civil society and democratic backsliding in member states?*
4. *Why is building a European demos considered essential for defending human rights and shared EU values across borders?*
5. *What are the main shortcomings of existing EU programmes like CERV in supporting civil society organisations (CSOs)?*
6. *How can a European Strategy on Civil Society improve participation, protection, and support for CSOs across the EU?*
7. *What challenges do CSOs face when trying to engage with EU institutions, especially in terms of consultation and transparency?*
8. *How does the article link the defence of civic space within the EU to the Union's global credibility in upholding human rights and democracy?*

Peter Dickinson

How Ukraine's Orange Revolution shaped twenty-first century geopolitics

Ukrainians marked the Day of Dignity and Freedom on November 21, continuing a seven-year tradition that seeks to place the country's 2004 Orange Revolution and the 2014 Euromaidan Revolution in a broader historical context. This might also be something for the international community to consider. While Ukraine's two people power uprisings are recognized as important milestones in the country's post-Soviet journey, their impact on the wider region has yet to be fully appreciated.

This lack of clarity is perhaps understandable. Indeed, few events in modern European history have been subject to quite so much deliberate distortion. Ever since the Euromaidan protest movement first emerged in Kyiv in late November 2013, it has been a favored target of Russian information warfare. For the past seven years, Moscow has promoted false narratives about the uprising in order to undermine its pro-democracy credentials and justify the subsequent Russian invasion of Crimea and eastern Ukraine.

While the legacy of the Euromaidan Revolution has been buried under an avalanche of Kremlin disinformation, the earlier Orange Revolution has been increasingly forgotten. At first glance, the peaceful protests of winter 2004 appear to lack the geopolitical drama of the events which were to unfold one decade later. However, this is deceptive. While independent Ukraine's first great people power revolution did not lead directly to Russian military aggression or spark any immediate shifts in the European balance of power, it remains a watershed moment that marked the end of the early post-Soviet era and set the stage for the Cold War climate that defines today's international relations.

To appreciate the significance of the Orange Revolution, it is important to look beyond the political failures that followed the uprising. The protests of late 2004 initially succeeded in preventing Kremlin-backed candidate Viktor Yanukovych from stealing the Ukrainian presidency and made possible the election of his reformist rival, Viktor Yushchenko. However, Yushchenko soon found himself beset by infighting and was unable to lead Ukraine decisively towards Euro-Atlantic integration during what proved to be a hugely frustrating five-year term in office. This paved the way for Yanukovych to mount an unlikely comeback and win the 2010 presidential election race.

Nevertheless, the Ukraine of 2010 was a very different proposition to the country Yanukovych had first sought to rule six years earlier. Thanks to the Orange Revolution, Ukraine's media landscape was no longer subject to the kind of smothering government censorship that had existed prior to 2004. In its place was a lively if imperfect form of journalistic freedom that reflected the competing interests of the country's various oligarch clans. Once he became president, Yanukovych was unable to put the genie of a free press back into the bottle. Instead, his attempts to reverse the gains of the Orange Revolution helped spark the 2014 uprising that led directly to his downfall.

The Orange Revolution also had a profound effect on the way Ukrainians perceived themselves and their national identity. For the first thirteen years of independence, the political, cultural, social, and economic boundaries between Ukraine and Russia had remained blurred. Most people on both sides of the border continued to regard the fates of the two notionally separate countries as inextricably intertwined. This changed dramatically in 2004 when millions of Ukrainians mobilized in defense of free elections.

The protests served as a national awakening, establishing Ukraine's democratic credentials and setting the country on a path that diverged sharply from the increasing authoritarianism of Vladimir Putin's Russia. In the sixteen years since the Orange Revolution, Ukraine has staged eight national votes without ever witnessing a return to the kind of political oppression and rampant vote-rigging that remains routine elsewhere in the former USSR. This success has helped strengthen notions of European identity among Ukrainians and deepened the sense of psychological separation from authoritarian Russia.

Given Ukraine's vast size and strategic importance, these changes alone should be sufficient to secure the Orange Revolution's place in the wider history of Eastern Europe. However, in order to appreciate the true geopolitical impact of post-Soviet Ukraine's big democratic breakthrough, it must be viewed in the context of Russia's reaction.

On the eve of Ukraine's fateful 2004 presidential election, Russian President Vladimir Putin was so confident of his ability to influence the outcome that he actually traveled to Kyiv and lectured Ukrainians on the need to back his chosen candidate. It was to prove a spectacular miscalculation, arousing indignation among many previously apolitical Ukrainians who sensed their country's newfound independence was under threat.

Within weeks of Putin's ill-judged visit, the Orange Revolution was underway.

The Kremlin's initial response to events in Kyiv was a mixture of indignation and disbelief. As the scale of the disaster became apparent, the mood turned to bitterness over Ukrainian treachery and anger at what was seen as a grave betrayal on the part of Russia's European and North American partners. Moscow regarded the West's vocal support for the pro-democracy protests in Ukraine

as nothing less than an act of international aggression. As far as the Kremlin was concerned, this was a direct attempt to interfere in Russia's internal affairs and confirmation of the Western world's implacable hostility.

The implications for Russian foreign policy were to prove far-reaching. During the first four years of his presidency, Putin had sought to expand cooperation with the West, albeit while also seeking to reestablish Russia's position among the world's leading powers. The Orange Revolution brought this era of often awkward entente to an abrupt end. In the aftermath of the revolution, Russia adopted a strikingly nationalistic course in domestic affairs, while becoming increasingly confrontational on the global stage.

One of the earliest signals of this change came in the information sphere. Within months of Ukraine's democratic uprising, Moscow unveiled plans to launch the Russia Today TV channel. The Kremlin's decision to enter the world of English-language international TV news broadcasting was widely interpreted as a direct response to Russia's resounding defeat in the information war that had raged around recent events in Ukraine. By the end of 2005, Russia Today was on the air and reaching audiences around the world. The channel soon became a bastion of anti-Western messaging that allowed Russia to express its open hostility towards the post-1991 international order.

