

UNIVERSITY OF TARTU
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Master's Thesis

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**Lustration in Post-Soviet Ukraine:
A study on unsuccessful transitional justice**

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Tartu 2016

I have written the Master's thesis independently.

All works and major viewpoints of the other authors, data from other sources of literature and elsewhere used for writing this paper have been referenced.

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Acknowledgement

First of all I would like to express my gratitude to my supervisor, Dr. Eva Clarita Pettai, for her titanic patience, strict comments, and constant support in writing this master thesis. Also I want to acknowledge my opponent Prof. Vello Pettai. Thank you for clear, valuable, and friendly advice and recommendations both during my studies and while writing this thesis. I am also grateful to Olga Bogdanova, Oliivia Võrk and Aigi Hommik for leading me through the study process and for their kind support of my thesis project.

This work I would like to dedicate to my family – my parents and sister, for backing me during all ups and downs of my studies in Tartu and for their readiness to help in any possible way. Thanks to my friends, especially to Veronika Kovalenko and Olena Solohub – for advising and supporting me throughout my studies. I also want to give special thanks to Artem Sokolov – for an incentivizing constant interest in the results of my thesis and for his constructive criticism.

Thanks to these people, my studies in Tartu were an extremely interesting and useful experience.

Abstract

Shortly after the collapse of the Soviet Union, a number of countries in Central and Eastern Europe (CEE) implemented lustration procedures. Ukraine was not among these countries, as it took until 2014 to pass any laws regarding lustration, or any other aspects of how the state would deal with or sanction former KGB agents or informers.

Building on existing theoretical models for explaining lustration policies in CEE, this work develops an analytical framework that clearly identifies two sets of factors, namely structural and elite-actor-based factors, and their relative value for explaining the absence or failure of lustration legislation in Ukraine at two critical moments in time: right after the dissolution of the Soviet Union (1991-1993) and after the Orange Revolution (2004-2006). The study thus engages in an intro-case comparison and uses the method of process-tracing to track and explain the development of actor decisions and elites behaviour in the broad context of political events. The main data for the study was collected from documents of the Ukrainian parliament and its media archives. The study concludes that the failure of the Ukrainian political elite to adopt lustration measures akin to other CEE states during the first window of opportunity (the immediate transition period around 1991) can be best explained by structural factors. While some of these still apply later, the post-2004 failure to engage in lustration is best explained by via actor-based explanations. Moreover, the analysis of parliamentary debates and public (media) reports demonstrates that the very term “lustration” underwent considerable semantic changes, increasingly shedding its original meaning to denote all kinds of anti-corruption measures in contemporary Ukraine.

(English, 51 pages)

Keywords: Transitional justice, post-Soviet Ukraine, Transitional justice Eastern Europe Countries, transition of Ukraine, decommunisation, lustration, lustration failure.

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List of Abbreviations

CEE – Central and Eastern Europe

CEECs – Central and Eastern European Countries

KGB – Komitet Gosudarstvennoy Bezopasnosti – Committee for State Security, the main security agency in the Soviet Union

SBU – Sluzhba Bezpeku Ukrainu – Ukrainian Security Service (starting from 1991)

VR – Verkhovna Rada, the Parliament of Ukraine

USSR - The Union of Soviet Socialist Republics

INTRODUCTION

The collapse of the Soviet Union added a number of newly independent states to political maps of Europe. These new states of Central and Eastern Europe faced a number of questions: how to deal with their totalitarian past, how to treat collaborators and the leadership of newly defunct communist regimes, what to do with the victims of these regimes' crimes and how to lead societies to reconciliation. Although each post-Communist country had its own unique political situation, they could be classified into several groups sharing common characteristics. Several countries, – the Czech Republic, Poland, and the Baltic States, – implemented various transitional justice measures, including lustration, very soon after getting independence. Others, – Hungary, Bulgaria and Romania – adopted these measures more slowly, but the answers to the questions given above remain a topic of discussion in political discourse. One sees an opposite situation in the category that includes Russia, Ukraine and Moldova (Stan, 2009, p. 9). Here, the question of transitional justice in general, and lustration in particular, were sometimes raised, but not seriously considered in the political agenda. Thus, although the story of the unsuccessful lustration process in post-Soviet Ukraine is not unique, it can be a good source of analysis and can help better understand lustration.

On August, 24, 1991, the Act of Declaration of Independence of Ukraine was adopted. It was followed by the adoption of a new constitution in 1996, Article 1 of which proclaims Ukraine as a “sovereign and independent, democratic, social, law-based state” (Constitution of Ukraine, 1996). Its politics has been largely democratic, though Freedom House scores it as a “partly free” for the 1995–97 time period (HOPF, 2002, p. 403). At the same time, very poor transitional justice measures were applied – for example, neither lustration was attempted and nor were any special lustration modifications to the legislation made after the collapse of the Soviet Union until 2014 (Horne, 2011, p. 412). In 2004, a series of events, later named the “Orange Revolution,” took place as the result of anti-government mass protests. The protesters won, and their leader, Victor Yuschenko, was elected President, while other opposition members were elected into the government and later – into parliament. Still, all lustration projects failed to be adopted in the parliament, resulting in the protraction of poor to non-

existent vetting procedures.

This research focuses on two time periods: the first, starting immediately after the independence of 1991, and the second, after the “Orange Revolution” of 2004. These time frames were chosen based on the concept of “window of opportunity” explained below. The first researched period starts from years 1989, the year of the first convocation of the Verkhovna Rada, and 1991, when the Declaration of Independence was adopted, until the year 2003. This time period covers the presidencies of Kravchuk and Kuchma. The duration of the second period is from 2004, the events of “The Orange Revolution”, until 2013 and covers the offices of Presidents Yushchenko and Yanukovich. Ukraine is still (as of 2016) dealing with the question of lustration and decommunisation. The Constitutional Court of Ukraine has been struggling with the Lustration Law since 2014.

The focus of this paper will be on both the historical-structural constellations that prevented policy-makers from engaging in major administrative reform in both phases, and on the elites, where we follow an actor-centred analysis of the political processes that resulted in the protraction of lustration in Ukraine. Moreover, in comparing two critical junctions in the Ukrainian democratization process, after independence and after the events of the “Orange Revolution,” this project aims to trace the dynamic relationship between both structural and elite-centred factors and their relative importance in each period. It will be systematically attempted to establish a basic causal relationship between structural conditions, which created an accordant political situation in the country; elite politics, the decisions of political leaders who made key important actions; and the fail of the lustration project in Ukraine after independence was proclaimed. Hence, the **research question** of this paper will be the following: Which factors influenced on the failure of lustration adoption after 1991 and after 2004 more – structural conditions or elite behaviour?

For the purposes of such qualitative research some necessary tasks should be solved. First of all, it is necessary to analyse current theoretical approaches in the fields of transitional justice in general and of lustration in particular. Second, theoretical models

conceived to explain implemented transitional justice measures in EECs will be applied to explain the *absence* of vetting or purging procedures in Ukraine in this study. Finally, the main task is data and document collection on lustration discourse in Ukrainian parliamentary debates, and interpreting them in a specific political context.

The topic of transitional justice in Ukraine is under-represented in literature. Only a few researchers have studied such aspects as the process of decommunisation, the evolution of political institutes, and the situation of democracy in Ukraine. Along these lines, Taras Kuzio and Andrew Wilson have published numerous articles and monographs about the transition of Ukraine from communism following independence, with deep analysis of the new political system. However, there has been no systematic research on transitional justice in Ukraine, and no unified research on why Ukraine did not execute transitional justice measures and lustration activity until 2014. In this work, this information gap is filled with empirical observations and by summarizing the conclusions of respectable scholars, media archives, and parliament proceedings (including transcripts of plenary sessions, proposed bills, public debates). These sources are far from being exhaustive, but they facilitate finding answers to the research question.

This **master thesis consists of** three chapters. The first one is dedicated to a general theoretical overview: what is the meaning of the term “lustration,” how different scholars have explained it, what theoretical approaches they used, why this measure was implemented in a number of post-Soviet Eastern European countries, and what contradictions arose during its adoption and implementation. This overview creates the image of a hypothetical reality – what could have been done in post-Soviet Ukraine, if lustration had been given the chance to be conducted. In the second, methodological, chapter, the research question and case selection with limitations are presented. Here one can find how the main research method – process tracing – was exploited, and how research was conceptualised and operationalised. The final, chapter presents the empirical findings of this research. Here, data from the media, other scholars’ findings and analysis of the transcripts of parliament sessions, forms a narrative of lustration discourse and elites decisions on the landscape of Ukraine’s political development.

1. BASIC CONCEPTS AND THEORETICAL APPROACHES

In this part of the thesis, different terminological definitions and understandings of lustration will be described, the controversy of this phenomenon discussed, and, finally, some practical aspects and theoretical approaches to the lustration process explored.

Over the last few decades, a great deal of research has been published about various aspects of transitional justice. There are extensive databases¹ and theoretical analyses concerning different aspects of transitional justice. These factors, or “elements”, influenced the process of transition from the past totalitarian system to democracy in Ukraine in general and lustration in particular.

1.1 Lustration: The Roots of the Term

The development of the term “lustration” took its roots in ancient times, when Roman rulers changed their entourage after coming to power, it was primarily a ritual and symbolic act of cleansing. The word itself comes from the Latin “lustrate”, a demonstrative sacrificing or purification, which could be applied to a person or a place (Oxford English Dictionary). Later, this term took on a new and more administrative application – as a mechanism of transitional justice intended to deal with the crimes of the past, to reform a totalitarian system of governance, and to create the basis for social trust towards a newly created, democratic system. After the collapse of the Soviet Union, this measure of transitional justice received new life in Eastern and Central Europe as a tool to disempower the nomenklatura and collaborators with communist security forces.

