

# EU Mediation Practices in Ukraine during Revolutions

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# EU Mediation Practices in Ukraine during Revolutions: What Authority as a Peacemaker?

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## Abstract

This article compares two different experiences of EU engagement in mediation in Ukraine: the Orange Revolution in 2004 and the Euromaidan crisis in 2013–2014. This comparison reflects two different outcomes of EU mediation practices under similar circumstances of political conflict between domestic political actors. The changing degree of collective EU authority recognized by other actors is the main driver behind varying EU mediation practices and outcomes. Authority conferred on the EU as a collective actor represents the legitimacy of its power, resources and competence to conduct mediation. However, such authority is always circumscribed by crisis-specific circumstances and volatile configurations of forces. Therefore, differing degrees of authority explain shifts in the effectiveness of EU mediation. To capture the authority of EU mediators in specific crisis situations, this article employs and interprets firsthand accounts of the experiences of actors directly involved in mediation.

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## Keywords

mediation – authority – recognition – Ukraine – European Union (EU)

The role of the European Union (EU) in Eastern Europe increased following the launch of the European Neighborhood Policy (ENP) in 2004. The EU promoted political, economic and social transformations in the region and launched the Eastern Partnership in 2009 to emphasize its prioritization of eastern neighbors. However, the EU reluctantly engaged in the resolution of conflicts in the post-Soviet region. Aside from its significant role in the ceasefire negotiations during the Russia–Georgia war in 2008 (Whitman & Wolff 2010), the EU played a marginal role in most international diplomatic frameworks dealing with frozen conflicts in the post-Soviet space (Transnistria, Nagorno-Karabakh, and South Ossetia and Abkhazia) (Popescu 2011). In this context, the EU's sustained engagement in Ukraine is an exception that offers an opportunity to compare the effectiveness of EU mediation efforts.

The EU's increasing engagement in mediations involving Ukraine illustrates the evolution of Ukraine's relevance for the EU. The EU abstained from involvement in the Ukraine–Russia dispute over Tuzla Island in the Kerch Strait in 2003, and it supported bilateral negotiations as an appropriate mechanism to solve this territorial dispute before launching the ENP. Since involving Ukraine in the ENP, EU representatives have mediated several domestic and international disputes: the Orange Revolution (2004), a dispute over gas supplies with Russia (2009), the imprisonment of former prime minister Yulia Tymoshenko (2012–2013), Euromaidan (2013–2014), the consequences of the Deep and Comprehensive Free Trade Area (DCFTA) for trade with Russia (2014–2015), negotiations on gas supplies and transit from Russia (2014–ongoing), and the war in Donbas (2014–ongoing). This article compares EU mediation efforts in two apparently similar cases of political conflict between domestic political actors with different outcomes: the Orange Revolution and the Euromaidan.

During the Orange Revolution, the EU helped resolve domestic political conflicts over the results of presidential elections involving pro-reformist political opposition and semi-authoritarian authorities. However, the effectiveness of EU mediation was mixed and unsustainable during the Euromaidan in 2014, which involved similar domestic political clashes. Comparing these cases presents a certain puzzle. On the one hand, the EU mission mediated successfully during the Orange Revolution by facilitating dialogue and formulating proposals for domestic settlement. On the other hand, domestic settlement during the Euromaidan, brokered with support of the EU, was only partially

successful even though it tried to use specific material leverage to support its facilitation and formulation efforts. These different results contradict the conventional expectation that leverage and material incentives enhance the prospects of settlement.

To examine this puzzle, this article analyzes the concept of authority to understand the factors involved in effective mediation. It argues that the effectiveness of EU mediation depends on the degree of its authority, or its legitimate power, as recognized by other involved parties. The different power resources at the mediator's disposal play a role when disputants recognize their value. The recognition of these resources as sources of authority is also shaped by the essential features of specific disputes. Such an understanding of authority provides an avenue for investigating the relational aspect of power, which depends on disputants accepting the mediator's influence. At the same time, it accounts for the essential feature of mediation as an interactive search for solutions involving different actors, as opposed to the imposition of a solution. This reflects the fact that while mediators can influence a settlement, the acceptance of that settlement depends on the disputants.

### The Concept of Mediator Authority

Power in mediation is among the most debated topics in international mediation literature. At the same time, power presents an elusive conceptual perspective on international mediation. Two factors explain this situation. First, researchers adopt opposing positions regarding the role of power in mediation (Bercovitch, Anagnoson & Wille 1991: 8; Wall & Lynn 1993: 186; Harris & Reilly 1998: 107–109; Zartman & Touval 1985), which produces disparate empirical evidence. Powerful mediators are more effective and attain greater acceptance as mediators, but the resulting settlements are superficial and less durable (Svensson 2007: 232–234; Beardsley 2008; Wallensteen & Svensson 2014). Second, the underlying reason for the abovementioned controversy is a narrow conceptualization of power in terms of material resources employed as leverage to force actors to change their behavior and be compliant (Kleiboer 1996: 371–372; Svensson 2007: 229–230; Wilkenfeld et al. 2005; Vuković 2016: 29).

To address this controversy, and to respect the distinctive features of mediation, this article employs the concept of mediator authority. Following the classic Weberian approach to authority as legitimate power (Hurd 1999; Cronin & Hurd 2008: 12), scholars have defined political authority as “rightful or legitimate rule” (Lake 2010: 591), “the fusion of power with legitimate social purpose” (Ruggie 1982: 382), or the relation of power or social control when “the

actor perceives the institution to be legitimate” (Hurd 2007: 60–61). The factor of legitimacy distinguishes power from authority (Hall & Biersteker 2002: 4). More specifically, “where power is acquired and exercised according to justifiable rules, and with evidence of consent, we call it rightful or legitimate” (Beetham 2013: 3).

This concept integrates two perspectives on power: power-as-resources and power-as-relations (Göhler 2009). Power-as-resources focuses on an actor’s capabilities, features, and potential *power to do something*. Power-as-relations, meanwhile, focuses on the actual interactions between actors and an actor’s *power over another*. Authority relies on the notion that power resources and the relations of influence are both legitimate.

