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in collaboration with Mychailo Wynnyckyj

EIGHT YEARS AFTER THE REVOLUTION OF DIGNITY

What Has Changed in Ukraine during 2013–2021?

With a foreword by Yaroslav Hrytsak

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Contents

List of Figures and Tables.....	7
List of Abbreviations.....	9
Foreword by <i>Yaroslav Hrytsak</i>	11
Authors' Preface.....	15
Introduction.....	19
1. Historical inference: Ukraine's transition from the LAO vs OAO perspective	43
2. Rule-of-law vs discretionary justice	67
Partial reforms.....	69
Anti-corruption institutions	73
Judiciary: interface with public vs prosecutor	77
Constitutional crisis and reform of the Constitutional Court	87
Prosecution – a core institutional battlefield between the existing patrimonial system and fundamental systemic reform.....	90
State Bureau of Investigations	96
Economic Security Bureau of Ukraine (ESBU)	98
Security Service of Ukraine (SBU)	99
Police	101
Anti-oligarch legislation	102
3. The Economy: Rent seeking versus profit seeking; Eurasia versus Europe; post-industrial versus industrial	107
Rent seeking versus profit seeking.....	107
Socioeconomic shifts	113

4.	Political institutions: Vertical of power vs. checks and balances	121
	Brief timeline of events	121
	Is a new sustainable "single pyramid" possible?	132
	The change of the elite	145
5.	Sociological perspective: New cleavages, identity shifts, and the rise of the "creative class"	151
	Where does Ukraine stand in the transition from LAO to OAO?	156
	Ukraine's identity shifts: changes in geo-political attitudes and hierarchy of self-identifications.....	160
	The changes in social stratification and main cleavages on the way to an OAO: the emergence of the urban creative class.....	166
	Proactive democrats: who are they?	173
	Post-revolutionary cleavages in attitudes: is Ukrainian society increasingly polarized, and is that a risk for OAO?.	177
	Potential for evolutionary development	180
	Conclusions and discussions	187
	Recommendations	201
	Bibliography	209

List of Figures and Tables

Figures

Figure 1. Export and import of the goods and services by main neighboring groups of countries	114
Figure 2. Proactive democrats: growth and drops dynamics (2012-2021, %).....	176
Figure 3. Proactive democrats in the regions (2012, 2014, 2021, %)	177

Tables

Table 1. Evolution of some major sources of rents in the Ukrainian economy	110
Table 2. A few strong leaders could make a better impact on this country than all the laws and discussions (Ukrainian Society Survey, %)	141
Table 3. Perceived social well-being in 2000-2021 (Ukrainian Society Survey, %)	158
Table 4. Geopolitical attitudes in 2000-2021 (Ukrainian Society Survey, % in the macroregions).....	162
Table 5. Whom do you most consider yourself? (2000-2021, Ukrainian Society Survey, %)	165
Table 6. Ukrainian citizen self-identification (2000-2021, Ukrainian Society Survey, % in the selected regions)	165
Table 7. Would you refer to yourself as middle class in Ukraine? (2006-2018, Ukrainian Society Survey %)	172
Table 8. In your opinion, what do people currently fear most? (Ukrainian Society Survey, %)	179
Table 9. Trust in state institutions ("Central trust") (2004-2018, balance of trust vs distrust, Ukrainian Society Survey, %)*	183

List of Abbreviations

ABCA	Annual Business Cost Assessment
ACC	Anti-Corruption Court
ATO	Anti-Terrorism Operation
BPP	Block Petro Poroshenko
CIPE	Center for International Private Enterprise
CIS	Commonwealth of Independent States
CoE	Council of Europe
DCFTA	Deep and Comprehensive Free Trade Agreement
EBRD	European Bank for Reconstruction and Development
ESBU	Economic Security Bureau of Ukraine
ESS	European Social Survey
EU	European Union
EUAM	European Union Advisory Mission
FDI	Foreign Direct Investment
GDN	Global Research Network
GDP	Gross Domestic Product
HQCJ	High Qualification Commission of Judges of Ukraine
ICT	Information and Communication Technology
IER	Institute for Economic Research and Policy Consulting
IFI	international financial institution
IMF	International Monetary Fund
IT	Informational Technology
KGB	Committee for State Security
LAO	limited access order
MBA	Master of Business Administration
MP	Member of Parliament
NABU	National Anti-corruption Bureau of Ukraine
NAS, NASU	National Academy of Science of Ukraine
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NKVD	People's Commissariat for Internal Affairs