There is a degree of uncertainty regarding terminology in transitional justice, especially regarding the term “lustration”. The above-mentioned historical context led to the perception of lustration as roughly synonymous with the “decommunisation”. Williams and others note, however, that the difference lies in the definition of the circle of people

¹ For example, The Transitional Justice Data Base Project. It was began at the University of Wisconsin in 2005, and is run by three political scientists: Leigh A. Payne, Tricia D. Olsen, and Andrew G. Reiter. Home page available at: <https://sites.google.com/site/transitionaljusticedatabase/home>

who are the objects of a new law. Thus, lustration is performed against people who were officers and collaborators of the secret services, and former high-ranked Communist Party members. Decommunisation, however, is connected with the wider removal of everyone who took part in a communist party, including those at lower levels (Williams, Fowler and Szczerbiak, 2005). Adam Czarnota further expands the scope of decommunisation and applies it to all political and legal strategies with the goal of destruction of the legacies of communism in a social and political system that covers both a narrower conception of decommunisation (focussing on elimination of personnel), and lustration (focussing on informers) (Czarnota, 2009, p. 308). Nevertheless, the most quotable definition of Wojciech Sadurski stipulates that, "lustration" applies to the screening of persons seeking to occupy (or actually occupying) certain public positions for evidence of involvement with the communist regime (mainly with the secret security apparatus), while "decommunisation" refers to the exclusion of certain categories of ex-communist officials from the right to run for, and occupy, certain public positions in the new system" (Sadurski, 2003, p. 4). The author notes immediately afterwards, though, that in general perception, the justifications of both concepts have been largely merged.

In addition to differences on the level of the subjects of the two concepts, Lavinia Stan also emphasizes differences on the procedural level, pointing out that at the end of the 1990s, there were two different procedures referred to by the same name (Stan, 2013, p. 84). She discriminates between the two types of lustration in the following way. First, in Germany and Czechoslovakia in the early 1990s, there was "an accusation-based procedure permitting the government to dismiss or demote selected communist decision makers from selected post-communist public offices" (Stan, 2013, p. 84). This effectively meant firing or demoting people who were occupying high positions in a communist party or state agencies such as the army, police, and secret services (Stan, 2013, p. 84). Second, in Hungary in 1994 and Poland in 1997, a procedure for voluntary confession of past acts that led to release only in exceptional cases was implemented, under which persons who had cooperated with the secret police and kept this secret, were denounced (Stan, 2013, p. 84). It is important to keep in mind that there are two

levels (or facets) of lustration as a transitional justice measure – institutional (Horne, 2009, p. 714) and symbolic (Pettai& Pettai, 2015, p. 33).

For his part, Czarnota describes three phenomena that could be referred to as lustration. The first is classical vetting, in which candidates for certain state positions are checked for having worked in or with security services. The second is making such collaboration publicly known. Third is actual decommunisation, removing people who held state positions or were members of a communist party's apparatus from the political scene (Czarnota, 2009, p. 311).

Finally, the most general definition might be the one given by Cynthia M. Horne, who views lustration as a subset of “employment vetting, designed to either remove or prevent from assuming public office those persons who collaborated with the previous communist regime or secret security services” (Horne, 2009. p. 714). This generalized definition sketches the range of the meaning of the lustration phenomenon and associated actions, to be considered in this thesis as lustration measure.

1.2 Controversies of Lustration

The phenomenon of lustration is, by its very nature, highly controversial at both theoretical and practical levels. Mark Ellis argues that the process of implementation of lustration is mainly politically motivated and recognises other motives at work as well, such as, “a desire for accountability, restitution, rehabilitation, and even revenge” (Ellis, 1996, p. 196). A number of post-Soviet countries in Eastern Europe applied lustration at different times and in different ways. Based on their experience could be modulate the perspectives of lustration implementation. This is something like “alternative reality” for post-Soviet transition of Ukraine – that if lustration was adopted after independence proclamation or after the Orange Revolution.

Why to Apply Lustration

The positive effects from lustration could be divided into three main groups: dealing with the past, the present, and working for the future. The first group has, as its main

goal, dealing with the past, as a society cannot move forward until it faces its past (Krtolica, 2014, p. 4). This means that the crimes of previous regime should be declassified, made public and punished appropriately. The importance of this is justified by the need to “satisfy victims” feelings of justice regarding past crimes how they are perceived, and to achieve reconciliation. Archival access is crucially important in this context, as it opens the way to using documents classified under the previous regime as evidence in the lustration process (Krtolica, 2014, p. 6).

The second group of factors calls for working in the present to create new democratic institutions. The process of creating a new democratic system is problematic when executed by politicians and functionaries who have close relationships with the secret services of previous totalitarian regimes (UN, 2006, 2). Furthermore, the credibility of society to the new institutions with “old faces” could be negative.

The final group is working for the future. The question is not as much the competence and (in)effectiveness of past officials, as their moral values and motivations. Accordingly, lustration represents a way to purify public administration, so that only competent and moral civil servants who respect democratic values and have no debts to the previous regime remain to work for it. Supporters of lustration expect that its implementation will lead to a growing perception of legitimacy towards newly created authorities.

Lustration's Difficulties and Risks

If the arguments in favour of lustration are quite typical and are shared to some extent, the cons of lustration programs are quite specific and demonstrate the potential contradictions of these measures. The first and the most evident aspect is the issue of the impermissibility of retroactive punishment (Krtolica, 2014; Horne, 2009). However, the exceptional character of crimes (against the Declaration of Human Rights) and democratic changes in the countries, forced the European Court of Human Rights to reject this argument and to punish criminals from previous regimes (Horne, 2009). One can find research in this direction in the works of Horne: for example, in one article she examines the legal practice of international bodies (the European Court of Human

Rights and the International Labour Organization), when they consider lustration laws of different countries and “have interpreted rule-of-law versus justice concerns” (Horne, 2009, p. 713). Horne concludes that institutions are mostly concentrated on “fair implementation, not the legality, of lustration laws” (Horne, 2009, p. 713). The second big problem that could emerge – the high risk of incomplete and opaque way of evidence collection. Problematic issues range from the sources and circumstances of data collection, to the way they are presented and evaluated. Some practical aspects of complications with archives and old documents will be discussed further. The third, where to find enough professional staff not affiliated with the previous regime. The final big problem that lustration efforts face is the possibility of abuse by a ruling party seeking leverage to use against political opponents. Many authors warn that lustration brings with it the danger of political discrediting and revenge (Ellis, 1996, p. 196).

1.3 Pragmatic Issues Determining Lustration Process Pathways

There have been numerous attempts to systematize research in lustration as a transitional justice measure in a general framework or as a separate phenomenon. If our goal is to identify common patterns of success and failure in different countries, then the following question should be asked: how can the political situation in countries in general, and political forces in particular, influence this process?

Similarly, the factors that influence the effectiveness of the lustration process can be divided into practical and theoretical levels. These levels concern the question of how successful and effective a lustration process is, and whether the results are primarily positive or negative. The following practical factors belong to the first group (theoretical levels). First of all are regulations and their principles and concepts. Here, a legislature must answer the following questions: What kind of law will be adopted? What kind of process will be initiated, vetting or purges? Who is covered by the new policy? Who makes related decisions? What results are authorized (e.g., people being declared unelectable, or a more complete ban on political activity?) Is there any “back door”, i.e. the possibility to come out voluntary about participation in the previous regime and ward off some measures such as public confession? The next factors are

what real actions, stages, and steps are required for the implementation of adopted laws. Naturally, differences are to be expected between what a law calls for, and how it is actually implemented.

One of the essential aspects of realising lustration is its material basis, technical-organisational issues regarding the creation of special commissions. A number of questions are raised in this area: who such commissions will be composed of, what their tasks should be, what are the criteria for decision making, and what their scope of influence is. Even the method of publication (reporting) of the results can be an important part of making the lustration process open and fair. The core element of most lustration processes in Eastern Europe – the opening of archives – contains a number of threats and questions that should be investigated carefully. For example, how to open an archive? Partly, or totally, and how does this endanger citizens' privacy and publicise their personal data? How can fabricated cases be prevented, and opened information not used for blackmail?

The next important aspect of lustration implementation is the implementation of efficient mechanisms to provide checks and balances, a necessary means of guaranteeing the legality of the process. These could be national constitutional courts, or international organisations and control bodies (e.g. decisions of the European Court of Human Rights, the International Labour Organisation, UN, or the European Council). Even pressure from a partner state can serve this role.

Finally, the results of the law are difficult to assess or measure in all aspects of this phenomenon, but some specific conclusions can be defined. For example: the number of people whose actions were covered under this law; experts' opinions (such as lawyers' conclusions and politicians' declarations); the societal reactions (public perceptions, polls, and sometimes election results); international recognition; and generally, the level of democratisation (as measured, for example according to the indices of Freedom House's Human Rights Watch).

To summarise this part, it should be emphasized that practical aspects of lustration law and its implementation are essential parts of the transition process. As there were no such results in Ukraine until 2014, these factors will be analysed in order to find out why they did not work in this case.

1.4 Theoretical Frameworks

The following section discusses theoretical approaches to different aspects and factors that influenced the lustration process itself and, furthermore, its initiation, what frameworks were created, and how to combine them with new ideas in this field. The majority of researchers in transitional justice science, grounded their conclusions in the transition experience of EECs that had actually taken place. They identified a range of factors in a country's political situation, which had determined the adoption of transitional justice measure and their implementation. In contrast, in the empirical part of this thesis, the same theoretical framework of these explanatory factors will be used for the case of lustration policy that failed to occur.

For this brief discussion, I will adopt the categorization of determinants proposed by Helga Welsh, who differentiates between factors that may be characterized as relating to the “politics of the past” and those better described as “politics of the present” (Welsh, 1996, p. 414). Among the former, could be found mostly historical-structural conditions such as the character of the previous regime, and the mode of previous regime collapse and elite extrication from power (also called legacy factors). Among the latter, both structural factors of present politics (such as emerging party cleavages) and more actor-centred factors come into play. Additionally, the role of such universal structural parameters such as legacy, time, historical context, and the economic background of the transition process will be explained.