The understanding of authority as legitimate power means that authority is not a simple imposition of an outcome, as understood elsewhere (Wall, Stark & Standifer 2001: 375), but the express consent to be influenced. The legitimacy inherent in authority embraces the distinctive feature of mediation in which third-party involvement is voluntary, nonviolent, and nonbinding (Bergmann *et al.*; forthcoming). By legitimizing a mediator’s authority, disputants accept that their position could be modified by a mediator who employs resources to facilitate mediation, yet they maintain their autonomy (Greig & Diehl 2012: 6). A mediator’s authority does not require coercive measures to enforce a settlement since its rightfulness should produce compliance. At the same time, authority is not formal or legal but emerges from a social contract based on order in exchange for compliance (Lake 2010: 595–596). The legitimacy of a mediator’s efforts depends on following rules that express intersubjective beliefs about mediation as a voluntary and noncoercive method of dispute settlement.

Mediators have authority when their power is recognized as legitimate by confronted parties. Such acts of recognition acknowledge the need for authority in given circumstances and the recognition of the legitimate exercise of authority (Cronin & Hurd 2008: 6; Zürn *et al.* 2012; Sending 2015). The recognition underlying the notion of legitimacy transforms power relations and power resources into relations of authority and sources of authority, respectively.

Recognition is an inherently relational concept where “to be known and recognized also means possessing the power to recognize, to state, with success, what merits being known and recognized” (Bourdieu 2000: 242). Recognition is also strictly related to power since “to have power, an agent must first secure its recognition as an agent capable of having power” (Ashley 1984: 259). Relations of recognition are based on an equality that “designates an ideal reciprocal relation between subjects on which each sees the other as equal and also as separate from it” (Fraser 2003: 10). However, such relations also create

temporal hierarchies since the demands of recognition are also acts of recognizing another's authority and credibility to judge (Ikäheimo 2002: 450–452; Ikäheimo & Laitinen 2007: 37–39). Recognition enables authority when an actor's resources acquire a legitimate character. Acts of recognition provide resources with intersubjective value in a given context and convert some attributes or resources into legitimate sources of authority (Adler-Nissen 2014: 661).

Five sources of mediator authority are distinguished that can be relevant during mediation. First, *institutional* authority emerges from formal and official positions occupied by mediators and the nature of their mandate (Bercovitch & Fretter 2007: 158). Recognition of this institutional authority provides a legitimate source of power that increases a mediator's credibility since the mediator's commitment has a better chance of being delivered. Second, *epistemic* authority depends on expertise and knowledge recognized as relevant in a given context (Carnevale 2002: 29; Zürn *et al.* 2012). The recognition of such competence increases the resonance of a mediator's actions since the mediator can adequately understand and interpret the dispute. Third, *social* authority emerges from the scope and quality of the mediator's social network created and maintained with conflicting parties. Recognition of this authority enhances the mediator's access to different actors. Fourth, *material* authority refers to a recognized capacity to offer incentives and threaten with sanctions. Such authority increases a mediator's capacity to manipulate the cost-benefit calculations of the involved parties (Zartman & Touval 1985; Harris & Reilly 1998: 108–109). Finally, a mediator's *personal* authority concerns the perception of a balanced and unbiased contribution to settling a dispute despite specific preferences. This emerges from the recognition of qualities such as honesty, objectivity, justice, and impartiality. We can expect that the recognition of fairness increases respect for a mediator's status (Harris & Reilly 1998: 105–106).

Authority is not an intrinsic characteristic of mediators but is dependent on acts of recognition. Acts of recognition also indicate which sources of authority are relevant under given circumstances. The same actor can hold different degrees of authority, which can be more or less relevant in different disputes. Therefore, a mediator's authority is contingent, is established in specific situations often characterized by dynamic configurations, and is relative to specific conflicts. This argument regarding authority can help clarify the puzzling situation in which mediation has radically different effects in comparable situations. The plausible expectation is that in cases of successful mediation, the EU enjoyed authority because the resources held by EU representatives were recognized as sources of authority. Meanwhile, in cases of unsatisfactory mediation the EU did not enjoy sufficient authority relative to the situation.

The empirical analysis that follows focuses on two questions: (1) Which sources of EU authority were significant in a given dispute and were recognized by the conflicting parties? and (2) How did EU authority influence mediation outcomes? The intersubjective nature of authority, in which legitimate power is sustained by acts of recognition, requires reliance on the firsthand accounts of actors involved in mediations. Therefore, to interpret authority during negotiations, this study reconstructs the positions, perceptions and opinions of key EU and Ukrainian actors using documents including transcripts of roundtable meetings during the Orange Revolution (Campbell et al. 2007), personal accounts found in interviews, memoirs and nonfiction, as well as the academic literature.

### **EU Mediation during the Orange Revolution: Effective Authority without Leverage**

The EU's mediation during the Orange Revolution is a case of successful involvement in a domestic conflict. EU mediators contributed to the comprehensive settlement of the conflict by brokering a political compromise accepted by all parties, and they managed to direct the possibility of violent confrontation into institutionalized channels.

Massive protests against electoral fraud during the 2004 Ukrainian presidential election threatened to become violent (Wilson 2005; Campbell et al. 2007; Stanisławski 2005). The election pitted the reform-minded, Western-oriented Viktor Yushchenko against Viktor Yanukovich, who was reluctant to enact far-reaching reforms and sought accommodation with Russia. Each candidate mobilized large segments of society as well as key domestic and international actors in support of their platforms. The political deadlock that resulted from the parties' incompatible positions led to increasing tensions and a fear of violent repression. In this context, international mediators helped to broker a political compromise between the opposed parties. They facilitated three roundtables, gathering all disputants. The compromise consisted of repeating the run-off of a presidential election based on revised election laws, along with a reform of the Ukrainian constitution limiting presidential powers in relation to the government and parliament.

