The Origins of Protest and Disruption in the Ukrainian Parliament

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One of the most distinguishing features of Ukraine's parliament, the *Verkhovna Rada*, is the regular deployment of a repertoire of disruptive performances by deputies.[1] These are used to protest a range of issues: from the speaker's or deputies' violation of the *Reglament* (such as non-personal voting) to concrete issues like the imprisonment of opposition politicians (during 2011-13) or the tax evasion via off-shores of leading politicians (during 2016). This protest repertoire includes blocking the rostrum and speaker's dais, withdrawal (walk-outs and refusal to register), various forms of visual, auditory and somatic protest and a theatrical combination of at least three of these modes, which I term the spectacle.[2] Despite the prevalence of this phenomenon, it has barely been researched, with the exception of Shukan's 2013 study, where she argues that widespread parliamentary disruption and violence originates in the high levels of social and political contention of the 2000-2002 period and the deliberate recruitment of 'fighters' into the deputy corpus particularly by Viktor Yanukovych's Party of Regions. [3] However, my research on the *Rada* suggested protest and disruptive tactics were used much earlier, in the early 1990s,[4] even though contemporary accounts of the first pluralist parliamentary sessions overlook the internal parliamentary tactics that help account for the successes of the non-communist opposition.[5] This is the puzzle that this paper addresses: when did such modes of parliamentary behaviour first emerge and why did they become so prevalent? To tackle this question, process-tracing is employed, predominantly via the detailed reports of parliamentary plenary sessions published in the official media. The method is imperfect because it is unlikely that small scale protests (for example those lasting for just a few minutes) would be recorded, but both *Pravda Ukrainy* (in the Soviet period) and from 1992 the official parliamentary newspaper, *Holos Ukrainy*, provided rather thorough accounts of numerous protests and disruptions immediately following the USSR semi-free republican elections of March 1990 in reports of the plenary sessions, as well as in interviews with deputy-protagonists in these and other newspapers. These were cross-referenced with other historical accounts of the period to locate protests in the parliament within the wider political context and historical trajectory. The paper focuses on the period 1990-2002 in order to trace the incidences of protest over time, to consider these protests in context[6] to identify the circumstances in which they took place, the justifications deputies made for their actions, to consider why some forms of protest were favoured and why the repertoire of protest changed and expanded over time. The cut off date is 2002 for two reasons: 2002 marked the emergence of the spectacle, the

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[2] For discussion of the repertoire of protest performed in the *Verkhovna* Rada and explanations for innovations in its form under presidents Yanukovych and Poroshenko, see WHITMORE S. *Disrupted Democracy in Ukraine? Protest, Performance and Contention in the Verkhovna Rada//* Europe-Asia Studies. 2019 (forthcoming).

[3] SHUKAN Yu. *Intentional disruptions and violence in Ukraine's Supreme Rada: political competition, order, and disorder in a post-Soviet chamber, 2006-2012* // Post-Soviet Affairs. 2012. Vol.29. Issue 5. P.441.

[4] WHITMORE S. *State-Building in Ukraine: The Ukrainian Parliament, 1990-2003*. London. 2004. Although not discussed in the book, research conducted for it uncovered many incidents of disruption in the 1990s.

[5] E.g. NAHAYLO B. *The Ukrainian Resurgence*. London. 1999; SUBTELNYI O. *Ukraina: Istoria.* Kiev. 1994; KUZIO T AND WILSON A. *Ukraine: Perestroika to Independence.* New York. 1994.

[6] The importance of context to meaning is emphasised by SPARY C. *Legislative Protest as Disruptive Parliamentary Practice*// Democratization. 2013. Vol.20. Issue 3. P404.

newest form of protest currently in use in the *Verkhovna Rada* and also because Shukan's study offers a thorough account of the 2002-2012 period, while my recent study covers 2012-16.[7]

Parliamentary disruptions were frequent in Ukraine as soon as parliament became pluralist and a site for contention. Performances of protest were initially the only means for the opposition to be heard or have any influence of decision-making at a crucial historical juncture. At that point, claims about the legitimacy of such actions as advancing democracy in the communist system had resonance. This initial period established behavioural precedents in the absence of developed parliamentary norms that continued to be utilised strategically after the decisive historical moment passed. However, new political crises (such as the adoption of the constitution in 1995-6, attempts by the president to take control of parliamentary leadership positions in 2000 and 2002) prompted innovations in the protest repertoires. After the opposition lost influence in the executive, prolonged obstructive protests followed. At times of heightened contention, parliamentary performances mimicked and mirrored those of social movements in Ukraine.