There are a number of scientists who have explained why and how new democracies deal with the past. The first among them was Huntington, who researched what he called the “mode of exit,” and particularly - the role of elite bargains. As a result of studying the interconnections between these two areas, he declared, “If the last leaders

of the non-democratic regime had to be ousted, then there would be a desire for retribution. If they gave up peacefully following revolts or initiated reform themselves and stepped down once those reforms went beyond the initial intention, then persecution would be eschewed” (Williams, Fowler and Szczerbiak, 2005, p. 23). Thus, the nature of the transition - violent or peaceful - determines the future course of reforms.

The next author discussed here is Moran, who based his framework on the historical explanation. He argues that the reconstruction of the old regime shows us how liberal it was in permitting dissent. He makes a conclusion that “if a regime did not allow citizens to voice discontent or emigrate, then there would be more pressure for settling scores” (Moran, 1994, p. 101; Williams, Fowler and Szczerbiak, 2005, p. 24). Therefore, in a state where it is legal to express discontent through protests, ideas of revenge will have less popularity (Williams, Fowler and Szczerbiak, 2005, p. 24).

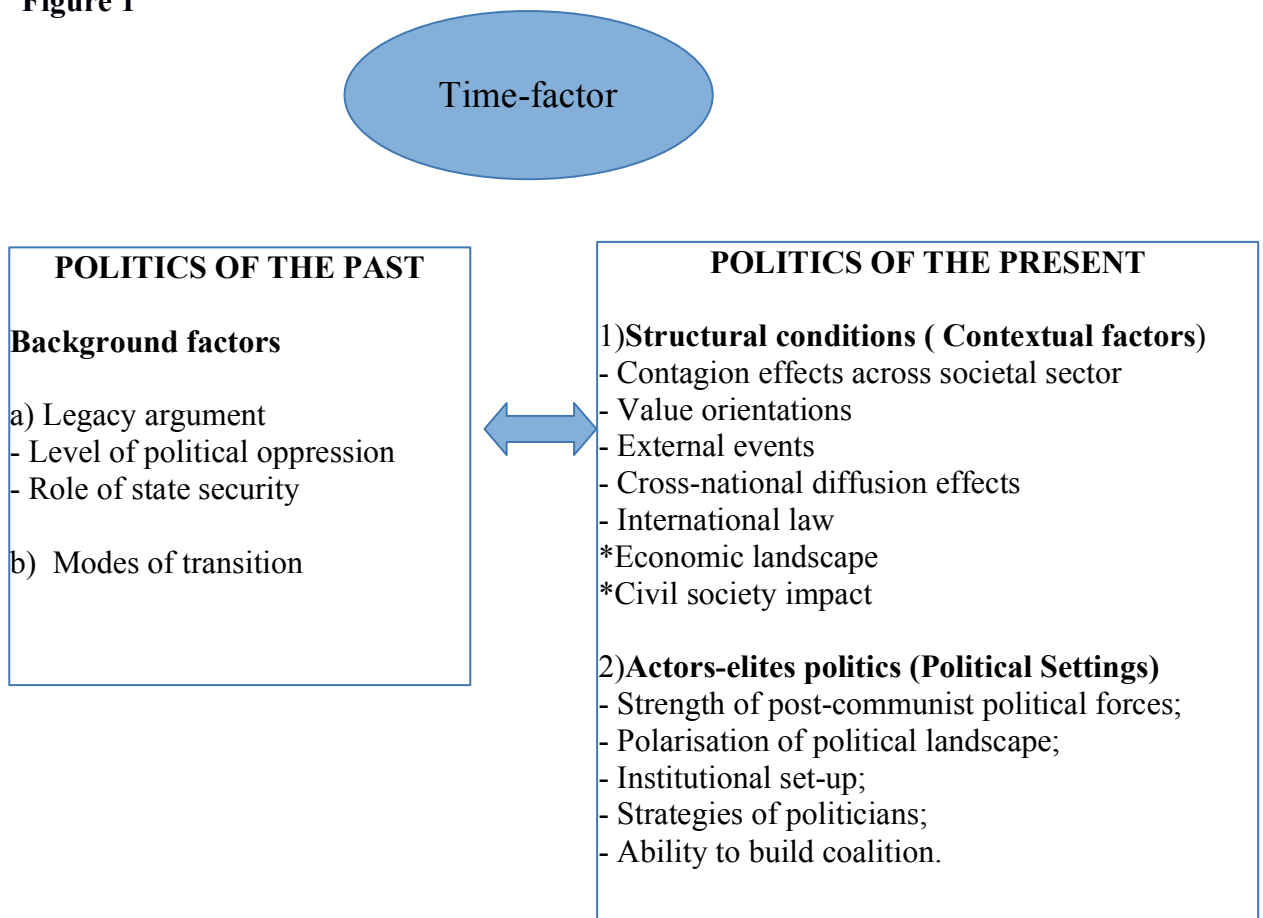
The third approach, Welsh’s multi-causal model, developed a useful system of factors (Welsh, 1996, p. 419). Welsh provides a general overview of factor groups, but unfortunately does not give a clear explanation of each factor in the group. This work uses a modified version of this system in order to carefully analyse each factor involved in the Ukrainian case study. It will be described in more details in later subchapter.

Welsh divides factors that influence policy choices into two major groups: politics of the past or background factors and politics of the present. The former includes the level of political oppression, the role of state security, and modes of transition. It is further divided into contextual factors (contagion effects across societal sectors; value orientation; external events; cross-national diffusion effects; and international law), and the political setting (the strength of post-communist political forces; polarisation of the political landscape; and institutional set-up) (Welsh, 1996, p. 419). Partially, these factors will be detailed in empirical part of thesis with the application to the Ukrainian case. The schematic form of this framework can be found on Figure 1.

Politics of the past. These politics concern historical legacies, past atrocities, secrets and crimes of previous regimes, the character of communist parties before transition, the way of political system is changing, and finally, societal collective trauma. According to

Welsh, in past political perspectives, modes of transition are usually “distinguished according to the process through which incumbents are replaced by opposition forces” (Welsh, 1994, p. 379). She also argues that in this aspect of transition, the “concept of bargaining” plays an important role for understanding phenomena (Welsh, 1994, p. 379). Welsh’s hypothesis is that “the period of extrication from authoritarian regimes are characterized by a switch from command and imposition to bargaining and compromise” (Welsh, 1994, p. 379).

Figure 1



Similar approaches can find in researches, such as in Horn's discussion of the historical context of transition. She argues that historical context matters in both “the conceptualization of democracy and implementation of rule of law in post-communist countries” (Horne, 2009, p. 716). Politics of the past create the structural background for further events in the present time and for political calculations of elites.

Politics of the present. These are characteristics which are determined by the current political situation and its changes within a country after transition begins. They also contain more situational aspects such as governmental decisions and political directions. One such aspect “political polarisation,” is illustrated by Welsh's quote: “The electoral successes of those parties [former communist] have ensured that a number of former communist party officials are once again in positions of power. On the one hand, this means there are no extensive purges or retroactive legislation. On the other, however, it has also contributed to political polarisation” (Welsh, 1996, p. 421).

Many researchers pay attention to such dimensions as the “time of transition” or period of transition (not only the time of the beginning, but also the duration). This category is difficult to operate with or to align it to any politics (past or present) in this scheme (Figure 1). At the same time, this parameter could not be avoided, as it is of crucial importance in this case. There is one more important aspect to transitional periods – critical junctures. Monika Nalepa, analysing the case of Poland, created a scheme that is useful in working with current political patterns. She distinguishes three critical moments: “The pre-transition stage, when the communist party is in charge and various dissident groups start getting organized. The transition stage, during which the communists sit together with the opposition at roundtables to negotiate transitions to democracy based on an exchange: the amnesty for outgoing autocrats for free or semi-free democratic elections. The post-transition stage, during which the deals struck at the roundtable are enforced or broken” (Nalepa, 2010, p. 4).

As for the appropriate time for the beginning of lustration, there is little disagreement in the literature. In Welsh's words, the best time for this is “in the immediate aftermath of the transition, when memories of the ancien regime are vivid and demand for settling

accounts is most pressing” (Nalepa, 2010, p. 2) - the so-called “window of opportunity.” At the same time, Lavinia Stan emphasises that, “many post-communist countries have implemented transitional justice well beyond this limited time frame” (Stan, 2013, p. 3).

There is one more aspect initially mentioned by Welsh and further developed by Nalepa. In her book “Skeletons in the Closet” Nalepa focused on the questions of who decides to lustrate, when these choices are made, and why (Nalepa, 2010, p. 28). Hence, the position of the author is more concentrated on particular actors and their political decisions, or, in her words, the “strategic choices of politicians” (Nalepa, 2010, p. 28). Nalepa is convinced that lustration “remains a salient political issue with politicians even when voters have no particular concern with the authoritarian past anymore” (Nalepa, 2010, p. 10). When this occurs, and politicians return in their political programme or rhetoric to questions of transitional justice long after a political transition has otherwise ended, this is referred to by researchers as “post-transitional justice” (Raimundo, 2013). Such an aspect could be assigned to the actors-centric factors that determine lustration processes (Raimundo, 2013).

The narrative of most of these politics and their causal factors in Ukraine will be described in the first part of this thesis’ empirical chapter. In the following chapter, a hypothesised predominance of either structural or elites factors will be analysed over two periods which started with the opening of two windows of opportunity – in 1991 with independence, and in 2004 with the Orange Revolution.

2. RESEARCH DESIGN AND METHODOLOGY

In this chapter, the methodology and research question of this thesis will be presented. First, the criteria for case selection and the main limitations of research will be outlined. This will be followed by conceptualisation and operationalisation of the dependent variable. Finally, the methods employed in this project's empirical research will be thoroughly explained.