The effectiveness of this mission can be explained by the fact that the international mediators' authority was highly recognized by the involved parties. Poland, with support from Lithuania and EU institutions, organized the international mission. This mission was requested by both Ukrainian President Leonid Kuchma, who endorsed Yanukovich, and the opposition

leader Yushchenko. The request itself and the mediation dynamics reflected the fact that the actors recognized the mediators' various sources of authority as highly relevant. In particular, institutional authority increased the credibility of the mediators' positions. Personal and epistemic authority facilitated balanced compromises that respected the disputants' preferences. Finally, social authority enabled access to and the involvement of all relevant actors. The mediators' material authority was less relevant given the political nature of the dispute. However, the leverage employed by EU institutions facilitated their actions.

The strong *institutional authority* of the mediators' mission emerged from the support of EU actors as well as its balanced composition, which reflected different internal sensitivities. The core team was composed of the presidents of Poland and Lithuania, as well as EU High Representative Javier Solana<sup>1</sup> assisted by Dutch diplomats representing the EU Presidency. The Polish president enforced the presence of Solana "to make it a European affair, and not only Polish" (Kwaśniewski 2005). Poland coordinated with key EU member states, including the Netherlands (who held the Council's Presidency), Germany, France, the UK, the Baltic states, Austria and the Czech Republic. All of them supported, in varying degrees, the mediation mission as a shared EU undertaking. The institutional authority of each member of the mediation team was also relevant. Solana received explicit support to represent the EU in the mediation. His presence provided key institutional appeal and brought the "full credibility and weight of the European Union" (Pifer 2007: 37).<sup>2</sup> Given his status as president, Kwaśniewski dealt with the Ukrainian president on equal terms and "could pull Kuchma aside and say, 'C'mon Leonid, you can't mean that,' and Kuchma would listen" (Pifer 2007: 36).

With the involvement of several top decision makers, the Ukraine situation was at the top of the EU agenda for several weeks, creating momentum for the adoption of a firm position on the allegations of electoral fraud (Orzechowski 2004). At the same time, however, the mission was not constrained by a detailed EU position, reflecting a certain trust in the mediators and allowing for

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1 Moreover, the secretary general of the OSCE, Jan Kubis, and the chairman of the Russian State Duma, Boris Gryzlov, participated in the three roundtables, although their contribution was very limited. However, the presence of a Russian representative provided the perception of geopolitical balance during the roundtables negotiations. Later, the Polish minister of foreign affairs, in his capacity as rotating Presidency of the Council of Europe, also participated in the talks.

2 The explicit support of the United States for the EU mission reinforced the position of the mediators.

flexibility during the talks. The EU adopted a principled position that supported a fair and free election that met international standards. This position allowed for demands of restraint by both camps and sought solutions that accounted for the dynamics of the Ukrainian negotiations.

The mediators also benefited from the recognition of their *personal authority* as honest facilitators of the agreement. Simultaneous requests from Kuchma and Yushchenko to have Poland as the interlocutor reflected the recognition of Kwaśniewski's high personal esteem, which was a result of close personal allegiances developed during years of interaction with all leading Ukrainian actors. For example, given their deep and ongoing relations, Kuchma trusted the Polish president, referring often to their "personal friendship," even as Ukraine was increasingly marginalized by leading international actors because of Kuchma's authoritarian tendencies (Haszczyński et al. 2005). Meanwhile, Yushchenko's representative claimed "there is no other politician in Europe, or elsewhere in the world, who has acted so consistently for Ukraine and in the interests of Ukraine" (Stanisławski 2005: 54). With such close relations, Kwaśniewski was able to pressure Kuchma to convince Yanukovych to participate in the negotiations (Wilson 2005: 138) and convince Yushchenko to show restraint and make concessions. Solana and Adamkus also benefited from personal esteem as partners involved in Ukrainian affairs. Kwaśniewski asked Solana to participate because of his "good relationships with all parties" (Solana 2010: 129), and Kuchma requested Adamkus's presence given his "influence on Ukrainian people" and capacity to "ease up" tensions (Adamkus 2016).

These initial positive attitudes toward the mediators were further confirmed by their performance. They focused on principles and general mechanisms of conflict resolution around which the parties could converge. Given the deep distrust among the disputants, the mediators proposed adhering to the principle of peaceful and political dispute resolution based on Ukrainian law (Campbell et al. 2007). The mediators facilitated an agreement that balanced the positions of the opposed parties, enhancing mutual recognition of their honesty. For example, they tried to avoid the radicalization of both camps. They pressured Kuchma and Yanukovych to avoid the use of force and dissuaded the Orange camp from occupying government buildings. Furthermore, they supported a rerun of the run-off election favored by Yushchenko as well as Kuchma's proposed constitutional amendment limiting presidential powers. They employed their authority to argue the benefits of this compromise put forward by the speaker of the Verkhovna Rada (Campbell et al. 2007; Pifer 2007: 33–35) and avoided giving the impression of imposing their own solutions. This balanced position helped ameliorate the suspicions of bias held by

the opposing camps. Yushchenko's camp suspected that Kwaśniewski could be biased given his close relationship with Kuchma. During discussions with Yanukovych, Polish diplomats challenged his belief in Polish partiality, claiming that "we simply do not want Ukraine to be governed by a president not recognized by the world. It would be in neither your best interests nor ours" (Wojciechowski 2006: 265).