Inside Russia, the Orange Revolution occasioned a sharp change in mood as Moscow sought to make sure the sudden outbreak of democracy in Ukraine did not prove contagious. This expressed itself in a curiously defiant form of state-sanctioned nationalism which embraced a sense of continuity with the Soviet past while downplaying the crimes of the Communist era.

Weeks after the Ukrainian uprising, the Kremlin launched a nationwide campaign encouraging Russians to display orange-and-

black St. George's ribbons in honor of the Soviet victory over Nazi Germany. With images of rebellious Ukrainians sporting orange ribbons still fresh in everyone's minds, the loyalist symbolism of this jingoistic counter-gesture was hard to miss. It also proved to be a taste of things to come. Since first appearing in spring 2005, St. George's ribbons have established themselves at the heart of an increasingly fanatical victory cult as the Putin regime has sought to justify its own authoritarianism via ever more extravagant forms of WWII reverence. What began life as a reaction to the orange ribbons of Ukraine's revolution has become the ultimate symbol of the entire Putin era.

At around the same time, Russia began cracking down on potential sources of domestic opposition. Having noted the involvement of Ukraine's civil society in the grassroots activism that made the Orange Revolution possible, the Kremlin started pressuring Russian NGOs with international ties and labeling them as "foreign agents."

With Ukrainian students also playing an important role in the revolution, the Kremlin urgently sought ways to bind young Russians more closely to the regime. This resulted in the creation of Nashi, a pro-Putin youth movement that was formed in April 2005 and enjoyed close ties to the Russian establishment. Within two years, Nashi claimed to have recruited over 100,000 members and had drawn unflattering comparisons with the Soviet-era Komsomol and the Hitler Youth.

It took a little longer for Moscow to demonstrate its dissatisfaction on the international stage. Putin did not give full voice to the changing tone in Russian foreign policy until two years after the Orange Revolution, when he articulated his opposition to American dominance in a famous February 2007 speech to the Munich Security Conference.

From that point onward, Russian acts of international aggression would grow progressively bolder. Months after Putin's Munich speech, Moscow launched a cyber and information attack on nearby Estonia that served as an early introduction to the Kremlin's hybrid warfare tactics. In summer 2008, Russian tanks rolled into Georgia. Six years later, the target was Ukraine. Ever since the 2014 invasion of Ukraine, Russia and the Western world have been locked in a confrontation that many regard as a new Cold War.

There was nothing inevitable about any of this. Putin's commitment to restoring Russia's great power status was always likely to fuel an increase in international tensions, but it did not necessarily have to result in today's climate of hybrid hostilities. The point of departure in this deteriorating relationship between Russia and the West was the 2004 Orange Revolution, which set the tone for everything that has since transpired. Indeed, it is no accident that while Moscow's own actions have grown more and more belligerent, the Kremlin has continued to accuse Western countries of plotting a so-called "color revolution" inside Russia. Even the term itself is a backhanded compliment that hints at the enduring influence of Ukraine's Orange Revolution on Russian policy-making.

For the past sixteen years, Russia has been haunted by the prospect of its own Orange Revolution and has gone to extraordinary lengths to prevent people power movements from gaining any momentum in the region. This was a key factor behind the decision to attack Ukraine in the immediate aftermath of the 2014 Euromaidan Revolution, and it is the main reason why Russia is currently backing dictator Alyaksandr Lukashenka in his struggle to suppress a pro-democracy uprising in neighboring Belarus. Moscow's readiness to accept the extremely high foreign policy costs of these interventions is an indication of the importance Russia attaches to protecting Putin from popular protest.

Without the Orange Revolution, it is entirely plausible that the recent history of Eastern Europe would have followed a completely different trajectory. In this alternative reality, Ukraine might well have remained within Russia's exclusive sphere of influence, allowing Putin to gradually consolidate his hold over the former Soviet Union. In time, the Kremlin would have found itself once more in control of a powerful authoritarian empire capable of rivaling the economic might of the democratic world. Knowing what we do about Putin's revisionist attitude towards the outcome of the original Cold War, there is every reason to believe he would have used this greatly enhanced position to mount a geopolitical challenge far more comprehensive in scope that today's spoiling tactics.

The fact that this didn't happen is down to the millions of ordinary Ukrainians who took to the streets in November 2004 and demanded to be heard. Their courage has long since been forgotten, but the uprising they led has left its mark on the wider world and been instrumental in shaping today's escalating showdown between Russia and the West. As the archetypal "color revolution," Ukraine's 2004 Orange Revolution lives on in the nightmares of the Russian elite and deserves far more recognition as one of the great geopolitical turning points of the early twenty-first century.

Published:

https://www.atlanticcouncil.org/blogs/ukrainealert/how-ukraines-orange-revolution-shaped-twenty-first-century-geopolitics/

Review questions:

1. *Why is the Orange Revolution described as a major geopolitical turning point, despite being overshadowed by the 2014 Euromaidan?*
2. *How did the Orange Revolution contribute to reshaping Ukrainian national identity and its path toward European integration?*
3. *What role did Russia's reaction to the Orange Revolution play in transforming its domestic and foreign policy?*
4. *In what ways did the Orange Revolution influence the Kremlin's approach to civil society and youth movements within Russia?*
5. *How did the Kremlin's loss in the "information war" over Ukraine in 2004 shape the creation and messaging of Russia Today (RT)?*
6. *Why does the author argue that the Orange Revolution helped trigger a new Cold War-style confrontation between Russia and the West?*
7. *What evidence from the text supports the idea that Russia's foreign interventions in Georgia, Ukraine, and Belarus are linked to fear of people power movements like the Orange Revolution?*
8. *How might Eastern Europe's political landscape have evolved differently if the Orange Revolution had never occurred?*

Mariana Budjeryn

When Ukraine set course for Europe: The Revolution of Dignity, a decade later

If history teaches anything about the causes of revolution—and history does not teach much, but still teaches considerably more than social-science theories—it is that a disintegration of political systems precedes revolutions, that the telling symptom of disintegration is a progressive erosion of government authority, and that this erosion is caused by the government's inability to function properly, from which spring the citizens' doubts about its legitimacy.