OAO	open access order
PF	Peoples' Front party
PGO	Prosecutor General's Office
PIC	Public Integrity Council
PIT	Personal Income Tax
PM	Prime Minister
PPO	Public Prosecutor Office
PR	public relations
PhD	Doctor of Philosophy
RoL	Rule-of-Law
RPR	Reanimation Package of Reforms
R&D	Research and development
SAP	Special Anti-Corruption Prosecution (bureau)
SBI	State Bureau of Investigations
SBU	Security Service of Ukraine
SME	small and medium-sized enterprise
SME Platform	small and medium-sized enterprise platform
SOEs	state-owned enterprises
SUP	Union of Ukrainian Entrepreneurs
SWP	Stiftung Wissenschaft und Politi
UkrSSR	Ukrainian Soviet Socialist Republic
URB	Ukrainian Council of Business
US	United States
USSR	Union of Soviet Socialist Republics
WGI	Worldwide Governance Indicators
WVS	World Values Survey
WW2	Second World War

Foreword

The book that the reader holds in their hands analyzes Ukraine's recent transformation on the eve of the full-scale Russo-Ukrainian war. It is not the only book of its kind but certainly one of the best. It possesses a scope and depth of analysis not present in other books on the same subject for a number of reasons. Firstly, instead of treating various social, economic, and political processes as *disjecta membra*, it proposes a holistic approach. Secondly, it focuses on processes that have gone largely ignored by other observers. Finally, it combines the short-term and the long-term perspective. Taken together, these characteristics make the book the best in the field, a must-read for anybody wishing to understand present-day Ukraine, especially in the context of Ukraine's current heroic and effective resistance against Russian aggression.

Ukraine has experienced several turning points since the break-up of the Soviet Union: the first was the proclamation of Ukrainian independence in 1991, which radically transformed modern geopolitics. Next was the 1993-1994 political crisis that started a regular rotation of ruling elites in the new Ukrainian state. After that came the first "Maidan" (the Orange Revolution of 2004) and the second "Euromaidan" (the 2013 Revolution of Dignity), which put Ukraine on a path of sustainable democracy. Following this was the Russian annexation of Crimea and the Donbas along with the ensuing and protracted war, and now, since February 24, 2022, the full-scale Russian invasion. Each of these points may be considered crucial, and it makes little sense to discuss which one was most important. Instead of treating them as separate events, perhaps we ought to consider the history of Ukrainian independence as "thirty years of revolutions and wars". In a sense, it may be compared to the thirty years comprising the two World Wars and the tumultuous interwar period (1914-1945). These radically transformed the traditional and overwhelmingly agrarian Ukrainian society into a modern Soviet Ukraine, with dramatic and often tragic consequences. This poses a general question: can any systematic transition occur without wars and revolutions?

The answer this book suggests is that "it takes at least one revolution for this change to happen, because a transition from one system to another based on opposing principles can never be fully evolutionary".

The authors focus on the most revolutionary eight years (2014-2022), from the Euromaidan protests to the full-scale war. Based on sociological data and evidence-supported observations, they conclude that the Euromaidan was both an effect and a cause of fundamental changes that Ukraine underwent in the 2010s. At the core of these changes is an emergence of what they call an "urban creative class", represented by journalists, academics, entrepreneurs, qualified professionals, managers, specialists, programmers, and others employed in service sector jobs. These formed a critical mass in the protests that mobilized against the authoritarian regime of Viktor Yanukovich during the Euromaidan, and became the main drivers of reform in their wake. Even the fate of these reforms remained unclear until the eve of the war—the authors describe a "one-step-forward-one-step-back" pattern—still, these processes appear overwhelming and irreversible.

The book was completed on the eve of the war. This war, like any other deep crisis, focuses our vision. Even though some hypotheses and conclusions of this book seem to not be relevant anymore, we may confidently state that the authors were essentially correct in their cautious optimism. What, to unfamiliar eyes, may appear like a "Ukrainian miracle", is instead an accumulation of processes that started long before the war.

As a historian, I am particularly pleased that the authors put their analysis in a global historical context. To the best of my abilities, I have tried to do the same in my recent *Global History of Ukraine*. The similarity of our approaches partially explains why our conclusions concur. However, there is one point of disagreement. I believe that the authors may be too harsh in their condemnation of President Petro Poroshenko for his reliance on a "Ukrainian ethnolinguistic identity". In January 2018, in his address to Parliament he proclaimed the slogan "Army, Language, Faith" as a new formula of Ukrainian identity. As I had once been close to his

political advisors, I can confidently state that this was a pragmatic formula, rather than a strategic one. Poroshenko made his statement within the context of the upcoming 2019 presidential election campaign. His camp was expecting his main rival to be Yulia Tymoshenko, and the decisive fight to take place in western Ukraine, where an ethnolinguistic Ukrainian identity was particularly strong. His slogans were thus intentionally tailored for these circumstances. At the time, Volodymyr Zelensky had not yet announced his decision to run for president. Once he did, Poroshenko's plans failed – but it was too late to revise them.