Strong personal authority also stemmed from the recognition of the mediators' *epistemic authority*. In particular, Kwaśniewski "correctly appraised the situation in Kyiv" (Wilson 2005: 139) as well as the specific preferences, concerns, and limitations of all actors. His insights facilitated the performance of the entire team, since other members trusted him. He understood that the deadlock emerged paradoxically from the fragility of the actors' positions – namely Yushchenko's weak legal position, Yanukovych's social alienation, and Kuchma's weak "lame duck" institutional authority. Moreover, he managed the social and cultural codes specific to Ukrainian political culture. For example, Kwaśniewski proposed transparency in the Supreme Court's deliberations to break the legacy of secrecy in post-Soviet institutions and pressure the Court to rule fairly (Kwaśniewski 2004). Another key element was the understanding that political actors are closely connected to leading Ukrainian oligarchs. Mediators understood their self-help attitude and support for a compromise, thus enabling the adoption of an appropriate mediation strategy (Wojciechowski 2006: 261; Stanisławski 2005: 53, 68). Finally, Kwaśniewski's proficiency in Russian allowed him to contribute to discussions held in Russian, much more so than Solana, who needed translators (Cimoszewicz & Werner 2012: 178).

The mediators' *social authority* proved decisive. Their epistemic authority was attributable to the scope and quality of their relations with all relevant Ukrainian actors. Polish mediators had easy, direct access to all key players during hectic moments thanks to their extensive network of contacts. The quick launch of the mediation mission was enabled by the mediators' ability to coordinate with all relevant actors in the EU, including the heads of states and governments. Moreover, different members of the mission maintained open channels of formal and informal communication with all Ukrainian actors. In this regard, Kwaśniewski and his team used an outstanding network of contacts, including main Ukrainian politicians and actors, during decisive episodes of mediation. After "years of consecutive efforts and building personal contacts," he was able to solve the problem with "a simple phone call" (Kwaśniewski 2004). Thus, the involvement of Polish mediators meant there were "no closed doors" (Haszczyński *et al.* 2005). For example, when

Kwaśniewski's collaborators discovered a plan to use miners from Donbass to forcefully remove demonstrators from administration buildings, he was able to prevent it by holding emergency calls with President Kuchma and key decision makers in the Yanukovych camp (Kwaśniewski 2004; Stanisławski 2005: 59).

The mediators' *material authority* in this case remained secondary given the domestic political character of the dispute. Although the Orange Revolution was presented as a choice between Western or Russian orientation, the dynamics of the conflict and the mediation suggest limited relevance of this aspect. Accordingly, the mediators focused on resolving the problem of electoral fraud and were not expected to make commitments on behalf of the EU (Pifer 2007: 39). They avoided specific promises of incentives or threats of sanctions, aside from vague suggestions that a lack of democratic settlement could have negative consequences and affect Ukrainian relations with the West (Wojciechowski 2006: 257; Campbell et al. 2007). It appears that such aspects did not figure prominently in the negotiations. At the same time, the mediators' personal authority benefited from the fact that other EU institutional actors not involved in the mediation suggested employing leverage. The European Commission, the Dutch Council Presidency, and European Parliament offered incentives related to further strengthening relations in the framework of the recently launched ENP as a means to promote democratically rerun elections. They also suggested possible consequences, such as downgrading relations and even sanctions, for further violations of democratic principles (European Parliament 2004).

### EU Mediation Efforts during the Euromaidan: Engagement without Comprehensive Authority

The 2013–2014 domestic crisis in Ukraine evolved from a pro-European demonstration into a radical antigovernment uprising. Protests erupted in November 2013 when the government decided to postpone signing an Association Agreement with the EU planned for the Eastern Partnership summit in Vilnius. The protests in Kyiv called for Yanukovych to reconsider this decision. However, after he employed violence against the protesters, their main demands shifted to removal of the president and his government, as well as constitutional reforms. Radicalized activists faced increasing government repression, leading to a spiral of violence. The climax occurred February 18–20 when almost 100 protesters and security officers were killed and several hundred wounded. In the aftermath, Yanukovych and several members of his clique fled the country, and

power was assumed by members of the parliamentary opposition (Wilson 2014; Menon & Rumer 2015, Koshkina 2015).

Three parties were involved in the conflict: Ukrainian authorities under President Yanukovich, the parliamentary opposition represented by the leaders of three opposition parties (Arseniy Yatsenyuk, Vitaliy Klitschko, and Oleh Tyahnybok), and the self-organized activists and protesters occupying Independence Square (Maidan) in Kyiv. The EU assumed the role of mediator between the Ukrainian authorities and the leaders of the parliamentary opposition representing civil society activists. After failed attempts to reach an agreement through the mediation efforts of Catherine Ashton (High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission) and Stefan Füle (European Commissioner for Enlargement and European Neighborhood Policy), the foreign ministers of Germany, France and Poland, acting on behalf of the EU, brokered a short-lived settlement on February 21. A few hours later, Yanukovich fled the capital, and his regime effectively collapsed. Several key elements of the agreement (for example, constitutional reform restoring the balance of power between the president, government and parliament in line with the 2004 constitutional compromise and presidential elections) have been implemented. The dynamics of mediation – as well as the outcome – reflect the evolution of the different dimensions of EU mediators' authority during this crisis.

Inadequate use of material resources reveals insufficient *material authority* as the reason for the EU's failure to engage in fruitful meditation. The EU faced contradictory expectations regarding the material resources at its disposal and thus failed to convert its resources into material authority recognized by all parties. The Ukrainian regime thought that signing the Association Agreement imposed significant material costs without offering sufficient benefits. The relevance of the material dimension of authority originated from the oligarchic-kleptocratic nature of Yanukovich's regime (Parafinowicz & Potocki 2015: 19–121), as well as the fragility of the Ukrainian economy. Ukrainian authorities explained their refusal to sign the agreement as based on the costs of implementation as well as Russia's economic boycott and opposition of Ukraine's economic integration into the EU. The regime expected substantial material assistance from the EU and the IMF (Wilson 2014: 49–65), but the EU refused to address those expectations. EU representatives emphasized, instead, potential long-term economic benefits and hesitated to specify any short-term material support (Ashton 2013a). The Association Agreement and the need for painful economic reforms remained priorities for the EU mediators, even as the situation in Kyiv deteriorated (Council of the EU 2014a, 2014b, 2014c). Meanwhile, Russia offered a generous economic package of \$15 billion in loans

for Ukraine without demanding reforms that would seriously affect the kleptocracy of the regime.