Hannah Arendt, "Civil Disobedience"

November 2013 seemed like an unlikely time for another Ukrainian revolution.

Nine years had passed since the Orange Revolution, a massive wave of popular protests against a massively rigged presidential election, achieved inspiring success to be almost immediately followed by bitter disappointment. In 2004, hundreds of thousands of protesters filled Kyiv's central Independence Square, *Maidan Nezalezhnosti*, drowning the city in orange, the presidential campaign color of Viktor Yushchenko, a liberal and pro-Western candidate, whose rightful presidency was stolen by blatant election fraud.

The Orange Revolution's demand was ultimately granted, and the rerun of the stolen election brought Yushchenko to power. But the Orange coalition quickly fractured and in 2010, Yushchenko's 2004 rival, the thuggish Russia-friendly Viktor Yanukovych, was fairly and squarely elected president. The Ukrainian government was now firmly captured by shamelessly self-enriching oligarchic interests with unambiguous ties to Russia. Staging another nationwide

collective action seemed like an effort the disenchanted and resigned nation could not muster.

A sense of agency

In November 2004, I was in my kitchen in a small town in southern Maine, making apple sauce, when NPR reported about the swelling numbers on the Maidan. I dropped the apple sauce and called a friend in Washington, DC, another Ukrainian from Lviv. In a week we were on a flight to Kyiv, me with my nine-month-old daughter and she with her two toddlers. Our mothers met us in Kyiv to pick up our kids and take them to Lviv. We stayed on the Maidan.

Why were we there? What was the use of flying from the United States to stand daily on the Maidan, for a month, in December cold, where among thousands one person made no difference? For one, while the political aims were serious and legitimate, the Orange Revolution transpired in an atmosphere of jubilation. Thousands in orange paraphernalia filled the Maidan, many traveling from other cities or returning from abroad, like I did. For me, it proved the ultimate reunion with friends I hadn't seen in years. A stage was promptly erected, and Ukraine's best performers took turns entertaining and rallying the crowds. The Orange Revolution was the Woodstock for democracy.

To be there was to partake in a sense of collective agency, to contribute to safeguarding Ukraine's fragile democracy, which was not only our right but our obligation.

But the real reason we were on the Maidan was that we believed each one of us could make a difference. In fact, to be there was to partake in a sense of collective agency, to contribute to safeguarding Ukraine's fragile democracy, which was not only our right but our obligation.

For many Ukrainians of my generation, the belief that concerted collective action can bring about political change was probably a function of coming of age at the time of the great transformation of the late 1980s and the early 1990s. We were not passive observers of history, we were its agents of change, children of the agents of change, who found cracks in the seemingly impregnable Soviet monolith and chipped away at it from within.

It was the preceding generations of dissidents who chose, following Vaclav Havel, to do the only thing that gives power to the powerless, "to live within the truth," and paid for this choice with persecution and imprisonment. It was the persistent, irradicable whisper of our parents and grandparents in our ears, transmitting chapters of national memory, history, and customs, omitted, distorted, and prohibited by the Soviet officialdom. It was our irreverent mockery of the geriatric Communist party bosses. It was the vast and visceral indignation over the 1986 Chernobyl debacle. It was the students' hunger strike in October 1990 on the Maidan (then the October Square), the first Ukrainian revolution, the Revolution on Granite, against the signature of the new Union Treaty, a doomed endeavor to rejuvenate the ailing Soviet empire and keep Ukraine tethered to Moscow.

Succumbing to a thousand cuts, the crusty old Soviet edifice, built on lies and coercion, finally came crumbling down in 1991, and we knew that it was we, the ordinary people of Ukraine—joining hands with the ordinary people of East Germany, Czechoslovakia, Poland, and the Baltic states—who did our part in its undoing, no matter how much credit Western capitals claimed.

The first post-Soviet years were lean but filled with hope, if only because we were young, standing on the threshold of adulthood, with opportunities our parents could never have dreamed of. We were told that we were Ukraine's future; that they, our parents'

generation, were handicapped by the permanent damage inflicted upon them by the Soviet system, the Soviet mentality. They won Ukraine its independence, but they could take it no further, and it was we who now had the torch of responsibility to guide Ukraine toward democracy, prosperity, and the rule of law—all good things that, with time, would come to be captured by a single concept: "Europe."

Ukraine's economic ruin and idealism of the early 1990s in time gave way to increased prosperity but also to the sinister consequences of a mismanaged transition. The continued reign of the Soviet-era apparatchiks, the fire-sale of state assets against an antiquated and unenforceable legal code, and the serious difficulty of transforming an inefficient state-run economy into a market-driven but fair system proved a perfect primordial soup to spawn a handful of fantastically rich people, the oligarchs, some controlling enormous stakes in the national economy—metallurgy, energy, banking, media. By the 2000s, having all but captured the economy, the oligarchs were jostling to capture the state.

In that, the fate of post-Soviet Ukraine was not dissimilar to the fate of post-Soviet Russia: a mutant system grown out of an unreformed Soviet legacy and the most ruthless exigencies of unchecked capitalism. Russia in the 2000s took a turn toward order and rule, not of law but of one man, Vladimir Putin, a former KGB colonel, who rose out of obscurity to the apex of power where he would remain to this day. The Russian system produced Putin and Putin proceeded to shape the Russian system by building a rigid neo-feudal vertical of power that turned oligarchs into state vassals and a managed democracy that preserved the ritual of elections while snuffing out all space for competitive deliberative politics. But that would become clear later. In the early 2000s, the West hailed Putin as a pragmatist and an architect of stability and order badly needed in a Russia ravaged by the democratic chaos of the 1990s.