One irony is that since the beginning of the full-scale war, Zelensky has increasingly relied on the "Army, Language, Faith" formula. In a sense, he might be considered a Poroshenko 2.0. This raises a more general question: which formula of national identity – a civic or an ethnic one – better fits the challenges of modernization? One answer would be to suggest that it may be a false dichotomy. With few exceptions, there are no purely ethnic and no purely civic nations – each nation is to some extent both ethnic and civic. The real question, then, is what should be the ethnic core of the civic nation? In the Ukrainian case, the tentative answer is along the lines implied by the authors: the core is largely made up by the creative urban middle class – to which Zelensky definitely belongs, and which he represents.

My wish would be that once the war ends with Ukraine's victory, the authors write a new book about the prospects and challenges of Ukraine's transition to a liberal democracy and market economy. Without any doubt, war is the worst disaster that can happen to any country. But this war also creates opportunities that cannot be missed. It accelerates processes and makes possible things that had seemed impossible. Hopefully, unlike the failed Soviet modernization that was fostered by the wars and revolution from 1914 to 1945, this time Ukraine's transition will be genuinely successful. Still, as the authors rightly state, the chances of success depend on whether fragmented reforms can be replaced with a clear strategic vision. That remains to be seen. However, the sober and systematic analysis offered in the present book may

serve as a good example for future strategists to emulate. The authors did the best they could; let their successors do better.

Yaroslav Hrytsak, historian, professor, and Vice-Rector
of the Ukrainian Catholic University,
author of "Overcome the Past: The Global History of Ukraine"

Authors' Preface

The idea to analyze the reforms (and overall developments) that took place in Ukraine since Maidan's victory at the end of February 2014 first came to Kalman Mizsei in 2018. By that time a number of "scorecard"-like analyses had been published, but all of them were devoted to "inputs" in the form of reforms and policy measures, while the main question was "by how much and in which direction has the country changed as a result?" He shared this idea with Vladimir Dubrovskiy, who, in turn, involved Mychailo Wynnyckyj, a sociologist who had just finished writing his book "Ukraine's Maidan, Russia's War: A Chronicle and Analysis of the Revolution of Dignity". The project was arranged by CASE Ukraine (with special acknowledgments going to Dmytro Boyarchuk, Executive Director, Konstantin Latsyba, Administrative Director, and Rostislav Kulish, Financial Director), with the financial support of the International Renaissance Foundation (special thanks to Olexander Sushko, Executive Director), to which the authors wish to express their deep appreciation. The whole report is now available at CASE Ukraine's web site.¹

Vladimir Dubrovskiy was the Team Leader, and the principal author of most of the text. Kalman Mizsei is the main author of Section 2, which covers the rule of law (with acknowledgment going to Mychailo Zhernakov for the factual input into the analysis of the judicial reform), and Mychailo Wynnyckyj was responsible for the societal analysis, although he has also made substantial contributions to the general concept. Unfortunately for the project, after a few months he was appointed to a government assignment as Secretary of the National Agency for Higher Education Quality Assurance, and had to discontinue his participation in the further work, so his textual contributions were used without their author's control. Kateryna Ivaschenko-Stadnik successfully

1 Dubrovskiy, V., Mizsei, K., Ivashchenko-Stadnik, K., and Wynnyckyj, M. *Six years of the Revolution of Dignity: what has changed?* CASE Ukraine, 2020, 19-20. Available at: https://case-ukraine.com.ua/content/uploads/2020/06/6-years-of-the-Revolution-of-Dignity_ENG.pdf

took over his role and became the principal author of the sociological Section 5, and other pieces of the text where we analyze sociological data (special thanks to Evgenii Golovakha for his endorsement of using the Institute of Sociology (NAS Ukraine) longitudinal data in this volume). Additional thanks to Nestor Cheryba for his valuable help and advice on the aggregated survey data analysis.

When it was eventually published in 2020, Andreas Umland, founder and editor of the *Ibidem Press* book series "Soviet and Post-Soviet Politics and Society" (SPPS), invited the authors to make a book out of it for publishing in this series. We have substantially amended the initial report. Yaroslav Hrytsak and Balint Magyar provided highly appreciated, excellent and extremely beneficial reviews to the earlier version that largely helped us in writing this volume. The manuscript was ready by the end of January 2022.² But while the technical finalization was in progress, Russia invaded Ukraine again, this time in a full-scale invasion.