2.1 Research Design and Case Selection

Research on the development of such aspects of transition as facilitating initiatives with respect to the right to truth, and to institutional reforms, shows that there were some clear attempts, in the very beginning of the independence and after the Orange Revolution, to solve most of the important questions regarding transition, and some important steps were undertaken. However, this promising beginning perished due to political struggles, the personal interests of leaders, and the bureaucratic red-tape of the newly created (or reformed) state, resulting in a far from perfect system. The **primary aim** of this study is to find out which factors most contributed to this lack of institutional reforms and, more precisely, the implementation of any lustration during both the initial phase and the period after the Orange Revolution.

In this single case study, the development of the political situation in Ukraine and the emergence of the issue of lustration on this background will be traced. To assess the impact of structural elements and personal decisions of elites, comparative analysis of different decades of political life of Ukraine will be conducted. In other words, “intra-case comparison” or “natural experiments over time” analysis of the Ukrainian situation in different periods will be conducted (Grotsky, 2010, p. 80).

The main mission of this work is to develop the study of transition in Ukraine and to embed it in the broader conceptual framework of transitional justice in post-Soviet Eastern Europe. As a single-country study, one of the goals of comparison – context description – is to demonstrate the landscape of the political events and decisions

(Landman, 2008, p. 86). The second is to classify the reasons for such tendencies and make analytical conclusions.

2.2 Conceptualisation and Operationalisation

In this section, the conceptualisation and operationalisation of the main research question will be discussed. Based on the comparative analysis of several decades of Ukraine history, this study will attempt to draw a conclusion on the factors that influence the adoption of lustration.

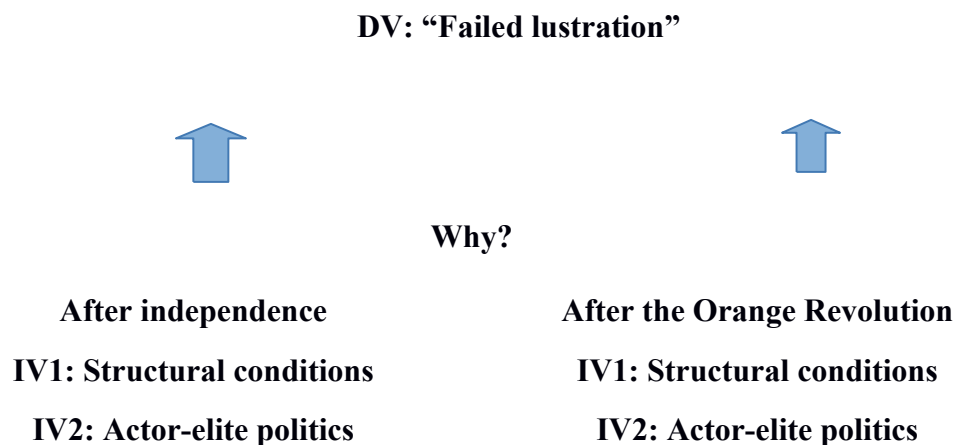
Conceptualisation

Ukraine's transition, especially its lustration process, can be as an example of a unsuccessful attempts. Despite 23 years of independence, the Ukrainian parliament was unable to adopt any lustration laws, and all related negotiations have fell. Hence, it is necessary to conceptualise the phenomenon of "unsuccess" or "failure" of the lustration process in Ukraine, and to distinguish what factors led to such a situation. They will be identified with the facts of failure of the lustration law adoption in parliament, and its final adoption (yes/no).

Operationalisation

The manner in which changes will be examined can be seen in Table 1 below.

Table 1



Dependent variable (DV) - “failure” or “unsuccess” of the lustration process in post-Soviet Ukraine - the fact that after independence, Ukraine did not manage to begin the process transitional justice, as was typical for post-communist Eastern Europe countries, in the form of lustration or other kinds of vetting. The only exception was the temporary banning of the Communist party in 1991.

Taking into account Welsh’s framework, combined with additional factors, the failure of lustration from the perspectives of structural conditions (independent variable 1, IV1) and of actors' or elites' behaviour in politics (independent variable 2, IV2) will be explained. The main comparison will be done in two time dimensions - two time periods after “windows of opportunity”- after independence and the Orange Revolution. These are “taxonomic dimensions” (Bennett and Checkel, 2015, p. 23) are useful for process tracing. As noted by Bennett and Checkel, “Structural constraints can be material, institutional, or normative, for example, and agents can be motivated by rational calculations of material interests, cognitive biases, emotional drives, or normative concerns” (Bennett and Checkel, 2015, p. 23).

2.3 Method

This work employs the qualitative method of process tracing, which focuses on monitoring a variety of factors which influence on the order of events, actions, and facts, then finding their interconnections and cross influence. As mentioned above, the main advantage of this method is that it comprehensively examines the structural (material) circumstances of individual actions, actor decision-making, and personal choices – casual explanation via reference to hypothesized causal mechanisms” (Bennett and Checkel, 2015, p. 3).

In other words, the “intra-case comparison” will be employed, that is the “natural experiments over time” (Grodsky, 2010, p. 80), analysis of the Ukrainian situation in different time frames. As George and Bennet explained, the “process tracing method attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependant variable” (Bennett and Checkel, 2015, p. 3).

Data

In this thesis, the empirical research based on combination of theoretical conclusions, parliament documents, and media reports. Media reviews are an important source for analysing the development of the political situation in Ukraine, as they collect the speeches and statements of such actors as presidents and prime minister.

The official web pages of the parliament (Verkhovna Rada), the President, and of the other governmental structures, are an essential resource for official information and documents. The Verkhovna Rada's webpage, which has transcriptions of all sessions and meetings of the parliament, working documents in process, law projects, and final legislative acts, was the main source of data for this thesis (official web portal)². The transcripts of records of parliament sessions contain speeches of deputies from different years starting from 1989, which have been collected and contextually analysed. As the website's search feature is not fully functional, and can only search for full words, the main query phrase used for this project was "lustration" (люстрація), with various rich morphological endings (i.e. люстр-ація, -ацію, -ації, -ацій, -увати).

At first glance, it may seem that since 1991, the Ukrainian Parliament was not interested in the question of lustration, with the exception of a few pro-democratic factions. However, a careful keyword search in parliamentary proceeding debate transcripts reveals that the question was raised repeatedly through the sessions of the Verkhovna Rada by various deputies affiliated with different political forces (Table 2). Drafts for the lustration process show up several times on the parliamentary agenda for discussion. However, appearances of the word "lustration" during the sessions of the Verkhovna Rada do not accurately reflect support for this idea within the Ukrainian Parliament, but merely show that the term came up in debates. It also reveals the identities of the speakers, their political affiliations, and the authors of pro-lustration proposals, and their opponents.

Although experiments were conducted with using other keywords, such as "KGB," "cleaning power," "nomenklatura," and "decommunisation," these keywords were

2 Available at: <http://rada.gov.ua/en> [Accessed 19.05.2016]

ultimately not used for this project, as too many results were not relevant to transitional justice (and the numbers of mentions are not representative). However, partial findings of this search will be used as a additional evidence for lustration discourse analysis to supplement the general transitional justice picture.

As this work’s main method of analysis is process tracing, it will be not included context analysis of deputy speeches. We only list the mentions, in various forms, of the term “lustration” uttered in the parliamentary assembly hall, along with brief characteristics of the circumstances of these cases, and illustrative quotes for some statements. Transcripts of the sessions are used solely as additional evidence for episodic discussions of lustration during the law-making process. In the Table 1 one can see the parliament serial number, session count, and corresponding time frames, as well as the accumulated number of mentions of different forms of the word “lustration” (involving different morphological case endings and parts of speech).

Table 2

**The number of mentions of the word
“lustration” during the sessions of Verkhovna
Rada**

Parliament (скликання)	Count of sessions	Time Frame	Total Mentions
I	9	1991-1994	0
II	9	1994-1998	3
III	9	1998-2002	2
IV	9	2002-2006	24
V	4*	2006-2007	0
VI	11	2007-2012	13
VII	5	2012-2014**	11

* President dissolved the parliament
 ** for this research we are taking into account the time till the end of 2013 year, when Maidan events started in Kyiv

Limitations

That is not the first time the topic of transitional justice in Ukraine has been raised. Numerous researchers, including Kuzio, Wilson, D'Aaneri, and Åslund, have devoted their time to issues of government after Ukraine's independence. Anders Åslund is considered a renowned expert on Ukraine's economic development, and related political and social processes (Åslund and McFaul, 2006; Åslund, 2011; Åslund 2015). Andrew Wilson mainly works on issues of political parties, their classification, and behaviour during the electoral process (Wilson and Bilous, 1993). Their findings and evidence are a valuable resource of empirical data and will be used in third chapter of this master's thesis.

In his works, Taras Kuzio considers the whole political system through its dynamic development and changes, including the specifics of the transition from communism. For example, in the article "Prospects for the Political and Economic Development of Ukraine" he highlights and describes "three areas of theory into Ukraine's transition, the importance of path dependence, pacted compromises and the national question" (Kuzio, 2007, p. 293). However, these studies are shallower in nature and describe the general situation without delving deeper into various elements of the theory of transitional justice. There is an additional problem connected with the theoretical method chosen for this research. As Bennet and Checkel explain, "...even if the world is deterministic, we observe it as probabilistic because of measurement error and specification error, including the omission to important variables from our models" (Bennett and Checkel, 2015, p. 14).

The main limitation of present work is their poor primary sources. All findings are mainly based on secondary resources, primarily the conclusions of transitional justice theorists and researchers of the Ukrainian situation and the dynamics of its development. Transcripts of parliamentary sessions used in this project were found in the Internet archives of the Verkhovna Rada via its official web portal³. VR's publicly accessible online archive has only rudimentary search capabilities. For example, it is not

³ Available at: <http://portal.rada.gov.ua/meeting/stenogr> [Accessed 16.05.2016]

possible to submit a query with a part of the word; only complete keywords with proper endings are possible (what is quite problematic considering the rich morphology of the Ukrainian language). Thus, it is impossible to be completely certain that all records related to this project were found without combing through audio recordings of the proceedings. Unfortunately, it is impossible to find the votes of different political forces in the Rada, as its electronic system has only been made public records for the latest two parliaments. The other gap in this research is the lack of in-person interviews with the key political figures of Ukraine in order to better analyse actor-centric factors. The ideas and positions of former presidents, prime ministers, deputies, and leaders of political parties will be reconstructed based on media interviews, speeches during plenary sessions of parliament, and the recollections of contemporaries.