Danse macabre

Ukrainian politics, by contrast, remained manifestly disorderly and outright messy, sending Western observers into eye-rolling bouts of "Ukraine fatigue." Indeed, had it not been for the millions of lives and livelihoods it impacted, Ukrainian politics was the stuff of a tragicomic political soap opera.

The cast alone!

There was Ukraine's outgoing second president, Leonid Kuchma, a former Soviet missile factory director, who took over from Ukraine's first president, Leonid Kravchuk, a former Communist party ideologue, and who presided over the rise of the oligarchs, one of whom married his daughter, as well as over the infamous murder of journalist Georgiy Gongadze, who investigated Kuchma's ties to the oligarchs.

There was Viktor Yanukovych, Kuchma's last prime minister and heir-elect, who in his youth was a racketeer in the coal-mining region of Donbas and had served time for robbery and assault, before rising to regional and then national politics.

There was his running opponent, the pro-Western Viktor Yushchenko, a former central banker and a one-time prime minister in Kuchma's government, whose father had survived Auschwitz and who, a month before the elections, would himself barely survive a mysterious poisoning with dioxin that left his handsome face permanently pockmarked.

Then there was Yulia Tymoshenko, the beautiful gas princess with a braided crown, bedecked in couture outfits, who accumulated her wealth by importing Russian gas to Ukraine and whose one-time business associate, another former Kuchma-era prime minister, Pavlo Lazarenko, fled to Switzerland on a Panamanian passport after embezzling hundreds of millions of dollars from the Ukrainian

budget and was ultimately detained, tried, and imprisoned for money laundering in California.

Tymoshenko backed Yushchenko in his 2004 presidential bid and rallied the crowds on the Maidan when the election was stolen. When Yushchenko became Ukraine's third president, Tymoshenko became his prime minister, the highest post a woman has occupied in Ukraine to this day. The plot thickened and became difficult to follow: the Orange coalition soured, Yushchenko dismissed Tymoshenko after just seven months, and—plot twist—made a deal with his former arch-rival Yanukovych. Yet Tymoshenko came back as prime minister in 2007.

In 2010, Yanukovych ran against Tymoshenko, won to become Ukraine's fourth president, and went on to shove her in prison. Together with his two sons and their business associates, Yanukovych and the Family, as they became known, proceeded to rob Ukraine's coffers with unprecedented abandon. Ukraine slid from 134th place, out of 183, in the Transparency International corruption perception index to 152nd.

Curtain drop.

Post-Orange blues

Early in 2013, my family and I moved to Ukraine for six months so that I could complete fieldwork on my Ph.D. dissertation about Ukraine's nuclear disarmament. This was the longest continuous time I spent in my home country in 13 years—and in my hometown of Lviv—in 20 years. Since leaving Ukraine in 2000, I had become a veritable global nomad, with stints of various lengths in London, Almaty, Prague, Baku, Maine, and finally Budapest, where I enrolled in a doctoral program at Central European University (since expelled by Hungary's prime minister, Viktor Orbán, a Putin admirer, to Vienna). I knew nothing about nuclear weapons, but I knew for

certain that whatever I was to research and write would have to be about Ukraine. Cultural competency, yes, but also that darn inculcated sense of civic duty to contribute to Ukraine somehow, even if I bailed on building it in situ.

It is no secret that living in a place is very different from watching it from a distance or visiting for holidays—or revolutions. To a visitor, Lviv transformed immensely, getting a handsome facelift of its Renaissance downtown, brimming with cafes, bookstores, and fashion boutiques. There were supermarkets, DIY stores, and IMAX cinemas. Kyiv was in a different league altogether: awash in nouveau riche money, it was alleged to have the greatest number of Bentleys per capita of any European capital. Yanukovych himself was rumored to live in an ostentatious palace outside of Kyiv, featuring a private zoo, a floating galleon of a reception hall, and golden toilets.

Meanwhile, anything that relied on state funding such as education, medical services, and public agencies and works remained in an embarrassingly pitiful state. I now had three kids in the care of the Ukrainian educational system: two in elementary school and the youngest in kindergarten. I was astonished by how little had changed since I was a schoolgirl back in the Soviet days. Portraits of Lenin and red flags were gone, of course, and brown woolen uniforms were replaced with navy blue. There was, happily, a choice of much more attractive stationery, notebooks, and pens. But otherwise—the same dilapidated hallways, antiquated analog classrooms, dreadfully boring textbooks, and underpaid teachers, while simple supplies like blackboard chalk and toilet paper relied on parents' contributions. A state whose president defecated in a golden toilet could not provide toilet paper for its schoolchildren.

Life plodded along and Ukrainians made do. Economically, Ukraine had seen worse. GDP grew 4.1 percent in 2010 and 5.4 percent in

2011, before stagnating at zero or close to it in 2012-2013. But the political malaise was palpable, and the popular mood, as much as one could gauge it, was that of apathy and resignation. That the Orange Revolution, such a monumental and inspired collective effort to rescue the country from the clutches of oligarchic dysfunction, could in the end fail so spectacularly to prevent this very dysfunction was as poignant as it was disheartening. There will never be another Maidan, I kept hearing.

The future is now

On November 21, 2013, Mustafa Nayyem, a Ukrainian journalist of Afghan descent, posted on his Facebook page: "Come on, let's get serious. Who is ready to go out to the Maidan by midnight tonight? 'Likes' don't count."

This was a call for action in response to President Yanukovych's sudden refusal, under Russian pressure, to sign the Association Agreement with the European Union, scheduled for November 29 in Vilnius, Lithuania. The Association Agreement would have forged closer political and economic ties with the EU, but at a price: the Ukrainian government had to implement a program of reforms, economic, judicial, and regulatory, as well as release political prisoners such as Tymoshenko. For many in Ukraine, it was this outside leverage on Ukraine's extractive political and economic elites that provided a faint ray of hope for curing their country, the 21st century's sick man of Europe.