Of course, the biggest war in Europe since WW2 is a much bigger shock than even the Revolution of Dignity and the first, limited wave of Russian aggression in 2014. This war will certainly produce major shifts in all the dimensions studied in this book, and so will the EU candidate status that was granted to Ukraine in support of its resilience in the war. But it is too early to assess these shifts, and especially to forecast them, so amending our manuscript with further events at this moment would not make much sense.

However, although Ukraine will never return to the state described in this book, we believe that our study can still be valuable as a historical document shedding light on the roots of Ukraine's surprising resilience. The book happened to embrace the epoch of exactly eight years from the victory of Maidan to the full-scale invasion. It was a special and important period in the reframing, reforming, and solidifying of Ukraine. Despite widespread disap-

2 We extend our sincere gratitude to William Golovaha-Hicks for his editing and proofreading contributions to the book, ensuring its readiness for publication in June 2023.

pointments, many important things changed, as we describe. Huge systemic shifts occurred that actually prepared the country to face future shocks. We think we have analyzed most of them, with the notable exception of the army. We are sure, however, that defense analysts will soon fill this gap.

Still, this is not just a historical document. Most of the recommendations we have derived from our analysis still hold. In particular, we hope that Ukraine's international partners and civil society will learn the lessons of the successes and failures of those eight years, and will not repeat the mistakes they made in that period. The relative success of the reforms in 2014-22 was largely due to the lessons learned from the mostly missed window of opportunity in 2005-09, after the Orange Revolution. We hope that this book will help to make the next such window, which should be wide open after Ukraine's victory, ultimately successful. (The views, thoughts, and opinions expressed in the text belong solely to the authors and contributors of this volume, and not necessarily to the authors' employers, organizations, committees, or other associated groups or individuals.)

KYIV, UKRAINE
2023

Introduction

We embarked on writing this book amidst the backdrop of the Revolution of Dignity and the subsequent first phase of Russia's war against Ukraine (2014-2015). These dramatic events, although they posed significant challenges to the stability of institutions and society, triggered complex transformations. The primary objective of this volume was to examine whether Ukraine has undergone systemic changes that are either irreversible or nearly irreversible due to the Revolution of Dignity. Additionally, we sought to identify concrete measures that can be taken in the foreseeable future to further advance these changes.

Obviously, the all-out war that Russia unleashed on this nation on February 24, 2022, with the aim of annihilating it, has shaped and influenced new realities and circumstances for those systemic changes that are our primary concern in this volume. Yet we are convinced that this volume has not lost its topicality; on the contrary, with Ukraine's EU candidate status the analysis only gained in importance. Most analysts, quite legitimately, focus on the military aspects and potential outcomes of this horrible war. We, however, try to analyze the institutional and societal conditions created by the Revolution of Dignity and the reform efforts of its aftermath. We do this so that those efforts can be accomplished after the hopefully victorious end of the current war. This is particularly so since the methodology of this volume focuses on a strategy of change grounded in reality, rather than simply a laundry list of "tasks". In our view, this is crucial if we want to successfully and irreversibly reform and modernize Ukraine towards a liberal state order after the war.

We consider these changes from the perspective of a systemic transition that begins at a state that North et al. call a "limited access order" (LAO)³ governed by a "natural state". Hale incorporates Acemoglu and Robinson's concept of "extractive institu-

3 North, D., Wallis, J., and Weingast, B. *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*. Cambridge: Cambridge University Press, 2009.

tions"⁴ and Hale's notion of "patronal politics".⁵ The aforementioned transition moves in the direction of an "open access order" (OAO) that includes aspects such as "liberal democracy", "free entrepreneurship", "open society", etc. We use the concept of "systemic transition" as outlined by North et al. because it appears to us the most general and encompassing of all other definitions used in Economics and Political Science. "Modernization" is an even broader term for this transition, however, that also includes societal processes, which are normally far slower than economic and institutional changes.

The kind of systemic transition we consider should not be confused with the rather primitive concept of the "post-communist transition", which assumes rigid motion from planned to free-market economy and from dictatorship to democracy along economic and political axes, and was popular in the 1990s. As Magyar and Madlovics⁶ rightly point out, only a few of the post-communist countries have reached the endpoint of this transition, becoming genuine liberal democracies with predominantly market economies. Others, including Ukraine, reached different intermediate stable or quasi-stable equilibrium states – in the case of Ukraine it is a "patronal democracy" that implies more or less free competition between the patronal "political clans" (or "pyramids" in Hale's terms), a type of regime the country has had since the mid-1990s.