The advent of pluralism and disruption

Parliamentary disruption burst into Ukrainian politics as soon as the USSR's republican elections of March 1990 irrevocably ruptured the one-party state. A rather heterogeneous but purposeful opposition gained 27.5% of the seats in the Ukrainian SSR's Supreme Soviet (Ukr. *Verkhovna Rada*).[8] To prevent the communist majority from simply outvoting and ignoring them, the opposition (Democratic Bloc, later *Narodna Rada*) immediately utilised disruptive tactics to make their voices heard and win concessions. Standing up in their places, walk outs and threats to do so were used energetically in the first days to get plenary sessions broadcast live, to get key issues onto the agenda and to gain proportionate representation of committee leadership positions.[9] Refusing to register or walk outs proved effective time and again because the opposition could deprive parliament of quorum (2/3 deputies were needed) as they were able to capitalise on the poorer attendance of communist deputies.[10] Just three weeks into the life of the parliament, the election of communists to the three speakers' posts engendered the sense that the opposition were about to irreversibly lose the initiative, leading them to resort to more unorthodox parliamentary behaviour and extending their protest repertoire – a number of deputies physically blocked the rostrum and used megaphones to make speeches,[11] bringing into parliament modes of protest performance that drew on the repertoire of street protests that the opposition were used to using outside parliament from 1988.[12] Struggling to come to terms with the new political reality after decades unopposed, the communist majority soon also tried out some of the opposition's protest methods, so that one newspaper reported that a session resembled 'a row in a bazaar'.[13] Some of the first physical violence between deputies also took

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[7] WHITMORE S. 2019. *Disrupted Democracy in Ukraine? Protest, Performance and Contention in the Verkhovna Rada//* Europe-Asia Studies (forthcoming).
[8] Author's calculations from AREL D. 1991. *The Parliamentary Blocs in the Ukrainian Supreme Soviet: Who and What Do They Represent?*// Journal of Soviet Nationalities. Vol.1. Issue 4. P.112.
[9] *Pravda Ukrainy*, 16th May 1990, 19th May 1990, 23rd May 1990.
[10] E.g. *Pravda Ukrainy*, 21st November 1990 and 8th December 1990.
[11] *Pravda Ukrainy*, 5th June 1990.
[12] For an account of the number and scale of street protests in Ukraine during perestroika, see NAHAYLO B. *The Ukrainian Resurgence.* London. 1999. P.261-275.
[13] *Pravda Ukrainy*, 28th July 1990.

place during 1990.[14] The tension was unrelenting because the stakes were so high. Within weeks of the election, this parliament declared sovereignty, and within a year, independence. It is perhaps not surprising then that passions boiled over occasionally, prompting not only walk outs and shouting but even fisticuffs between deputies.[15] Therefore, in the first weeks of parliamentary pluralism in Ukraine (then still the UkrSSR) recognisable modes of protest during plenary sessions emerged: refusal to register; walk outs; auditory disturbances and rostrum blocking.