The students were the first to answer Nayyem's call and show up in numbers to the Maidan. This was a new generation of Ukrainians, kids born after independence, entirely untouched by the Soviet experiment, only handicapped by its aftermath. During the Orange Revolution, they would have been in elementary school, some of them might have made trips to the Maidan with their parents,

others would have stayed with their grandparents while their parents protested.

But in November 2013, it was this generation's future that was on the line with the EU association decision. For them, Ukraine's place in Europe was not so much a matter of common historical and cultural heritage. They cared little that the medieval Prince Yaroslav the Wise of Kyiv married off his daughters to the royal houses of Hungary, France, England, and Norway, becoming the "father-in-law of Europe"; even less that the Ukrainian lands were part of the Polish-Lithuanian Commonwealth—once the largest and mightiest kingdom in Europe—for far longer than they were under Russian rule; and not at all that Europe's geographical center allegedly lay somewhere near the town of Rakhiv in western Ukraine.

For the Ukrainian students on the Maidan, "Europe" was about the future, from which their corrupt leaders had barred them.

For the Ukrainian students on the Maidan, "Europe" was about the future, from which their corrupt leaders had barred them. "Europe" was about not having to pay bribes to petty bureaucrats. It was about going on an Erasmus exchange to another European university. It was about crossing Schengen borders without visas. It was about not being run over by a Bentley, whose driver would go unpunished. It was about living with clean air and drinkable water, about recycling and picking up dog poop. It was about public funds channeled toward public goods, not into private pockets. In short, Europe was about the freedom of choice and living in dignity.

Over the next few days, the students continued to gather on the Maidan under a sprouting of the EU's blue star-studded flags and slogans like "Ukraine is Europe!" The Maidan became Euromaidan. The students sang and listened to speeches by activists and artists, but it looked as if the protests might fizzle out before too long.

At 4 a.m. on November 30, with only a few hundred still encamped on the Maidan, the Berkut riot police, armed with tear gas and truncheons, moved in and began dispersing the protesters by force. Dozens of students were cruelly beaten, some ended up in hospitals; others took refuge a short distance from the Maidan in St. Michael's Golden-Domed Monastery, rebuilt by Yanukovych's former patron Kuchma, in place of the original that had been demolished by Stalin in 1937.

As the morning of November 30 dawned, the fog of events was still thick. One thing, however, was clear: that night, something critically important shifted in Ukraine. As Marci Shore, a Yale historian, wrote in her book The Ukrainian Night: "Yanukovych had broken an unspoken social contract: in the two decades since independence, the government had never used this kind of violence against its own citizens." The Berkut pogrom marked a point from which the student-driven Euromaidan began its transformation into the nationwide Revolution of Dignity, setting in motion events that would change the course of history.

Learning civics

Max Weber, a German sociologist and political thinker, famously defined the state as possessing a monopoly on the use of legitimate force. The events in Ukraine in the winter of 2013-2014 turned Weber's definition on its head. The use of violence on the Maidan authorized by Yanukovych as the head of state turned a huge portion of the Ukrainian society against him and ultimately cost him his legitimacy as president.

After the assault on the Maidan, the number of protesters swelled to the hundreds of thousands: the parents of the beaten students came out, the generation of the Orange Revolution, as well as those who never protested before. For all, the brutality police inflicted on defenseless students, who exercised their right to peaceful protest,

touched a nerve already rubbed raw by a government that absolved itself of any accountability to the people who elected it. The protesters' demand was no longer just the association with Europe; it was the resignation of the Yanukovych government and the return of the 2004 constitution that curbed the power of the president.

In the coming weeks, the numbers on the Maidan only increased, reaching nearly 1 million on December 8. That day, the statue of Lenin in central Kyiv was toppled. The coming months saw what Ukrainians came to call Leninopad, Lenin-o-fall, with more than 500 Soviet-era monuments demolished. Ukrainians were cleansing their country of the Soviet debris.

Not only did the Maidan grow bigger, but it dug in deeper. Miraculously swift and effective feats of self-organization produced food, shelter, and medical care for the population of the Maidan, as well as a library and a university, offering free lectures, a press center, and a security force. There was, of course, the stage and performances, but this new Maidan was markedly different from the Maidan of 2004. It was a city within a city, a polis. The protesters were no longer protesters, they were citizens of the Maidan, sustained by common purpose and gift economy, as noted by another Yale historian, Timothy Snyder. The Maidan welcomed an eclectic procession of foreign dignitaries, from the French intellectual Bernard-Henri Lévi to U.S. Senator John McCain and Assistant Secretary of State Victoria Nuland, who famously partook in the gift economy by handing out chocolate chip cookies.

Most important, perhaps, was that in this polis Ukraine's civic nation was born. Russian propaganda attempts, grasping at the presence of right-wing groups on the Maidan, to portray the protest as an ultranationalist revolt were laughable to anyone who set foot at the Maidan in Kyiv and other cities across the country. The Maidan's citizens were Ukrainian and Russian speakers from all

walks of life and every ethnic background. They were united not by language, ethnicity, or socioeconomic status, but by a commitment to shared civic values.

There would be no more eloquent vignette for this remarkable development than the flash mob at the Privoz fish market in Odesa, a Russian-speaking Ukrainian port city with prominent Jewish heritage, where musicians of its famous Philharmonic Orchestra, led by a Venezuelan conductor, sprung up, among the portly ladies presiding over heaps of fish carcasses, with violins, cellos, flutes, and trombones to triumphantly join in Beethoven's 9th symphony, Ode to Joy, the EU anthem.

The truth of power

Yanukovych's attempt to disperse the protests by force backfired spectacularly, as did his attempt to outlaw protests and other civil freedoms by draconian laws, modeled on Russia's and promptly passed by the parliament he controlled on January 16, 2014. The Maidan stood firm, exposing Yanukovych's powerlessness.

The concept of power is central to politics, yet it remains surprisingly muddled and overstretched. Power tends to be treated as synonymous with authority, force, violence, and coercion, all of which denote ways in which one man (and it's usually a man) can bend others to his will and make them do something they wouldn't otherwise. This, no doubt, is how the Yanukovychs—and Putins—of the world see it, too.