As a result, the EU neither offered the sufficient material incentives expected by authorities nor imposed the sanctions expected by activists and the opposition given the government's violent repression. The EU threatened Yanukovich with sanctions only after the bloody events of February 18, 2014. EU representatives mediated between the opposition and the government after EU bodies discussed imposing sanctions against the Yanukovich regime. However, the regime collapsed before the sanctions materialized a few weeks later.

Inflexibility regarding material incentives constrained the authority of EU mediators in relation to the Ukrainian regime in terms of their *institutional authority*. Although all participants recognized the institutional status of Ashton and Füle, they were still perceived as inferior given their dependence on the collective position adopted by member states. The EU's readiness to assist with crisis resolution (Council of the EU 2014a, 2014b, 2014c) constituted only one element of the Council's overall policy on the Ukrainian crisis. Moreover, the mediation consisted of numerous ad hoc visits by different EU representatives who met separately with different actors. The Weimar Triangle mission momentarily reversed this institutional trend. On the one hand, they were not bounded by any institutional mandate, and their input influenced the deliberations in the Council (Ashton, 2014). In fact, Sikorski refused Füle's participation in the mission since "there should be strong players. An official of an institution disregarded by Russia would not be helpful" (Wielński 2014). On the other hand, ministers actively sought a compromise between the president and the opposition during their stay in Kyiv and also signed the agreement. They sometimes adopted risky positions and assumed responsibility for the agreement.

As a symbolic achievement of the Eastern Partnership, the signing of the Association Agreement converted the EU into an interested party with high political stakes in the outcome of the crisis. This negatively affected the *personal authority* of EU mediators among all three parties in the conflict. The EU position during the crisis generally reflected the continuity of the EU's priorities in its relations with Ukraine (Natorski 2017). The EU condemned violence perpetrated by all actors as well as the violations of human rights and fundamental freedoms. It supported "a democratic solution to the political crisis in Ukraine that would meet the aspirations of the Ukrainian people," as well as further reforms, and offered the possibility of signing the Association Agreement (European Council 2013; Council of the EU 2014a). After a serious deterioration of the situation, the EU considered, as possible solutions, both the opposition's proposals for constitutional reform and new presidential

elections, and the government's idea of creating a new inclusive government (Council of the EU 2014c). The EU envoys presented the collective EU stance as a background for possible compromise but also emphasized that "this is a Ukrainian process" (Füle 2014).

Yanukovych viewed the EU position as biased in favor of the opposition. EU diplomats recognized that, in spite of their attempts to keep neutral stance, they were sympathetic towards the protesters (Hofius 2016: 959–961). Consequently, EU representatives were undermined by Ukrainian authorities. For example, Ukrainian authorities attempted to remove protesters from Independence Square, oddly enough, during Ashton's visit, making "the launch of a political dialogue more difficult than before" (Ashton 2013b). Revealingly, Weimar Triangle ministers witnessed the bloodshed on Maidan shortly before the launch of talks with the president and the opposition.

Civil society activists deeply distrusted both the authorities and the representatives of the parliamentary opposition (Stepan 2016: 77–78; Kurkov 2014: 121) and criticized EU mediators for their soft approach to Yanukovych. They viewed the EU's expressions of "deep concern" regarding the Ukraine crisis as "hypocritical and cynical" (Riabchuk 2014). In effect, only the institutional opposition repeatedly called the EU to engage in mediation with the regime (Stepan 2016: 73).

The incomplete implementation of the agreement brokered by the Weimar Triangle illustrates the limited personal authority of the mediators. As one observer noted, "Yanukovych believed that the West purposefully exposed him, and the Maidan activists believed that the West defends a dictator" (Kacewicz 2014: 135). Therefore, despite the agreement, Yanukovych prepared to flee during negotiations with the opposition. In turn, the civic council of Maidan accused the opposition and mediators of betrayal and only reluctantly accepted the agreement when forced to do so by the mediators (Kacewicz 2014: 136; Wilson 2014: 91–92). Finally, the crowd at Maidan rejected the agreement and urged Yanukovych to step down immediately.

The problems with brokering a settlement during this crisis can be attributed to the EU mediators' deficit of *epistemic authority*. In particular, the EU struggled to translate knowledge of the situation into policy. EU actors were unable to calculate the dynamics of the crisis. For example, after parliamentary inquiry, the House of Lords report suggested that "important analytical mistakes," "missed warning signs," and a "lack of good intelligence-gathering capacity on the ground" contributed to the adoption of erroneous political approaches by the EU (House of Lords, European Union Committee 2015: 63–64). As a result, the evolution of the situation in Ukraine, as well as Russian policy, continuously surprised the EU institutions (Pop & Rettman 2014). EU

assumptions about the preferences of Ukrainian actors also proved inaccurate in view of the pressure exercised by Russia. For example, Füle recognized his assumption that the Yanukovych regime and other oligarchs were

guys who fight basically for their economic interests in the Eastern Ukraine. In defense of these interests, they compete with Russia, not among themselves. [...] [Yanukovych believes] that it is urgent to advance to the next stage: consolidation of wealth and power, [and] and the only way to do this is through the EU (Parafinowicz & Potocki 2015: 129).

EU representatives struggled to correctly interpret the situation because of insufficient information including, for example, meetings between Putin and Yanukovych (Olchawa 2016: 108–115). Despite the fact that many EU diplomats, including the EU delegation in Kyiv, realistically assessed the situation in Ukraine before and during the Euromaidan, these inputs did not translate into effective policy approaches elaborated by EU institutions in Brussels (Parafinowicz & Potocki 2015: 131–134). EU diplomats on the ground had a good understanding of the situation; for example, Sikorski “did not have any illusions about these people. He had very good insight. Nobody could be trusted [in the Yanukovych regime]” (Parafinowicz & Potocki 2015: 157). However, they also frequently disagreed about the policy approach (Hofius 2016). As a result, top-level decision makers, including national ministers and the High Representative, resisted revision of existing policy (Christiansson 2014; Parafinowicz & Potocki 2015: 142).