These performances were shaped by the composition of the *Verkhovna Rada* – particularly the fact that numerically the opposition was so outnumbered, but also by deputies' differentiated interests and levels of motivation. Communist deputies frequently held other official posts, were unaccustomed to defending their positions publicly and also were accustomed to the *Verkhovna Rada* being a part-time "rubber-stamp" body.[16] Opposition deputies saw a historic opportunity in Gorbachev's attempts to transfer power from the Party to state institutions and were highly motivated to attend and be heard. They also comprised a significant number of intelligentsia and former political prisoners,[17] endowing them with communicative and moral capital. For the opposition, hitherto largely deprived of access to the media, a voice in parliament was essential to conveying their message to a national audience and gathering support to advance democratic and national agendas. Continuing their active participation in and support of public demonstrations comprised an important prong of the opposition's strategy to undermine popular confidence in the Communist Party of Ukraine,[18] but also created fertile ground for some of the protest repertoire of social movements to be imported into the parliament. The particular historical juncture in which these first sessions took place thus shaped the motivations of deputies as *all* of the rules of the political game were potentially opening for renegotiation, or even rupture. At the level of the *Verkhovna Rada*, this meant that existing rules and norms were scant (due to the historical 'rubber stamp' nature of the legislature) and outdated – unsuited to multi-party democracy. For example, the temporary *Reglament* placed the forming of the agenda entirely in the hands of the speaker.[19] The changed circumstance of pluralism in parliament meant that the opposition felt justified in using methods of passive resistance to obtain some input into the agenda where there were no formal channels to do so. The fact that deputies had immunity from prosecution and that there were no sanctions for breaking parliamentary procedures also probably contributed to the opposition's willingness to push the boundaries of parliamentary conduct.

The Repertoire of Protests

Independence and the election of Leonid Kravchuk as president did prompt substantial political realignment in the *Verkhovna Rada*, but in institutional and corporeal terms, Ukrainian independence was not marked by any fundamental rupture within the parliament. The *Rada* that was designed as a sub-national legitimating institution for the CPSU was basically adapted in an *ad hoc* fashion to cope with the challenges of being the democratic parliament of a sovereign state engaged in managing a

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[14] *Pravda Ukrainy,* 4th August 1990; 30th October 1990.
[15] E.g. see *Pravda Ukrainy*, 4th August 1990.
[16] WHITMORE S. *State Building in Ukraine: The Ukrainian Parliament, 1990-2003.* London, 2004, P.29-30
[17] AREL D. 1991. *The Parliamentary Blocs in the Ukrainian Supreme Soviet: Who and What Do They Represent?*// Journal of Soviet Nationalities. Vol.1. Issue 4. P.114 and 126.
[18] KUZIO T AND WILSON A. *Ukraine: Perestroika to Independence.* New York. 1994. P.130.
[19] *Vremenniy Reglament zasedaniy Verkhovnogo Soveta Ukrainskoy SSR devhadtsatogo sozyva* (6-XII, 22.5.90) //Vedomosti Verkhovnogo Soveta Ukrainy. 1990. vol.25. P.521-8.

'quadruple transition'.[20] Elite continuity was marked as there were no fresh parliamentary elections until 1994, no lustration and no consensus for sweeping institutional reforms.[21] Even the parliament's *Reglament* proved so controversial that an agreed document for the operation of parliament could not be adopted until 1994, and these included no sanctions for protests.[22] Therefore, the repertoire of protest developed by *Narodna Rada* in the first weeks of the 1st convocation continued to be utilised by deputies across the political spectrum in independent Ukraine and became embedded. From 2000, some protests became stylised, utilising a complex panoply of disruptive means to appeal to different senses and audiences. And although it is difficult to make claims about changes in the frequency of disruptions due to the absence of accurate data,[23] from 1995 the duration of disruptions expanded from a few hours, sometimes over several days to include much more sustained protests, ongoing for weeks or months.

Refusal to register was the most prevalent form of disruption during the 1990s.[24] It was mostly short-lived, lasting for no more than a few hours over 1-2 days, with the marked exceptions of electing the parliamentary leadership at the start of each convocation, which almost invariably prompted long-lasting disruption while factions forged alliances to divide the spoils between them. Routinely, refusing to register usually occurred over the agenda, whether for the day, week or session, and led to a break being called for a meeting between faction leaders and the speaker and could result in concessions to those disrupting, for example, by removing/including the contentious agenda item. The first long term disruptions were undertaken by right wing factions seeking to block Ukraine from joining the CIS Inter Parliamentary Assembly between November 1995 and March 1999, and they were successful in getting the issue removed from the agenda several times during this period.[25] The Communists also used similar tactics to block examining the draft constitution during spring 1996 until President Kuchma's threat of a referendum led them to change tactics and instead seek to influence the draft.[26] Walk outs were also common, and were used by pro-government and opposition factions to register a public protest more than with the intention or hope to effect change. For example, in 2000 a wide spectrum of deputies from the left and right walked out for 5 minutes together with the journalists present to protest the dubious closure of the newspaper *Silski Visti*.[27] During the 1990s, blocking the rostrum and speakers' dais gradually overtook refusal to register as the preferred mode of disruption. Such blocking was commonly brief, leading to a break being called. Sometimes the gathering of deputies in the well of the parliamentary chamber escalated into violence. This was rare in the first convocation (1990-94) but as with blocking more generally, became more common after 1994.