However, from a broader historical perspective this quasi-equilibrium seems to also be transitional, because a democracy cannot be stable without rule-of-law (RoL), which is, in turn, inconsistent with patronalism. This is because routinely and permanently changing the people in power, which is inherent to democracy, disrupts the personal connections that are at the core of pa-

4 Acemoğlu, D., Robinson, J. *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. Crown Publishers, 2012.

5 Hale, H. "Patronal Politics: Eurasian Regime Dynamics" in *Comparative Perspective (Problems of International Politics)*. Cambridge: Cambridge University Press, 2014.

6 Magyar B., Madlovics B. *The Anatomy of Post-Communist Regimes. A Conceptual Framework*. Budapest: Central European University Press, 2020.

tronalism. This makes the patronal aspect of the system less effective and generates demand for stable, impersonal "rules of the game". Thus, depending on how successfully RoL is established, a patronal democracy is likely to evolve into either a liberal democracy, should the RoL squeeze out patronalism, or into a patronal autocracy otherwise. The latter is also unlikely to be stable in Ukraine (see further for a specific discussion on this matter), while the former requires a systemic transition to an OAO. This is the internal driver for the systemic transition that we believe justifies our use of this word.⁷ The geopolitical constellation also seems to be favorable for further evolution towards an OAO, and ultimately towards liberal democracy. However, none of this is guaranteed—so well-designed nurturing and well-targeted aid (admittedly, this is usually in scarce supply) can make a big difference.

Ukraine's systemic transition (commonly called "reforms") has been a subject of great interest both in and outside the country, given how crucial these changes are to the survival of Ukraine.⁸ However, most of these analyses lack two crucial components. First, almost nobody addresses the issue of "change strategy". Here, in the introductory chapter, we address this issue head-on in a methodological sense and try to analyze the changes not as a laundry list of necessary tasks (as many others do), but in how these changes affect one another and have the potential to bring about the systemic transition in Ukraine. We see this approach as more intellectually ambitious and potentially more useful than simple checklists of the recent changes in Ukraine that do not clarify the connections between the different areas of reform. Our approach also demands establishing priorities of reform, which is usually missing in the "laundry list" approach that has been so prevalent during the 2014-19 period. Second, most analyses of the reforms fail to consider the constraints inherent in the

7 For more details see: Dubrovskiy, V. "The Main Driving Forces for De-Patronalization of Ukraine: The Role of Ukrainian business" in *Ukraine. Patronal Democracy and the Russian Invasion: The Russia-Ukraine War, Volume One*, edited by Madlovics, B. and Magyar, B. Budapest-Vienna-New York: CEU Press, 2023.

8 This is in itself a highly debated issue that we will later address in detail.

deeply entrenched system that has developed in Ukraine during 30 years of independence, as well as those more broadly inherent to an LAO.

The Ukrainians, who are struggling to modernize their country, rightly call the setup that evolved in the last 30 years "The System". It is indeed a well-established socio/politico/economic system. In this introductory chapter we present our brief theoretical analysis of, and methodological approach to, "The System" and the resulting implications for our further analysis.

This volume is based on an analysis of primary and secondary sources (mainly thematic literature review, analysis of available government records, and relevant longitudinal survey data). We can only collect limited empirical evidence in favor of our propositions, but hope other scholars will follow up with their own empirical testing. So far, we have had to largely rely on logically grounded hypotheses.

Theoretical inference: the System's logic⁹

To enhance the introduction of our approach, we begin by presenting our comprehensive vision of "The System." We have observed that many analyses of the Ukrainian reforms tend to operate within a limited conceptual framework. They often label the existing socio-politico-economic structure as "a system" and describe its primary features, but fail to delve deeper. By addressing this limitation, we aim to provide a more thorough and nuanced exploration of "The System" in our approach.

By definition, a system implies not just a combination of parts into a whole, but also the interactions between them. A system is sustainable and resilient to external shocks because its interlinkages form series of positive and negative feedback mechanisms that allow the system to react to such shocks while main-

9 For more details see: Dubrovskiy, V. "Patronalism and the Limited Access Social Order: The Case of Ukraine" in *Ukraine. Patronal Democracy and the Russian Invasion: The Russia-Ukraine War, Volume One*, edited by Madlovics, B. and Magyar, B. Budapest-Vienna-New York: CEU Press, 2023.