3. EMPIRICAL STUDY: THE UKRAINIAN CASE

*“Believe me, over 20 years I am so fed up with questions 'Why?'. My answer to all is 'Because this is what we are”*⁴(Leonid Kravchuk, Ukrainian President (1991-1994). Interview to 20th Anniversary of Independence of Ukraine) (BBC, 2011)

3.1 The Transition to Independence

This section is dedicated to the factors that are largely determined the transition process from a totalitarian regime and to the further development of the state policy. The structural factors, which in many of EECs were pre-conditions for the transitional justice implementation, in Ukraine did not become causal for this purpose. Moreover, as a result of background factors of the past politics, in the politics of present was no place for strong opposition that would be interested in vetting or purging. As a result, no lustration projects made it to the form of a law or even a draft after until the Orange Revolution.

3.1.1 Structural Preconditions of 90s

In the theoretical chapter we determined factors of the politics of the past or we can call them - background factors. They were classified as a trait of the totalitarian regime, of the transition mode, of the oppression level, of the secret police and opposition force activities. The failure of the lustration process in the post-Soviet Ukraine will be illustrated through the fact, that there were no opposition-submitted lustration law drafts at this time.

Speaking about state building experience, it should be mentioned, that the history of Ukraine over more than three centuries before 1991 mostly consists of eras of foreign rule with the flashes of the partial independence (Kuzio, 1995, p. 8). Thus, there were no longer than a decade intervals of sovereign democratic experience or experience of a national state-building by Ukrainians.

⁴ Here and by translations from Ukrainian and Russian languages made by the author of this master thesis.

In contrast to the rest of post-Soviet Eastern-European countries, the “Red Terror” in Ukraine started much earlier, with the war of 1918-1920, and continued since for decades.⁵ According to Walsh (1996, p. 421) and Nalepa “The longer a regime is in power, the harder it becomes to separate the guilty parties from the innocent” (Nalepa, 2010, p. 7). Zubin, discussing similarities and difference in post-Communist and post-Nazis regimes, says about Soviet Union: “There have died almost all people remembering life before communism. The depth of Soviet repression was so large-scale that it left no counter-elite” (www.dw.com, 2015).

The secret services in Ukraine during the communist time were playing an important role of the “stick”⁶ on behalf of the ruling elite. Welsh emphasises, that in during late decades of Soviet-Communist rule physical violence was replaced by structural violence characterised by calculated intimidation and public submissiveness” (Welsh, 1996, p. 420). Given the Imperial Russia's experience with continuous Ukrainian rebellions, Åslund is convinced, that “... the Soviet authorities had always been particularly afraid of Ukrainian nationalism, subjecting Ukraine to much more control and repressions than Russia or the Baltics. As a consequence, Ukraine suffered an especially great shortage of all nation-building skills” (Åslund, 2011, p. 376).

In general, in the Soviet Union, the KGB's political persecutions of the Ukrainian intelligence declined only in 1985 with the Perestroika and politics of “glasnost”, after running for decades at full scale. The number of appeals and amnesties increased and political prisoners were coming back. At the same time the deaths and persecutions did not come to full stop, for example, in 1985 in the prison dies Ukrainian poet Vasylii Stus – one of the most active participants of Ukrainian dissident movement. This led to the extermination of the elite of the dissident movement. The part that survived

5 For newly occupied EECs “red terror” was began in 1940-1950th

6 The backbone principle of the “stick” (repression, deportation, imprisonment and murder, which creates in a society the atmosphere of fear and suspicious) is combined with “carrot” (economic and social benefits, the illusion of stability and absence of precariousness). For more information about character of oppressions and economic benefits see opinions, collected by Grodsky (Grodsky, 2010, p. 59-62)

continued active combat against system and made a small skeleton for democratic opposition.

As there was no lustration or purging process in the Ukrainian KGB after independence, the service underwent a simple renaming into “SBU” (for “Security Service of Ukraine”, “Sluzhba Bezopasnosti Ukrainy”). In order to become an officer of the new institution, former KGB agents were simply obligated to take an oath to the new country⁷. It is a remarkable observation that the question of what to do with the secret service and their agents was often a subject of discussion within the first parliament after the independence. The acronym KGB was used in context with all kinds of Soviet regime enforcement agencies, including the entire Ministry of Internal Affairs, General Prosecution Office and the army. Some of the former dissidents that suffered from the repressive secret services, insisted merely on “depoliticization” of the question of KGB and other services. They were speaking about special commission in parliament for surveillance on the KGB, but to refrain from full-scale lustration or purging (Luk'yanenko L.H., Holovatyy S.P, 1990). The term “decommunisation” also was used often as a simple synonym to depoliticization⁸, like “decommunisation of economy” or “decommunisation of farming”. Note, that the term “decommunisation” was used by the deputies in the meaning of as they were speaking about leading economy and enforcement agencies of the country from the influence of the communist party. If an opposition deputy happened to put forward a more critical proposal, for example, demolishing of Soviet monuments or street renaming (Ratushnyy, 2005), the leftist part of the parliament violently opposed any such initiative (“Hands off Lenin!”) under it was dropped (Poliit, 2005).

The mode of transition of Ukraine to independence was gradual and peaceful. One of the possible reasons for this – the reaction to events on the events in Moscow of the Kyiv's nomenclature. At the same time, displeasure of political and economic situation in countries was growing within the last decades, especially after Chernobyl catastrophe

7 According to Anderson and Albini, the changes in name did not change the substance and connections with Moscow (Anderson and Albini, 1999, p. 283)

8 Depoliticize - to cause something or someone to have no political connections. (Cambridge Dictionaries online)

(Koulinka, 2012). During the Soviet Union, all questions were solved in Moscow, while Kyiv was “merely a provincial capital” (Åslund, 2011, p. 376). The time of Kravchuck's presidency 1991- 1994 Kuzio even calls “stalled transition” (Kuzio, 2007, p. 45).

The long period of totalitarian rule marked by repressions, pure state-building experience and actions of secret services in direction of destruction of any dissent leaders, ideas, movements, led to the situation, when Ukraine get independence “unexpectedly”, as a result of the events in Moscow. Thereby, the independence of Ukraine was a “reaction” rather than a “proaction” of society and elites.

3.1.2 Post-Soviet Ukrainian Elites

In previous part of the thesis, following the pattern produced in the theoretical part of this study, was discussed the structural conditions that led Ukraine out of the Soviet Union. Now, describing the circumstances of the independence of Ukraine, paying attention to the first elections for the presidency and parliament, we can describe opposition forces in the political arena of Ukraine and the balance between democratic opposition and “new-old red” forces. Then we follow with the question lustration and its discussion in Parliament by key political players (often after the fact - in memoirs, interviews).

As it was mentioned in the introduction to this work, the transition of Ukraine to independence 1991 took place peacefully and without apparent aggravations. In the policy of “Glasnost and Perestroika” in the Soviet Union and active dissident movement, the election in 1990 the Democratic Parties won with 111 out of 442 seats. The Communists Party was forbidden⁹ and the referendum for independence in December 1991 was supported by 90% of the population (BBC, 2011). It was totally a

9 The forbiddance of communist party was made by Parliament as reaction on the Soviet coup d'état attempt in 1991. This decision was recognised partially illegal by constitutional Court of Ukraine 27.12.2001. But this action became the reason for including Ukraine to The Transitional Justice Data Base Project in the category “Lustration”.

new state, with all necessary attributes like a parliament, a president, a government, an own flag, a national anthem and diplomatic representatives in other countries. But these factors did not ensure a proper transition to a democracy. As Kuzio expressed this, “Ukraine inherited a quasi-state with some institutions from the USSR, but these were insufficient for an independent state” (Kuzio, 2007, p. 34).

Due to such tendencies in “the politics of the past”, new state faced a number of challenges. There was no clear understanding how to build new governmental structures, economical interconnections and social life, how to deal with the past, neither among old communists, nor among the opposition. It was the moment, when the “new communists” took an initiative. Subsequently, the leader of the opposition party Narodny Rukh (“People's Movement of Ukraine”), Mr. Vjacheslav Chornovil, expressed regret that “the Ukrainian democrats, especially the leaders of the Rukh, were not ready to fulfil its historic mission and voluntarily gave power to the old nomenclature” (Дуцик, 2009).

The deep rooted communist nomenclature in the political life of Ukraine, weakness and fragmentation of the opposition and profound structural preconditions of underdevelopment of the Ukrainian state contributed to the fact that the first president elections in 1991 won the newly formed socialist party with the old communist faces and first president – Second Secretary of the Communist Party of Ukraine for ideology, Leonid Kravchuk. The first years of independence were marked by political inertness events and reactions. Politicians were using the "old proven" methods of political behaviour and training. First decade of independence, Communists in parliament were “dominating and hijacking Ukraine's transition.”(Kuzio, 2007, p. 37) These factors could partially explain not just the fact of the lustration ‘failure’ but also, the fact that this issue was almost not raised in any social and political discourse.