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[20] KUZIO T. *Transition in Post-Communist States: Triple or Quadruple?* // Politics. 2001. Vol.21. P. 168–177.
[21] WHITMORE S. *State Building in Ukraine: The Ukrainian Parliament, 1990-2003.* London, 2004, P.30-35.
[22] *Reglament Verkhovnoi Rady Ukrainy* (No.129/94-VR, 27.07.1994) // Vidomosti Verkhovnoi Rady. 1994. No.35. P.338.
[23] Much protest was (and still is) ignored by the media, and not recorded in the official stenographic reports, making direct observation the only way to accurately record incidences of protest. I conducted extensive observations of plenary sessions in the *Verkhovna Rada* from 2000, but for the 1990-1999 period have relied on media, making claims about frequency difficult to make.
[24] For examples, see *Holos Ukrainy* 16th February 1993, 3rd March 1993, 28th May 1994, 13th January 1999 and *Zerkalo Nedeli* 9th December 1995.
[25] For example, see *Holos Ukrainy* 16th November 1995, 22nd February 1996, 23rd February 1996.
[26] *Holos Ukrainy* 9th April 1996, 18th April 1996.
[27] *Holos Ukrainy* 18th October 2000.

Rostrum-blocking evolved in response to the changing political opportunity structure.[28] During the 1990s, the speaker and the largest parties in parliament (the Communists and Socialists) were in opposition to the president. The so-called 'Velvet Revolution' of January-February 2000 changed this, as President Kuchma stimulated the formation of Ukraine's first pro-presidential parliamentary majority and its control over all key parliamentary leadership posts. This juncture was path-breaking in at least two senses: Thereafter the parliamentary leadership (particularly the speaker) was aligned with the executive, changing the institutional basis of the opposition and depriving them of substantial resources. This enhanced the winner-takes-all nature of Ukraine's single pyramid political system.[29] Deprived of significant formal levers of influence which had facilitated the protection of vested interests that aligned to the left, thereafter those in opposition would have little to lose and everything to gain by more radical means of parliamentary disruption and this prompted adaptation of rostrum-blocking. During Kuchma's bitter battle to wrest the parliamentary leadership from the left and cajole (using formal, informal and illegal methods)[30] sufficient deputies into a pro-presidential majority, the left factions fought a rear-guard action by blocking the rostrum for 21 days and physically occupying the chamber while making claims about the procedural infringements that had taken place. This set an important precedent and thereafter sustained rostrum-blocking became the mode of choice for parliamentary opposition parties who had lost (or, in 2006, were about to lose) influence in the government.[31] The majority formation and control over parliamentary leadership represented an important step in the consolidation of a single pyramid system by Leonid Kuchma along more unambiguously authoritarian lines pushing, from autumn 2000, the excluded parliamentary opposition parties to increasingly focus their activities outside parliament and engage in building a broad-based opposition social movement.

In 2002, the sacking of the head of the National Bank and an attempted rotation of committee chairs led part of the opposition to expand rostrum blocking in form to encompass full-blown political spectacle staged with multi-facetted protests with visual (banners 'Rise Up Ukraine!' (the name of the opposition's social movement) and placards), auditory (deputies chanting 'Reglament!') and somatic aspects (filling the balcony with young protesters, plus deputies' rostrum blocking, breaking of parliamentary equipment and fisticuffs in defence of their placards and young supporters).[32] This mode of protest was successfully repeated a year later to prevent changes to the constitution favoured by President Kuchma with some variations on the theme, drawn from the street protest repertoire of the time[33] including singing the national anthem and patriotic songs, drowning attempts to open the session with sirens, decorating a Christmas tree and covering the speakers' bench with draft resolutions and expert opinions about the unconstitutionality of the proposed amendments. This was coupled with a determination denoted by deputies spending the night barricaded in the chamber to prevent any rear-guard actions on the president's part.[34] These spectacles represented innovation