Hannah Arendt, a refugee from Nazi Germany and one of the most original minds of the 20th century, was among the few political thinkers who attempted to draw meaningful distinctions between the various terms we conflate with power. In her essay On Violence, Arendt recognized that while power and violence often come in tandem, they are actually complete opposites.

Power, she argued, is not the ability to impose the will of one man over another, but the ability to act in concert. Power is the property of the collective, and a single actor can be powerful only in as much as he has the following of many. Power is generated through persuasion and demonstration. Because the support for power is granted through free choice and can just as freely be withdrawn, power comes with accountability.

Violence, on the other hand, is the property of a single actor, individual, or institution. While power is the end in itself, violence is always instrumental and requires implements: physical strength, soldiers, and guns. Violence distorts equality between actors and obliterates the freedom to choose, which is so essential to power and the responsibility it entails. Power relies on support, violence commands obedience. Power needs no justification but does need legitimacy; violence can be justifiable but never legitimate.

Arendt acknowledged that, in practice, all forms of government, including democracies, rely on a combination of power and violence. All forms of government, including tyrannies, rely on the general support of society, too. To forge this support, a tyranny sooner or later turns to coercion, which necessarily diminishes its power and makes it, in the words of Montesquieu, the most violent and the least powerful form of government. Thus, the resort to violence is nothing else but a symptom of eroding power, an Arendtian lesson Yanukovych—and Putin—would have done well to learn.

Pride and premonition

By the time the Revolution of Dignity started in November 2013, I had moved back to the same small town in Maine where I met the Orange Revolution. I was a Ph.D. student with three kids in elementary school, one chapter of my dissertation half-written, a horde of archival document scans and interview transcripts in my

computer, and not a single contact in U.S. academia. No work on the dissertation would be accomplished through the winter of 2014.

I spent all available time glued to the computer, following daily developments on the Maidan and pouring over countless articles, many of them written by pundits who suddenly woke up from Ukraine fatigue to opine on developments in a country they knew little about and understood even less. I pitched op-ed after op-ed but got rejection after rejection. I contemplated going to Ukraine, but I did not want to be a revolution tourist and felt that if I were to go, I'd have to stay and see it through—an option I could not square with responsibilities to my family. The Ukrainian diaspora the world over mobilized and raised money and supplies for the Maidan, and I took part. I also volunteered for an online news portal, Euromaidan Press, one of those miraculous products of self-organization, that promptly translated real-time news from the Maidan into English.

I watched the events unfold with a mixture of pride and premonition. There was the resolve: ordinary people's commitment to defend civil rights and freedoms against arbitrary brute force. There was the resourcefulness: millions of Ukrainians managed to create something great out of limited resources. There was the creativity and humor: the merciless taunting of Yanukovych and the oligarchs. There was also the benign irreverence toward all politicians, including opposition figures like the heavyweight boxing champion Vitali Klitschko, the liberal technocrat Arseniy Yatsenyuk, and the dour nationalist Oleh Tyahnybok. This also extended to the EU delegations that shuttled between Brussels and Kyiv to try and mediate the crisis but were said to have brought a baguette to a gun fight (a sentiment less delicately echoed by Nuland—"F-ck the EU!"—in a conversation with U.S. Ambassador to Ukraine Geoffrey Pyatt, clandestinely intercepted and generously leaked to the public by Russian intelligence).

This was no Woodstock.

But something more ominous was in the air. Reports emerged of disappearances and the torture of Maidan activists, some of them snatched from hospital beds where they were recovering from police beatings. In freezing temperatures, the Berkut surrounded the Maidan and began subjecting the protesters to water cannons, tear gas, and stun grenades. The Maidaners donned balaclavas, ski goggles, and construction helmets; armed themselves with baseball bats and ply-wood shields; dug up paving stones; mixed Molotov cocktails; and erected barricades of sandbags, ice, and tires which were burned to create smoke screens. This was no Woodstock.

On February 18, 2014, the Berkut riot police received orders to "clean up" the Maidan and moved in en force. Images of a wall of shields and police helmets, water cannons, black smoke, men in orange hardhats with Molotov cocktails, sullen volunteers in a make-shift hospital treating gory wounds from live bullets and stun grenades were transmitted around the world. By February 20, some protesters were being picked off by snipers installed on nearby rooftops. When the smoke of the Battle for the Maidan cleared, over 1,000 were injured and 108 protesters and 13 police were dead. From then on, the fallen protesters would be honored as the Nebesna Sotnya, the Heavenly Hundred, the first casualties in the struggle for Ukraine's European future.

It was an unthinkable toll for a society that treated the beating of the students as an unacceptable red line. The slaughter on the Maidan was a step too far even for Yanukovych's own political party, which moved to distance itself from the man who now had blood on his hands. Yanukovych first lost legitimacy, then power, and now authority. Hastily packing some papers and belongings, Yanukovych fled to Russia, leaving behind his gaudy mansion, golden toilets and all.

Rejected, Russia strikes

While the standoff on the Maidan was nominally between the Ukrainian protesters and the Ukrainian government, Russia's heavy, dark shadow hung over the ordeal. It was not only that Yanukovych was swayed by Putin's promise of a $15 billion bribe not to sign the EU Association Agreement; not even that many in Yanukovych's cabinet, especially in the defense and security apparatus, had Russian passports, allegiances, and business ties. Rather, it was that Yanukovych tried to institute in Ukraine what Putin had managed in Russia.

But the Maidan revealed just how different Ukrainians were from Russians. The Ukrainian society rejected the kind of social contract with its rulers that the Russian society accepted—whether gladly, begrudgingly, or defeatedly—with theirs. Neither the relative prosperity nor pockets of personal freedom that seemed sufficient to lull the Russian society into submission and to surrender its political agency entirely to the Putin-managed vertical of power would suffice for Ukrainians. They were willing to fight and die for the rule of law, for their political rights and liberties, and for their collective agency to shape their future. The Russian post-Soviet model of governance failed to generate a following in Ukraine, and Yanukovych failed to impose it by force. Russia proved powerless in Ukraine.