Different Ukrainian voices have attributed the EU’s ineffective negotiations with Yanukovych to an inability to deal with the specific political culture of his regime and his close connections with Russia. As argued by one leader of the opposition, Oleh Tiahnibok, “The West again let itself be dragged into a cynical game and be fooled” (Kacewicz 2014: 136) – that is, the negotiations were considered a trap to be used against the EU and the opposition. A recognized Ukrainian writer bitterly observed that the EU “did not notice that they speak completely different languages” but also attributed this attitude to a “kind of subconscious disdain [...], distrust [...], indifference based on noble declarations, [...] or the feeling of superiority of West over East” (Smoleński 2014: 58–59). These voices exemplify a refusal to recognize the EU’s knowledge of Ukraine as possessing epistemic authority.

Given these limitations in several dimensions of the EU’s authority, the broad social network of contacts developed by top-level decision makers and EU officials did not translate into *social authority*. EU representatives interacted with Ukrainian authorities, institutional opposition, and civil society activists

on a daily basis. Similarly, the EU delegation, as well as national diplomats, enjoyed permanent access to different domestic actors in the Ukrainian conflict. However, their interactions remained formal and were not based on trusting relationships that could have inspired compliance to commitments. As a result, Yanukovich never delivered on his promises to Ashton and continuously deceived her (Parafinowicz & Potocki 2015: 195). Similarly, though Barroso frequently interacted with Yanukovich and had clear assumptions about his “sincere” approach toward the EU, he was unable to influence him or understand his limitations imposed by Russia given his “ambiguity” (Barroso 2015).

### Conclusion

This article compared two cases of EU mediation during acute domestic political crises in Ukraine: the case of successful mediation, which led to a sustainable agreement during the Orange Revolution in 2004, and an unsustainable settlement made during Euromaidan in 2013–2014. To understand these different outcomes, this paper focused on mediator authority as a condition for the effectiveness of EU mediation efforts.

The conceptualization of authority as legitimate power provides a complementary perspective on the role of mediator power during mediations. The argument that authority is relational, multidimensional, and contingent addresses an apparent ambiguity in the understanding of mediation as a third actor’s ability to influence a dispute without the use of coercive power. Thus, the relational aspect of authority takes into account the fact that disputants recognize the value of mediators’ power resources as a source of their influence. The multidimensional aspect of authority reflects the different possible sources of influence. Finally, the contingent aspect of authority suggests that the roles of different sources of influence can differ depending on the essential and contextual features of a dispute, as well as the actors involved. Based on these claims, Table 1 summarizes the comparison of the two cases of EU mediation in Ukraine. It shows that even though the EU enjoyed high authority in some dimensions (institutional authority during the Orange Revolution and social authority during the Euromaidan), they were not crucial for the effectiveness of the mediation given the nature of the dispute.

This comparison suggests that despite the apparently similar natures of both domestic conflicts in Ukraine (that is, conflict between authorities and mobilized opposition regarding the evolution of the political regime), the sources of authority were different (represented in bold above in Table 1). They were different due to fundamentally differing levels of EU engagement in the

TABLE 1 *EU authority during mediations in Ukraine*

	Orange Revolution	Euromaidan
Institutional authority	High	<i>High</i>
Material authority	Low	<i>Low</i>
Social authority	<i>High</i>	High
Epistemic authority	<i>High</i>	Low
Personal authority	<i>High</i>	<i>Low</i>
Outcome	Sustainable settlement	Unsustainable settlement

country prior to the disputes. As a result, the context of EU engagement in Ukraine modified the very nature of the dispute and the scope of the mediation efforts.

In the case of the Orange Revolution, the conflict required skillful mediation between parties to reestablish basic bonds of trust between them. Therefore, the social network of contacts; expertise and knowledge about the situation; and the personal prestige and respect of the EU mediators constituted the fundamental sources of their authority. Moreover, these sources of authority were recognized by the parties as relevant during the negotiations. Therefore, social, epistemic, and personal authority formed the basis for successful intervention and influenced the evolution of the crisis. At the same time, Ukraine emerged as one of the key countries in EU foreign policy only after these events. Thus, the mediators' institutional authority, though substantial, and material authority were less relevant for the effectiveness of the mission.

The case of mediation during the Euromaidan is less straightforward. Although the EU acquired and extended different potential sources of authority as material leverage, extended its social network of contacts in Ukraine, gained insightful knowledge about political processes in Ukraine, and significantly reinforced institutional representation, these efforts did not translate into sources of influence during the conflict. Ukrainian authorities refused to recognize the material leverage of the EU as relevant, given that they were deemed inappropriate and did not meet the expectations created by the context of the EU's previous intensive engagement in Ukraine. The EU mediators also suffered from deficient personal authority given the objections about their fairness, which resulted from a very comprehensive policy agenda developed after years of EU engagement in Ukraine. Insufficient expertise about Ukraine resulted in incorrect interpretations of the situation and, importantly, failed to

catalyze changes in policy approach. Therefore, although there was high potential to gain authority, the nonrecognition of these sources by the involved actors significantly limited the EU's influence on the settlement. As a result, mediators' institutional and social authority proved insufficient to mediate effectively in the conflict; while these authorities guaranteed the recognition of status and access to different actors, it did not affect these actors' positions.

The relevance of authority during mediations requires further research. However, this article suggests that it can provide a plausible avenue for exploring contradictions and ambiguities in the literature on mediation. Aside from research on EU involvement in Eastern Europe and Ukraine, it can also help explain the varying degrees of effectiveness of EU mediations around the world. At the same time, this perspective can contribute to an improved understanding of the evolution of the EU's role in global affairs, based on varying degrees of recognition of the EU as a legitimate actor. This article suggests that, rather than the volume and scope of accumulated power resources, the recognition of the EU as an authoritative source of influence by external actors provides a valuable perspective for understanding the varying degrees of the EU's perceived legitimacy and its capacity to influence world affairs.