As a representative of the early pro-democratic part of Ukrainian electorate, the Narodny Rukh was elected into the Verkhovna Rada in the 1989's parliament (very first for Ukraine, last in the USSR). At the same time, the political composition of the VR was strictly dominated by former (so-called “repainted”) communists. Thus, the idea of

lustration could be only weakly voiced in the Parliament. For example, although during the second parliament of the VR, Mr. Viacheslav Chornovil, the leader of the Rukh, expressed rather bold lustration proposals modelled after the Czech Republic's and Slovakia's examples (Chornovil, speech in Parliament, 1996, 1997), his proposals never reached the stage of a bill. It should be taken into account that the electronic archive of the law submissions in the VR tracked the speeches only starting from the III parliament. Hence, it is impossible to say confidently if the Rukh triggered any lustration projects into the parliamentary agenda. Some contemporaries like sociologist, Yevgen Golovaha, argued in his interview for medias that “in Ukraine this idea looks unhealthy” (Самохвалова, 2011). As Eugene Sverstyuk, Ukrainian dissident, puted this: “In the Ukrainian political and expert circles for a long time there was, and often still is, a made a statement discussion, that the current problems of Ukraine are due to the absence of lustration, in the early 90s. But in the Ukraine of that epoch it was impossible. First, all the general information [about secret agents], as they say, "who's who" was in Moscow, and secondly, with enough effort those who would conduct the lustration could do exactly the opposite – they would discredit honest, thus moving the [true] agents of influence out of the game. The implementation of lustration during that timewould only complicate the situation. Moreover, Ukraine was not the Czech Republic or Poland - we did not have any sectors not covered by the communist system“ (Капсамун, 2011).

The research in media reports shows no active public discussions of the lustration issue, with the exception of the ex-dissident milieu and mostly in the context of the experience of Ukraine's state-neighbours (Кіпіяні, 2011). Presidents and Prime-Ministers did not stand up and comment on this question publicly.

As a result of such asymmetric changes (more symbolic than practical), the state structure was developed almost in the same way, as it existed before 1991. The second presidential elections were won by Leonid Kuchma with the result of 52 % and next parliamentary elections in 1994 were won by recreated Communist party with the best result – 28,1%, Rukh on the second place – 27% (Wilson, 2003, p. 214). The similar situation developed during the next residential (1999) and parliamentary (1998)

elections. The question of lustration was not discussed in the Parliament during this period and was almost not featured in the media until the elections of 2002, when the block “Our Ukraine” won 23.57% of the parliament seats.

The first decade of Ukraine independence was marked by the inertia of political processes, the gradual acceptance of independence reality, the incipience of symbolic level of the state and the change of the “facade”, but essentially not of the change of political elites. The political decision to conduct lustration was not made and was even discussed extremely rare – it was not simply an issue in the agenda of any political force. Thus, structural circumstances of past and present political situation led to the failure of the lustration processes after the independence.

3.2 After the Orange Revolution

The “orange team” came to power after the mass protests against the falsification of the presidential elections in 2004. The type and circumstances of this transition was different from the events of 1991 – namely, it became more proactive. The structural pre-conditions were much more in favour of changes and transitional justice measures implementation. Nevertheless, all projects of lustration law failed to be adopted, despite multiple submissions and regular discussions in the parliament.

3.2.1 Changes in Political Structural Conditions

After the parliament elections in 2002, when "Our Ukraine" won the first place, with the Communist party coming in second, the democratic opposition obtained a somewhat stronger position than in the 90s. However, the situation has changed dramatically only with the presidential elections in 2004. Only then the dominance of the restored Communist's and “repainted Communists” – Socialists has ended (Kuzio, 2007, p. 44).

The difficulty lies in the nature of Ukrainian politics (Kuzio, 2007, p. 44). Kuzio believes that “The opposition is insufficiently strong to overthrow the authorities while the regime is insufficiently strong to undertake full scale repression against the

opposition” (Kuzio, 2007, p. 44). Still, Kuzio is convinced that it was a “pacted transition”, that included negotiated compromises and some sort of “round table agreement”, which guaranteed certain “immunity for Kuchma and his elites” and in the same time guaranteed that the government forces refrained from violent response to the Orange Revolution and to the Yuschenko election” (Kuzio, 2007, p. 44).

The changes in the state building regulation started in some new way – the new appointment for the state positions and somewhat different discourses in the parliament. The state made only indecisive steps towards the dealing with the past. For example, the new head of the secret services, Valentyn Nalyvaichenko initiated the process of Holodomor investigation, which lead to the criminal case in 2009 against Soviet leaders in 1932-1933 already long dead ¹⁰. Most of the reforms were slow and “muddled” (Kuzio, 2007, p. 45).

Finally, the issue of the dealing with the post-Soviet path and Kuchmas-era crimes became one of the reasons for the breaking of the “Orange Coalition” in 2006. Kuzio believes that “weak presidential will, lack of a pro-reform parliamentary coalition and government, low institutional capacity, lack of effective strategic planning” (Kuzio, 2007, p. 45) became the causes of the failing to reach the most of the Orange Revolution goals and led to a loss of the Presidential Elections in 2010 and the Parliamentary Elections in 2012.

¹⁰ This case became more symbolic measure than actual punishment due to the fact, that most of the criminals were dead by that time (Unian.net, 2009).

3.2.2 New Elites' Behaviour

The time of Yushchenko's presidency created a contrast with the two previous leader's policies in the matters of transitional justice and revision of the totalitarian past. The issues like recognition of the Holodomor¹¹, the foundation of the Institute of National Memory¹², submission of parliamentary drafts of laws that legally defined the status of the concerning the Second World War-time combatants of the Ukrainian Insurgent Army received broad discussion and media resonance. In terms of theoretical approach, according to the classification by Pettai and Pettai (2015, p. 25), these measures can be classified as "symbolic-representational."

As visible from Table 2, in 2005, during the IV parliament (2002-2006) was the peak of the lustration debates in the parliament. Two drafts of lustration laws were submitted within a month. First by "Our Ukraine" and "Batkivschuna" ("Motherland") party deputies Chervoniy V. M., Shkil A.V., Oleksiyuk S. S. # 7028, and the second - by the head of the "Svoboda" ("Freedom") Oleh Tyahnybok # 7028-2. After the Orange Revolution, in addition to the lustration of the communists, the opposition forces emphasized the necessity for the so-called "separation of business and power" (Zaets, 2005). In the lustration projects authored by the "Nasha Ukraina" ("Our Ukraine") deputies one can find two components. The first one is the classical lustration based on the example of Czech Republic (Shkil, 2005). The second idea concerns vetting of the public service officials to exclude their involvement in the falsification of the 2004 presidential elections.¹³ These ideas find their realisation in the norms of a draft, where candidates to the state positions were supposed to be checked not only on the question of the "communist past", but also whether they were "not involved in the falsification of the Presidential Elections in 2004, political persecution, vote-buying and pressure on voters to influence their vote, censorship and the introduction of the media propaganda

11 On the 28th of November 2006, the Verkhovna Rada passed a decree defining the Holodomor as a deliberate act of genocide. [online] Available at: <http://zakon0.rada.gov.ua/laws/show/376-16> [Accessed 19.05.2016]

12 Institute of National Memory was established 22.05.2006 but did not have the question of lustration in its agenda (Soldatenko, 2011).

13 One of the authors urged in a parliamentary session: "And in order to give a new meaning to this new power, one should apply such a thing as lustration" (Shkil,2005)

guidelines (“temnyki”) and other violations of the electoral legislation” (Art. 4 of the draft of lustration law #7028).

It should be noted that the initiators of the bill #7028 were relatively inactive lobbying their project in the VR. Only one of the authors, Mr. Shkil, spoke in the Parliament about lustration on the eve of the project submission. Another tactic was chosen by the author of the second bill #7028-2, Oleh Tyahnybok, leader of the party Svoboda ("Freedom"): in his speeches he was insisting regularly on implementing lustration and urged deputies to adopt it on the principles of the three “K” - lustration of communists, KGBists (KGB agents and informants) and kuchmysts (supporters of then-President Kuchma and the failed candidate Yanukovich)" (Tyahnybok, 2005, 2006). Nevertheless, the project #7028-2 contained a ban to occupy some state positions only for ex-communist leaders, secret agents, their informants, or persons, who were “taking part in persecution of Soviet citizens” and contain no clause on taking part in falsifications of the Presidential elections in Ukraine in 2004 (Tyahnybok, 2005).

As a counter activity, the then-opposition Partia Regioniv (“The Party of Regions”) and, particularly communists, actively played the card of "factual, ongoing illustration" at that time. They were emphasizing repeatedly in plenary sessions that there was a supposedly wide-spread practice when members of the “orange team”, besides promoting a draft law on lustration, already conducted unofficial public officials cleansing for their political beliefs. Deputies were claiming, that the representatives of local authorities that, during the scandalous 2004's Election openly supported the “blue-whites” (colours of Yanukovich's party), were fired without any legal reasons (Sulkovsky, Pxy'denko, Yeremeyev, 2005). A deputy of the Communist party, Solomatin, called political lustration a “forerunner of genocide” (Solomatin, 2005), his party comrade Kruchkov compared the above mentioned situation with a “staffing tsunami, the actual lustration” (Krychkov, 2005). Nina Karpachova, who was occupying the post of Authorized Human Rights Representative of the Verkhovna Rada - Ombudsman. In her annual report about human rights in Ukraine she echoed the same accusations: “I cannot say today, that despite the public condemnation of the leaders of the state, the lustration process at the local level does not continue.” Note that later she

disclosed her affiliation with the lustration target group and became a deputy of the “Party of Regions”).

Even with the fact, that the deputies of his own party proposed the project of the lustration law to the parliament, and despite his own steps to deal with some aspects of totalitarian past, Yushchenko did not fully embrace the idea of lustration implementation. "The idea of lustration is good, but it lost momentum of time, and today there are very few people who could support it," – he said at a meeting with students of the University of Warsaw. “The most successful time for its (lustration) application was the beginning of the 90s”, today this debate in the Ukrainian political circles is "ambiguous" (Yushchenko, 2005). This argument sounds especially odd, as the number of post-Soviet countries in Eastern Europe were dealing with transitional justice issues at very this time.¹⁴ His political opponent, leader of the socialist party, Oleksander Moroz during public debates claimed, that Yushchenko did not support the idea of lustration, because he had read archives of SBU (Ukrainian Security Service) and realised how many of his own companions were connected with the KGB (Цензор.НЕТ, 2010). The Prime Minister from “Our Ukraine” party, Yuriy Yekhanurov, in his report to the parliament answered to the deputies question with such words: “I am not supporting lustration. I was a member of the Communist Party of Ukraine... As a manager of a building, trust, I [had to be] a member of the Communist District Committee. If you look, many of us have been there. I believe that if these questions had to be raised, then they had to be raised in the past” (Yekhanurov, 2005).