Putin, loath to accept his impotence in Ukraine, would go on to violate her.

Where power is in jeopardy, Arendt observed, violence appears and, if unchecked, takes over. As Ukraine mourned its fallen and reconstituted its government, Russia, portraying the events in Ukraine as an "illegitimate fascist coup," pounced. At first, the Kremlin did so stealthily, sending "little green men" to take over Crimea, which it would promptly and illegally annex; then more

brazenly, mobilizing and arming proxies to instigate a war in the Donbas that would claim over 10,000 lives; and finally, dropping all pretense, with an overt large-scale invasion.

Putin, loath to accept his impotence in Ukraine, would go on to violate her. “Nravitsia, ne nravitsia, terpi, moya krasavitsa/Like it or not, put up with it, my gorgeous,” Putin quoted with a smirk from a lewd Russian folk song on February 8, 2022, in a conversation with French President Emmanuel Macron, who was in Moscow trying to ascertain that the 190,000 Russian troops amassed at Ukraine’s borders would not really invade. In just over a fortnight, Ukrainians woke up to Russian tanks and missiles. Four days into the full-scale Russian invasion, Ukraine applied for EU membership.

To live free or die

With their resolve, resourcefulness, self-organization, and the gift economy, first honed during the Revolution of Dignity, Ukrainians would go on to mount a valiant resistance to the Russian onslaught, once again surprising themselves and the world. While repelling a larger, richer, better-armed adversary, Ukraine, prodded by its civil society, would continue to ferret out corrupt operators, steadily improving its Transparency International corruption perception index ranking from 152nd place in Yanukovych’s days to 104th in 2023 (while Russia slid down to 141st). On December 14, 2023, the European Council would vote to open membership negotiations with Ukraine.

Ukrainian politics would also not lose its theatrical flair: in a life-imitating-art twist, Volodymyr Zelenskyy, a comedian who played a Ukrainian president bent on fighting corruption in a satirical TV show, would be elected in 2019 as Ukraine’s sixth president, defeating the incumbent, Ukraine’s fifth president, Petro Poroshenko, a diabetic chocolate magnate. When Russia invaded, Zelenskyy the comedian would turn into a steadfast wartime leader,

using his communication skills to keep up morale and rally international support for Ukraine's defense effort.

By that time, I had defended my dissertation and published a book about Ukraine's nuclear disarmament, a topic made suddenly relevant by Russia's aggression and its attending nuclear threats. Although I am no longer a voiceless Ukrainian Ph.D. student from an obscure European university struggling to find a publisher, I now struggle to find the words to convey the unfairness and horror of the war Russia unleashed in Ukraine. If tear gas and truncheons were unacceptable in 2013 and the death of a hundred was unthinkable in 2014, the slaughter of many thousands, the displacement of millions, the mass graves, gang rapes, child abductions, and torture chambers that followed in the wake of the Russian troops since February 2022 are unspeakable.

Meanwhile, amid air raid sirens, Russian missiles, and unending fresh graves, a new generation of Ukrainians is coming of age. These young people no longer hail from a country known only for its corruption, they hail from a country known for its valor, from a country where ordinary people are wresting, in an unequal battle, their freedom from a vicious foreign tyrant, while continuing to put their own messy house in order. These young Ukrainians will no longer awkwardly linger on the threshold of "Europe," waiting to be admitted: they are part of the polity that pays the highest price to defend everything Europe stands for. And like me, when I see a New Hampshire license plate, they now know what "Live free or die" truly means.

Links in the article:

- https://www.nonviolent-conflict.org/wp-content/uploads/1979/01/the-power-of-the-powerless.pdf

- https://archive.kyivpost.com/article/content/ukraine-politics/under-yanukovych-ukraine-slides-deeper-in-ranks-of-118032.html
- https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=UA
- https://yalebooks.yale.edu/book/9780300276831/the-ukrainian-night/
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- https://archive.kyivpost.com/article/guide/war-against-ukraine/odessa-orchestra-plays-for-peace-at-privoz-fish-market-340979.html
- https://www.theguardian.com/world/2014/jan/17/ukrainian-president-anti-protest-laws
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- https://edition.cnn.com/2022/02/08/europe/putin-coarse-remarks-ukraine-intl/index.html
- https://www.transparency.org/en/countries/ukraine
- https://www.transparency.org/en/countries/russia
- https://www.press.jhu.edu/books/title/12715/inheriting-bomb

Published:

https://www.brookings.edu/articles/when-ukraine-set-course-for-europe/

Review questions:

1. *How does the author use Hannah Arendt's concept of power versus violence to explain the collapse of Yanukovych's authority during the Euromaidan?*
2. *What role did generational memory and civic identity play in motivating Ukrainians to take part in both the Orange Revolution and the Revolution of Dignity?*
3. *In what ways did the failure of the Orange Revolution to achieve long-term systemic change affect public attitudes and set the stage for future mobilization in 2013–2014?*
4. *How did the Maidan movement evolve from a student protest into a nationwide Revolution of Dignity, and what factors contributed to this transformation?*
5. *Why does the author argue that Ukraine's democratic path sharply diverged from Russia's post-Soviet authoritarian trajectory?*
6. *How did acts of self-organization and civic engagement on the Maidan help forge a modern Ukrainian civic nation, according to the author?*
7. *What insights does the essay offer about the geopolitical consequences of Ukraine's democratic uprisings for Russia's foreign policy and aggression?*
8. *How does the author's personal narrative illuminate the broader themes of civic responsibility, diasporic identity, and political transformation in Ukraine?*

About Jean Monnet

Jean Monnet, (born Nov. 9, 1888, Cognac, France – died March 16, 1979, Houjarray), French political economist and diplomat who initiated comprehensive economic planning in western Europe after World War II. In France he was responsible for the successful plan designed to rebuild and modernize that nation's crumbled economy.