## References

- Adamkus, Valdas (2016). *Interview with Valdas Adamkus, former president of Lithuania*. Interviewers: Paweł Kowal, Kateryna Pryshchepa. Vilnius, 28 September. 3 Ukrainian Revolutions Project.
- Adler-Nissen, Rebecca (2014). "Symbolic Power in European Diplomacy: The Struggle between National Foreign Services and the EU's External Action Service." *Review of International Studies* 40, 4: 657–681.
- Ashley, Richard K. (1984). "The Poverty of Neorealism." *International Organization* 38, 2: 225–286.
- Ashton, Catherine (2013a). *Remarks (...) at the end of her visit to Ukraine*. Doc. 131211/05, Brussels, December 11.
- Ashton, Catherine (2013b). *Statement (...) on recent events in Ukraine on Kiev's Maidan Square*. Doc. 131211/02, Brussels, 11 December.
- Ashton, Catherine (2014). *Remarks (...) following the extraordinary Foreign Affairs Council on Ukraine*. Doc. 140220/03, Brussels, 20 February.
- Barroso, Jose Manuel (2015). Жозе Мануель Баррозу: Я називаю речі своїми іменами – це війна з Росією, *Ukrainskyia Pravda*, January 27. At: <http://www.pravda.com.ua/articles/2015/01/27/7056546/>.

- Beardsley, Kyle (2008). "Agreement without peace? International mediation and time inconsistency problems." *American Journal of Political Science* 52, 4: 723–740.
- Beetham, David (2013). *The Legitimation of Power*, 2nd ed. Basingstoke: Palgrave Macmillan.
- Bercovitch, J. and J. Fretter (2007). "Studying International Mediation: Developing Data Sets on Mediation, Looking for Patterns, and Searching for Answers." *International Negotiation* 12, 2: 145–173.
- Bercovitch, J., T. Anagnoson and D. Wille (1991). "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations." *Journal of Peace Research* 28, 1: 7–17.
- Bourdieu, Pierre (2000). *Pascalian Meditations*. London: Polity.
- Campbell, J., A. Binnendijk, and A. Wilson (2007). *The Maryinsky Palace Negotiations: Maintaining Peace Throughout Ukraine's Orange Revolution. Case Study*. Harvard: Programme on Negotiation at Harvard Law School.
- Carnevale, Peter J. (2002). "Mediating from Strength," in Jacob Bercovitch, editor, *Studies in International Mediation*. London: Palgrave Macmillan.
- Christiansson, Magnus (2014). *Strategic Surprise in the Ukraine Crisis. Agendas, expectations and organizational dynamics in the EU Eastern Partnership until the annexation of Crimea 2014*. Swedish National Defence College.
- Cimoszewicz, W. and A. Werner (2012). *Nieoficjalnie*. Konstancin: Wydawnictwo Pointa! Spotkania.
- Council of the EU (2014a). *Press Release 3288th Council meeting. Foreign Affairs*. Doc. 5425/14, Brussels, January 20.
- Council of the EU (2014b). *Press Release. 3291st Council meeting. Foreign Affairs*. Doc. 6264/14, Brussels, February 10.
- Council of the EU (2014c). *Press Release 3300th Council meeting. Foreign Affairs*. Doc. 6767/14, February 20.
- Cronin, B. and I. Hurd (2008). "Introduction," in Bruce Cronin and Ian Hurd, editors, *The UN Security Council and the Politics of International Authority*. London: Routledge.
- European Council (2013). *Conclusions*. Doc. EUCO217/13, Brussels, 20 December.
- European Parliament (2004). *Situation in Ukraine (debate)*. December 1. At: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20041201+ITEM-010+DOC+XML+Vo//EN&language=EN> (May 5, 2017).
- Fraser, Nancy (2003). "Social Justice in the Age of Identity Politics: Redistribution, Recognition and Participation," in Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*. London: Verso.
- Füle, Stefan (2014). *EU-Ukraine: "Only a Ukrainian plan can work"*. Doc. Statement/14/6, Kiev, February 13.
- Göhler, Gerhard (2009). "'Power to' and 'Power over,'" in Stewart R. Clegg and Mark Haugaard, editors, *The Sage Handbook of Power*. Los Angeles: Sage.

- Greig, J. M. and P. F. Diehl (2012). *International Mediation*. Cambridge: Polity.
- Hall, R. B. and T. J. Biersteker (2002). *The Emergence of Private Authority in Global Governance*. Cambridge: Cambridge University Press.
- Harris, P. and B. Reilly, editors (1998). *Democracy and Deep-Rooted Conflict: Options for Negotiators*. Stockholm: International Institute for Democracy and Electoral Assistance.
- Haszczyński, J., M. Narbutt, P. Reszka and T. Serwetnyk (2005). "Tajemnice pomarańczowej rewolucji." *Rzeczpospolita. Plus-Minus* (supplement), November 26.
- Hofius, Maren (2016). "Community at the border or the boundaries of community? The case of EU field diplomats." *Review of International Studies* 42, 5: 939–967.
- House of Lords, European Union Committee (2015). *The EU and Russia: before and beyond the crisis in Ukraine*. 6th Report of Session 2014–15, London: The Stationery Office Limited.
- Hurd, Ian (1999). "Legitimacy and Authority in International Politics." *International Organization* 53, 2: 379–408.
- Hurd, Ian (2007). *After Anarchy: Legitimacy and Power in the UN Security Council*. Princeton: Princeton University Press.
- Ikäheimo, Heikki (2002). "On the Genus and Species of Recognition." *Inquiry*, 45, 4: 447–462.
- Ikäheimo, H. and A. Laitinen (2007). "Analyzing Recognition: Identification, Acknowledgement and Recognitive Attitudes towards Persons" in Bert van den Brink, and David Owen, editors, *Recognition and Power: Axel Honneth and the Tradition of Critical Social Theory*. Cambridge: Cambridge University Press.
- Kaciewicz, Michał (2014). *Sotnie wolności. Ukraina od Majdanu do Donbasu*. Warsaw: Ringier Axel Springer Polska.
- Kleiboer, Marieke (1996). "Understanding Success and Failure of International Mediation." *Journal of Conflict Resolution* 40, 2: 360–389.
- Koshkina, Sonya (2015). *Майдан. Нерасказанная история (Maidan, An Untold Story)*, Kyiv: Bright Star Publishing.
- Kurkov, Andrey (2014). *Ukraine diaries. Dispatches from Kiev*. London: Harvill Secker.
- Kwaśniewski, Aleksander (2004). "Misja kijowska, o kulisach ukraińskiego okrągłego stołu" (interview with Adam Krzemiński and Marek Ostrowski)." *Polityka* 51, December 18.
- Kwaśniewski, Aleksander (2005). "Krajobraz po sąsiedzkiej rewolucji" (interview with Krzysztof Burnetko)." *Tygodnik Powszechny, Nowa Ukraina. Między Unią a Rosją* (supplement), 3/2005 (2897), January 16.
- Lake, David A. (2010). "Rightful Rules: Authority, Order, and the Foundations of Global Governance." *International Studies Quarterly* 54, 3: 587–613.
- Menon, Rajan and Eugene Rumer (2015). *Conflict in Ukraine. Unwinding of the Post-Cold War Order*. Cambridge: The MIT Press.