As a result of parliamentary elections in 2006, the Party of Regions won the majority of places – 186 from 450 deputies; on the second place – Block of Yulia Timoschenko (BYT) – 129 deputies; and only on third place – “Our Ukraine” 81 deputies. The “red sector” of parliament was represented by SPU (33 members of parliament) and KPU (21 deputies). Party of Regions united with SPU and KPU and created “Anticrisis coalition”. New Prime Minister from “Party of Region” Viktor Yanukovich declared: "There will be no lustration of personnel" (Unian, 2006). This parliament was disbanded. But new elections in 2007 did not change dramatically places, only a bit the

14 For example, Check Republic, adopted law in 90s, and extended it in 2000 (Stan, 2009, p. 49)

number of deputies of each party. This time BYT and “Our Ukraine” created a democratic coalition for a short period in 2007.

As soon as the VI parliament of the VR the term lustration was mentioned by leaders and deputies of the opposition political forces mostly in the context of its anti-corruption component - as a means of fighting corruption, cleaning power from the criminal elements, testing of public officials in their practice to get “bribes” (Zaets, Gerashchenko, 2010). Such ideas find their embodiment in the new project of Lustration Law №5389 (01.12.2009) by deputies Zaets and Dzhorzhyk. In its 4th article, in addition to the past cooperation and information with KGB, and other secret services, the person was checked on the facts of instigating separatism and violent conflicts, disrespect of the state symbols, and, finally, on his/her connections to corruption. Even after failing to pass the draft №5389 the idea of fighting corruption with lustration was very popular among opposition deputies and is voiced repeatedly in the Parliament debates (Yacenyuk, Marty`nenko 2012).

One more attempt was undertaken, immediately on the penultimate day of this parliament, by the same deputies and Davydenko by submitting a proposal #11287 (02.10.2012). The text of the project was very similar to the previous version, with the exception of the anti-corruption formulation – it rephrased to require non-involvement in any currently “open prosecution on a corruption-related case”.

The hope that the Orange Revolution “will mark a radical break with totalitarian past” (Рябчук, 2007) was dead and left feeling of disappointment of “wasted opportunities” (Kuzio, 2007, p. 42) Orange Revolution was the new “window of opportunity”, but this time it was unwillingness of political ruling elites to implement such transitional justice measure, as lustration. So far, this time structural condition promoting for lustration, but political choices of actors played a crucial role in its failure.

3.3 Comparative Summary and Outlook

In the first chapter of this work a theoretical framework was presented, which outlines possible factors that explain the reasons why transitional justice measures were implemented in particular countries (Figure 1). As a base, the scheme of Welsh was taken and further developed with the findings of such scholars as Williams, Nalepa, Grodsky and others. The developed framework consists of two main groups of factors – structural and elites' behaviour, which influence the adoption of a transitional justice policy (including lustration) and determine its course. In the case of transition of Ukraine, there were no vetting or purging procedures for ex-communists agents and collaborators, and there were no lustration law adopted. The developed theoretical framework gives a possible answer to the question why lustration happened in EECs. In the third chapter the same framework is used to explain why lustration did not happen in Ukraine.

The long-time reign of the totalitarian regime, oppression and persecution of dissidents by secret services lead to the structural pre-conditions not in favour of sanctioning former KGB agents or informers. Henceforth, no actual transition of power happened – the same old communist forces simply regrouped themselves into new parties. In its turn, the opposition was weak and not interested in any rapid changes. In result, no any lustration project was submitted to the parliament from 1991 through 2004.

After the Orange Revolution in 2004, the structural situation has changed – the conditions became appropriate for dealing with the communist past: The president Yushchenko, promised new changes for the country and breaking ties with the past. For the first time, lustration law drafts were submitted and debated in the parliament. Still, there was no political will within the elites for cleaning or purging. The president backed off, claiming that the time of lustration passed, the prime-minister came out with his communist past, and lustration supporters did not collaborate to merge two alternative projects of the lustration law.

These findings lead to the conclusion that the failure of the Ukrainian political elites to adopt lustration measures in the period 1991-2004, as it had been done in the other EECs after 1991, can be best explained by structural factors. While some of them still apply later, the post-2004 failure to engage in lustration is best explained by using actor-based factors.

Metamorphosis of the Term Lustration

Although the main findings of this study will be presented in the next, concluding part, the results of the analysis of the transcripts of VR, such as the transformations of the lustration term semantics, should be analysed in a more precise way. Careful analysis of the discussions about lustration in the Ukrainian parliament through counting its mentions during the parliamentary debates, gave an impression of the divergence of the term's understanding among the deputies. Usage of the term and its context were very different in different times and sessions. Essentially, lustration is the transitional justice measure, calling-purging to deal with the state institutions – clean them from collaborators of the previous regime and its secret services. From 1991 through 2004 democratic deputies did talk about removing communists and KGB agents from the state positions, but rather humbly and indecisively. After 2004 the lustration bill drafts had one big group added – Kuchma's political companions and everyone, who participated in presidential elections falsifications. Already in 2010, lustration started to be discussed during parliament debates as the way to fight corruption, oligarchic system and the problems with the “family power” of president Yanukovich. Partially, this meaning of lustration, as an anti-corruption tool, finds its realisation in the Lustration Law of 2014.

The Lustration Law was adopted by the Verkhovna Rada in 2014 after the Maidan events in 2013-2014. One of the people's requirements was a total lustration of not only the collaborators with secret services of communist regime, but also of the government officials, who were responsible for the shootings of peaceful protest on February 18-19th, 2014; as well as all chiefs of state bodies, who participated in the persecution citizens, corruption schemes and illegal actions. The lustration law of the 2014, adopted

in the aftermath, was not included in this research for several reasons. First of all, the events are temporally too close to the research - too small distance from the past events to clearly elaborate and distinguish between the structural conditions and the elites actions, which created political situation for the law's adoption. The second reason based on the fact, that the anti-corruption component of this law is very strong. This is totally different core, different reasons (motivation) and objects, in comparison to the previous projects and even to lustration experience in the rest of post-communist EECs. The Venice Commission emphasised in their report a few times, that they recommend to consider these two components separately – anti-corruption component and lustration of communists collaborators (Venice Commission Final Opinion, 2015).

To sum up, although it could be interesting to trace the changes of the lustration term semantics not only among deputies, but also among different groups of society, the earlier mentioned reasons suggest to leave out this part of Ukrainian transition history for future research.

CONCLUSIONS

This thesis was dedicated to the question of the unsuccessful transition of post-Soviet Ukraine, especially the failure of its lustration process. A careful review of the theoretical frameworks developed by numerous authors in the field of post-communist transitional justice, granted the possibility to develop a theoretical framework that outlined the key factors that influence whether new elites pursue transitional justice vis-a-vis oppressors from a previous regime (Form 1). By distinguishing between structural or background factors and actor-elite behavioural factors, this thesis traced how these factors influenced the Ukrainian political situation, especially the non-implementation of lustration. The units of comparison used here were defined as “windows of opportunity”, denoting two distinct time periods in recent Ukrainian history when the political situation radically shifted - after the proclamation of independence in 1991, and after the success of the Orange Revolution in 2004.

Thus conducting an intra-case comparative analysis and applying the method of process-tracing in case study research, this thesis aimed to answer the question: Which set of factors influenced political decisions not to adopt lustration adoption in each of the two phases, after 1991 and after 2004?

The findings of this study suggest that the transition of Ukraine from a totalitarian regime in 1991 was mostly a reaction to outside events, supported by the majority of society, rather than the results of proactive opposition and grassroots movements all over Ukraine. Such a transition caused the strong positions of “re-coloured” communists and the election former communist leaders as the country’s first two presidents. The basis for this was created during decades of Soviet governance of the territory of Ukraine: generations of totalitarianism and repression, active and secret services pervading every part of society and the decimation of dissident movement. Thus, following independence, there were no strong alternatives to former communists, who merely changed their party-names and slogans, but retained political habits. Not surprisingly, there were no transitional justice measures or lustration attempts in parliament, with such structural conditions and background factors in place. The only

context in which lustration was mentioned by the democratic opposition in this time was the experiences of neighbours conducting such policies at this time.

The other beginning of the story can be seen after the Orange Revolution in 2004 – the change of the power with mass protests and elections, changes in parliamentary composition and the balance of power, clear steps being taken to deal with the totalitarian past and two proposed lustration bills in the Rada's agenda. But the end of this story was the same – a divided coalition, failed reforms, dealing with the past on a merely symbolic level, and the deaths of lustration bills. This time, however, these failures were due to elite unwillingness to deal with the past, and the inability to cooperate regarding transitional issues.

The complex of structural conditions and the behavior of elites led to the failure of lustration in Ukraine. Not a single legal act was adopted that involved the purging or vetting of former KGB agents in Ukraine until 2014. Even the lustration law passed then, while containing a provision to remove from power collaborators with the secret services of the Soviet Union, affects only a narrow circle of these people because of the time passed after independence and the old age of the persons who would otherwise be purged.

As the empirical examination shows, the semantic meaning of the term lustration has changed during the time of transition. Research more focused on this aspect could be helpful for better understanding of transitional justice in Ukraine.