During World War I Monnet was the French representative on the Inter-Allied Maritime Commission, and after the war he was deputy secretary-general of the League of Nations (1919-23). Then, after reorganizing his family's brandy business, he became the European partner of a New York investment bank in 1925.

At the start of World War II he was made chairman of the Franco-British Economic Co-ordination Committee. In June 1940 it was he who suggested a Franco-British union to Winston Churchill. After the Franco-German armistice he left for Washington, D.C., and in 1943 he was sent to Algiers to work with the Free French administration there.

After the liberation of France, Monnet headed a government committee to prepare a comprehensive plan for the reconstruction and modernization of the French economy. On Jan. 11, 1947, the Monnet Plan was adopted by the French government, and Monnet himself was appointed commissioner-general of the National Planning Board. In May 1950 he and Robert Schuman, then the French foreign minister, proposed the establishment of a common

European market for coal and steel by countries willing to delegate their powers over these industries to an independent authority. Six countries – France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg – signed the treaty in 1951 that set up the European Coal and Steel Community (ECSC). From 1952 to 1955 Monnet served as the first president of the ECSC's High Authority. The ECSC inspired the creation of the European Economic Community, or Common Market, in 1957.

In 1955 Monnet organized the Action Committee for the United States of Europe and served as its president from 1956 to 1975. In 1976 the heads of the nine Common Market governments named Monnet a Citizen of Europe. In the same year, he published his Mémoires (Memoirs, 1978).

Source:

Britannica, The Editors of Encyclopaedia. "Jean Monnet". *Encyclopedia Britannica*, March, 12, 2025, https://www.britannica.com/biography/Jean-Monnet.

About ERASMUS+ Jean Monnet Actions

Jean Monnet Programme has transformed into Jean Monnet Actions under ERASMUS+ Programme since 2014.

The **Jean Monnet actions** offer opportunities in the field of higher education and in other fields of education and training. The Jean Monnet actions contribute to spread knowledge about the European Union integration matters. The following actions are supported:

- Jean Monnet Actions in the field of higher education
- Jean Monnet Actions in other fields of education and training
- Jean Monnet policy debate (higher education and other fields of education and training)

These actions will be implemented by **the European Education and Culture Executive Agency (EACEA)**.

The Jean Monnet Actions in the field of Higher Education supports teaching and research in the field of European Union studies worldwide.

European Union studies refers to the teaching, learning and research about the European Union, its history, aims, structures, functions and/or its policies.

The Jean Monnet actions also strive to function as a vector of public diplomacy towards third countries, promoting EU values and enhancing the visibility of what the European Union stands for and what it intends to achieve.

The Jean Monnet "Teaching and Research" actions will:

- promote excellence in teaching and research in the field of European Union studies worldwide;
- foster the dialogue between the academic world and society, including local, regional, state and EU level policy-makers, civil servants, civil society actors, representatives of the different levels of education and of the media;
- generate knowledge and insights in support of EU policy-making and strengthen the role of the EU within Europe and in a globalised world;
- reach out to a wider public and spread knowledge about the EU to the wider society (beyond academia and specialised audiences) bringing the EU closer to the public.

The actions also strive to function as a vector for public diplomacy towards third countries not associated to the Programme, promoting EU values and enhancing the visibility of what the European Union actually stands for and what it intends to achieve.

The Jean Monnet "Teaching and Research" must take one of the following forms: Modules, Chairs, Centres of Excellence

- **Modules** are short teaching programmes or courses in the field of European Union studies at offered at a higher education institution. Each Module has a minimum duration of 40 teaching hours per academic year for a duration of three years. Modules may concentrate on one particular discipline in European studies or be multidisciplinary in approach and therefore call upon the academic input of several professors and experts. They can also take the form of short specialised or summer programmes.
- **Chairs** are teaching posts with a specialisation in European Union studies (as described above) for university professors for a duration of three years. A Jean Monnet Chair is held by only one professor, who provides the minimum of 90 teaching hours per academic year. The Chair may also have a team to support and enhance the activities of the Chair, including the provision of additional teaching hours.
- **Jean Monnet Centres of Excellence** are focal points of competence and knowledge on European Union subjects. They should gather the expertise and competences of high-level experts aiming to at develop synergies between the various disciplines and resources in European studies (as described above) as well as at creating joint transnational activities, they also ensure openness to civil society. Jean Monnet Centres of Excellence have a major role in reaching out to students from faculties not normally dealing with European Union issues as well as to policy makers, civil servants, organised civil society and the general public at large.

Sources:

Jean Monnet Actions: https://erasmus-plus.ec.europa.eu/programme-guide/part-b/jean-monnet-actions

Jean Monnet actions in the field of higher education: https://erasmus-plus.ec.europa.eu/programme-guide/part-b/jean-monnet-actions/higher-education

More information:

Erasmus+ (EU programme for education, training, youth and sport) (2021-2027): https://www.eacea.ec.europa.eu/grants/2021-2027/erasmus_en

Erasmus+ Programme Guide: https://erasmus-plus.ec.europa.eu/erasmus-programme-guide

Jean Monnet Actions: https://erasmus-plus.ec.europa.eu/programme-guide/part-b/jean-monnet-actions

Jean Monnet actions in the field of higher education: https://erasmus-plus.ec.europa.eu/programme-guide/part-b/jean-monnet-actions/higher-education

Jean Monnet Activities - Database from 1995 – 2021: https://www.eacea.ec.europa.eu/grants/2021-2027/erasmus/jean-monnet-activities-database_en

For notes

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Technical editor: Roman Svynarchuk.
Computer layout by Olena SHERSHNIOVA.
Signed for publication 07.04.2025. Calibri headset.
Format 30x42/8. Offset paper. Digital printing.
Edition 100 copies. Order No. 14.

Publishing house “4FAMILY” LLC.
The manufacturer is Svynarchuk M.V.

+38 068 68 35 800 • print35800@gmail.com

Certificate of a publishing house ДК № 8216 / 18.11.2024.