- Natorski, Michal (2017). "The EU and crisis in Ukraine: policy continuity in times of disorder?," in Dimitris Bouris and Tobias Schumacher, editors, *The Revised European Neighbourhood Policy. Continuity and Change in EU Foreign Policy*. Basingstoke: Palgrave Macmillan.
- Olchawa, Maciej (2016). *Misja Ukraina*. Warsaw: Wydawnictwo RM.
- Orzechowski, Marek (2004). "Dni, które wstrząsnęły Unią." *Tygodnik Powszechny. Ukraina: nowy kolor wolności* (special supplement) 49/2004 (2891), December 5.
- Parafinowicz, Z. and M. Potocki (2015). *Wilki żyją poza prawem. Jak Janukowych przegrał Ukrainę*. Wołowiec: Wydawnictwo Czarne.
- Pifer, Steven (2007). "European Mediators and Ukraine's Orange Revolution." *Problems of Post-Communism* 54, 6: 28–42.
- Pop, V. and A. Rettman (2014). "Ukraine violence catches EU by surprise." *EU Observer*. At: <https://euobserver.com/foreign/123186>.
- Popescu, Nicu (2011). *EU Foreign Policy and the post-Soviet Conflicts: Stealth Intervention*. New York: Routledge.
- Riabczuk, Mykola (2014). "Czternasty do końca," in Yuri Andruchowycz, editor, *Zwrotnik Ukraina*. Wołowiec: Wydawnictwo Czarne.
- Ruggie, John Gerard (1982). "International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order." *International Organization* 36, 2: 379–415.
- Sending, Ole Jacob (2015). *The Politics of Expertise. Competing for Authority in Global Governance*. Ann Arbor: Michigan University Press.
- Smoleński, Paweł (2015). *Szcze ne wmerła i nie umrze. Rozmowa z Jurijem Andruchowyczem*. Wołowiec: Wydawnictwo Czarne.
- Solana, Javier (2010). *Revindicación de la política. Veinte años de relaciones internacionales (en conversación con Lluís Bassets)*. Barcelona: Debate.
- Stanisławski, Wojciech (2005). *Orange Ribbon. A calendar of the political crisis in Ukraine autumn 2004*. Warsaw: Center for Eastern Studies.
- Stepan, Maria (2016). *Człowiek to człowiek, a śmierć to śmierć*. Warszawa: Wydawnictwo Zwierciadło.
- Svensson, Isak (2007). "Mediation with Muscles or Minds? Exploring Power Mediators and Pure Mediators in Civil Wars." *International Negotiation* 12, 2: 229–248.
- Touval, S. and I. W. Zartman (1985). "Introduction: Mediation in Theory," in Saadia Touval and I. William Zartman, editors, *International Mediation in Theory and Practice*. Boulder: Westview Press.
- Vuković, Siniša (2016). *International Multiparty Mediation and Conflict Management. Challenges of Cooperation and Coordination*. London: Routledge.
- Wall, J. A. and A. Lynn (1993). "Mediation: A Current Review." *Journal of Conflict Resolution* 37, 1: 160–194.

- Wall, J. A. Jr., J. B. Stark and R. L. Standifer (2001). "Mediation: A Current Review and Theory Development." *Journal of Conflict Resolution* 45, 3: 370–391.
- Wallensteen, P. and I. Svensson (2014). "Talking peace: International mediation in armed conflicts." *Journal of Peace Research* 51, 2: 315–27.
- Whitman, R. G. and S. Wolff (2010). "The EU as a conflict manager? The case of Georgia and its implications." *International Affairs* 86, 1: 87–107.
- Wielniński, Bartosz T. (2014). "Jak Sikorski negocjował w Kijowie." *Gazeta Wyborcza*, 12 March.
- Wilkenfeld, J., K. J. Young, D. M. Quinn and V. Asal (2005). *Mediating International Crises*. London: Routledge.
- Wilson, Andrew (2005). *Ukraine's Orange Revolution*. New Haven: Yale University Press.
- Wilson, Andrew (2014). *Ukraine Crisis. What It Means for the West*. New Haven: Yale University Press.
- Wojciechowski, Marcin (2006). *Pomarańczowy Majdan*. Warsaw: Wydawnictwo W.A.B.
- Zartman, I. W. and S. Touval (1985). "International Mediation: Conflict Resolution and Power Politics." *Journal of Social Issues* 41, 2: 27–45.
- Zürn, M., M. Binder and M. Ecker-Ehrhardt (2012). "International authority and its politicization." *International Theory* 1, 4: 69–106.