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[28] TILLY C. and TARROW, S. *Contentious Politics*. Boulder and London. 2007. P. 49.
[29] HALE H. *Patronal Politics: Eurasian Regional Dynamics in Comparative Perspective*. Cambridge and New York. 2015.
[30] See WHITMORE S. *State Building in Ukraine: The Ukrainian Parliament, 1990-2003.* London, 2004, P. 101-3
[31] OPORA. *Ukrainian practices of blocking the parliament* //2013 (https://oporaua.org/en/parliament/34214-7346-1446979951-ukrajinski-praktyky-blokuvannja-parlamentu)
[32] *Ukrains'ka Pravda* 12th December 2002, *Holos Ukrainy* 13th and 14th December 2002.
[33] SHUKAN Yu. *Intentional disruptions and violence in Ukraine's Supreme Rada: political competition, order, and disorder in a post-Soviet chamber, 2006-2012* // Post-Soviet Affairs.2013. Vol.29. Issue 5. P.441.
[34] *Holos Ukrainy* 24th and 24th December 2003.

in the repertoire of parliamentary disruption in Ukraine that were used particularly extensively during Yanukovych's presidency.

Spontaneous audible reactions including shouting, clapping, singing the national anthem, banging on the deputies' desks were not uncommon in the Rada of the 1990s. Noise was not simply auxiliary to other forms of protest, it was a distinctive mode of protest used to register disapproval or approval, as in other national parliaments (including, famously, Westminster). It was rarely reported, except in the parliamentary stenogram where 'Noise in the hall' is regularly recorded. During the 1990s, visual forms of disruption were extremely rare. Just two cases were found, both were attempts of the Communists to mark the October revolution by bringing the Soviet flag into the chamber (in 1995 and 1998) which in turn prompted right wing factions to disrupt the session and fisticuffs in the latter case.[35] Eye-catching props were first brought into the chamber in the early 2000s, but somatic forms of protest began earlier, with several deputies' hunger strikes in 2000[36] and an attempt at self-immolation by the podium by a female deputy wearing a pro-government placard in 2001. This is the first mention I can find of a placard being brought into the chamber,[37] a mode of visual disruption that quickly became commonplace enough to warrant explicit prohibition in the *Reglament* in force from 2006. Disruptions (planned and otherwise) infrequently spilled over into brawls in the chamber. These took place from time to time from 1990 onwards, usually between two or three deputies over a substantive issue, but the arrival of the mode of the spectacle also gave rise to mass brawls, one of the first being during that first spectacle in December 2002.

Some conclusions

The protest repertoire of the *Verkhovna Rada* emerged from a critical juncture in Ukraine's history. In 1990 the only way for the newly elected opposition to breech the Communist Party's monopoly on parliamentary decision-making was to utilise techniques learned participating in social movements supporting Soviet reform. This nascent repertoire of disruption became embedded due to elite and institutional continuity during the first parliamentary convocation (1990-4) as these performances were used strategically to protest the speaker's application of the *Reglament*. During subsequent convocations, political crises over the future distribution of power engendered innovations to the protest repertoire. Protest was used so widely in the *Rada* in subsequent convocations in part because of the routine selective application of the *Reglament* in the *Rada* during plenary business meant that the opposition often felt unfairly treated or deliberately marginalised and gave them limited faith in formal procedures. In part, however, wide disruption was a low-cost option for deputies due to the inadequacy of sanctions, and the fact that where they existed, they are rarely applied. Further research needs to examine contemporary uses of the parliamentary protest repertoire and the meanings attached to it by deputies and by Ukrainian citizens to help us better understand the role of parliament in Ukraine's political system.

[35] *Holos Ukrainy* 7th December 1995, *Ukrainian Weekly* 15th November 1998.
[36] *Holos Ukrainy* 8th February 2000 and 10th February 2000.
[37] *Holos Ukrainy* 20th April 2001.