The author admits that this study has certain limitations. There was only one measurement of transitional justice in the focus of research and this created a narrow view of the overall picture. This thesis is based on both secondary resources (scholars' publications and media reports) and on transcripts of parliamentary sessions as primary data. However, a more thorough study could have reinforced some of the findings by including an analysis of voting results and by undertaking in-person interviews with key actors. In conclusion, this study sheds light on the interrelations between structural and elite-centric factors in the political evolution of Ukraine after 1991 and 2004.

REFERENCES

- Anderson, J. and Albini, J. (1999). Ukraine's SBU and the New Oligarchy. *International Journal of Intelligence and CounterIntelligence*, 12(3), pp.282-324.
- Åslund, A. (2011). Problems with Economic Transformation in Ukraine. In: M. Blejer and M. Skreb, ed., *Transition: the first decade*, 1st ed. Massachusetts: Massachusetts Institute of Technology, pp.371- 401.
- Åslund, A. (2015). *Ukraine*. Washington, D.C.: Peter G. Peterson Institute for International Economics.
- Åslund, A. and McFaul, M. (2006). *Revolution in orange*. Washington, D.C.: Carnegie endowment for international peace.
- Bennett, A. and Checkel, J. (2015). *Process tracing*. Cambridge: Cambridge University Press.
- Czarnota, A. (2009). Lustration, Decommunisation and the Rule of Law. *Hague Journal on the Rule of Law*, 1(02), p.307.
- Ellis, M. (1996). Purging the past: The Current State of Lustration Laws in the Former Communist Bloc. *Law and Contemporary Problems*, 59(4), pp.181-196.
- Elster, J. (2004). *Closing the books*. Cambridge, UK: Cambridge University Press.
- Grodsky, B. (2010). *The costs of justice*. Notre Dame, Ind.: University of Notre Dame Press.
- HOPF, T. (2002). Making the Future Inevitable: Legitimizing, Naturalizing and Stabilizing. The Transition in Estonia, Ukraine and Uzbekistan. *European Journal of International Relations*, 8(3), pp.403-436.
- Horne, C. (2009). International Legal Rulings on Lustration Policies in Central and Eastern Europe: Rule of Law in Historical Context. *Law & Social Inquiry*, 34(3), pp.713–744.
- Horne, C. (2011). Assessing the Impact of Lustration on Trust in Public Institutions and National Government in Central and Eastern Europe. *Comparative Political Studies*, 45(4), pp.412-446.
- Horne, C. (2015). “Silent Lustration”: Public Disclosures as Informal Lustration Mechanisms in Bulgaria and Romania. *Problems of Post-Communism*, 62(3), pp.131-144.
- Horne, C. and Levi, M. (2003). Does Lustration Promote Trustworthy Governance? An

Exploration of the Experience of Central and Eastern Europe. Budapest: Budapest Collegium.

Huntington, S. (1991). *The third wave*. Norman: University of Oklahoma Press.

Krtolica, M. (2014). *Lustration as Mechanism of Transitional Justice: Dilemmas and Challenges*. 1st ed. [ebook] Republic of Macedonia: Iustinianus Primus Law Review, pp.1-14. Available at: <http://law-review.mk/pdf/08/Marko%20Krtolica.pdf> [Accessed 17 May 2016].

Kuzio, T. (1995). *Ukrainian security policy*. Westport, Conn.: Praeger, pp. 8-20

Kuzio, T. (2007). Prospects for the Political and Economic Development of Ukraine. In: D. Hamilton and G. Mangott, ed., *The New Eastern Europe: Ukraine, Belarus, Moldova*, 1st ed. Washington, DC: Center for Transatlantic Relations, pp. 25- 53.

Landman, T. (2008). *Issues and methods in comparative politics*. An Introduction. 3d. ed, London and New York.: Routledge, p. 86

Moran, J. (1994). The communist torturers of Eastern Europe. *Communist and Post-Communist Studies*, 27(1), pp.95-109.

Nalepa, M. (2010). *Skeletons in the closet*. Cambridge: Cambridge University Press.

Oxana Shevel, (2011). The Politics of Memory in a Divided Society:. *Slavic Review*, 70(1), p.137-164.

Pettai, E. and Pettai, V. (2015). *Transitional and Retrospective Justice in the Baltic States*. Cambridge: Cambridge University Press, pp.5-45.

Raimundo, F. (2013). Dealing with the Past in Central and Southern European Democracies: Comparing Spain and Poland. In: G. Mink and L. Springer, ed., *History, Memory and Politics in Central and Eastern Europe: Memory Games*, 1st ed. New York: Palgrave Macmillan, pp.136-155.

Sadurski, W. (2003). EUROPEAN UNIVERSITY INSTITUTE, FLORENCE
DEPARTMENT OF LAW EUI Working Paper LAW No. 2003/15
“Decommunisation”, “Lustration”, and Constitutional Continuity: Dilemmas of
Transitional Justice in Central Europe. *European University Institute Badia Fiesolana*,
[online] pp.1-52. Available at: <http://cadmus.eui.eu/bitstream/handle/1814/1869/law03-15.pdf?sequence=2&isAllowed=y> [Accessed 16 May 2016].

Stan, L. (2009). *Transitional justice in Eastern Europe and the former Soviet Union*. London: Routledge.

Stan, L. (2013). *Transitional justice in post-communist Romania*. Cambridge:

Cambridge University Press.

Welsh, H. (1994). Political Transition Processes in Central and Eastern Europe. *Comparative Politics*, 26(4), pp.379-394.

Welsh, H. (1996). Dealing with the communist past: Central and East European experiences after 1990. *Europe-Asia Studies*, 48(3), pp.413-428.

Williams, K., Fowler †, B. and Szczerbiak, A. (2005). Explaining lustration in Central Europe: a 'post-communist politics' approach. *Democratization*, 12(1), pp.22-43.

Wilson, A. (2003). The Communist Party of Ukraine: From Soviet Man to East Slavic Brotherhood. In: J. Leftwich Curry and J. Barth Urban, ed., *The Left Transformed in Post-Communist Societies. The Case of East-Central Europe, Russia and Ukraine*, 1st ed. Oxford: Rowmand&Littlefield Publishers, pp.209-242.

Wilson, A. and Bilous, A. (1993). Political parties in Ukraine. *Europe-Asia Studies*, 45(4), pp.693-703.

Oxford English Dictionary. Oxford University Press. [online] Available at: www.oed.com.ezproxy [Accessed 16 Oct. 2015]

Cambridge Dictionaries online. [online] Available at: <http://dictionary.cambridge.org/dictionary/english/depoliticize> [Accessed 19 May 2016]

Documents

Constitution of Ukraine, *Verkhovna Rada* [online] Available at:
<http://president.gov.ua/en/content/constitution.html> [Accessed 10 May 2015]

Law of Ukraine “About Holodomor 1932-1933 years in Ukraine”, *Verkhovna Rada*, 28. 11.2006, [online] Available at: <http://zakon0.rada.gov.ua/laws/show/376-16> [Accessed 19.05.2016]

Rule of Law Tools for Post-Conflict States. Vetting: an operational framework. *Office of the United Nations High Commissioner for Human Rights*. United Nations New York and Geneva, 2006, p. 2

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) (2015). *FINAL OPINION ON THE LAW ON GOVERNMENT CLEANSING (LUSTRATION LAW) OF UKRAINE*. [online] Available at: <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282015%29012-e> [Accessed 16 May 2016].

Lustration Bill №5389 (01.12.2009) by deputies Zaets and Dzhorzhyk. [online] Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=36622 [Accessed 19.05.2016]

Lustration Bill #11287 (02.10.2012) by deputies Zaets, Dzhorzhyk Davydenko. [online] Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=44561 [Accessed 19.05.2016]

Lustration Bill #7028-2 (02.03.2005) by Tyahnybok. [online] Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=23762 [Accessed 19.05.2016]

Lustration Bill #7028 (01.02.2005) by Chervoniy, Shkil, Oleksiyuk. [online] Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=22947 [Accessed 19.05.2016]

Speeches in parliament

Gerashchenko I. (“Our Ukraine”), speech in VI parliament, 17.03.2009 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/672.html> [Accessed 19.05.2016]

Karpachova N., speech in IV parliament, 06.07.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1912.html> [Accessed 19.05.2016]

Krychkov G. (Communist Party of Ukraine), speech in IV parliament, 25.03.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1872.html> [Accessed 19.05.2016]

Luk'yanenko L.H. (Ukrainian Republican Party) & Holovatyy S. P., speech in I parliament, 11.06.1990 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1902.html> [Accessed 19.05.2016]

Marty`nenko M. (“Our Ukraine”), speech in VI parliament, 19.06.2012 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1290.html> [Accessed 19.05.2016]

Poliit A. (Communist's fraction) speech in IV parliament, 11.07.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1902.html> [Accessed 19.05.2016]

Pxy`denko S. (Communist Party of Ukraine), speech in IV parliament, 21.01.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1850.html> [Accessed 19.05.2016]

Ratushnyy M. (Ukrainian People's Party), speech in IV parliament, 11.07.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1902.html> [Accessed 19.05.2016]

Shkil A. V. (BYT), speech in IV parliament, 14.01.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1844.html> [Accessed 19.05.2016]

Solomatin Y. (Communist Party of Ukraine), speech in IV parliament, 18.11.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1991.html> [Accessed 19.05.2016]

Sulkovsky P. (“Party of Region”), speech in IV parliament, 22.04.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1885.html> [Accessed 19.05.2016]

Tyahnybok O. (“Svoboda”), speech in IV parliament, 08.04.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1961.html> [Accessed 19.05.2016]

Tyahnybok O. (“Svoboda”), speech in IV parliament, 20.09.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1961.html> [Accessed 19.05.2016]

Tyahnybok O. (“Svoboda”), speech in IV parliament, 13.01.2006 [online] Available at:

<http://rada.gov.ua/meeting/stenogr/show/2017.html> [Accessed 19.05.2016]

Tyahnybok O. (“Svoboda”), speech in IV parliament, 08.07.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1915.html> [Accessed 19.05.2016]

Yacenyuk A. (BYT), speech in VI parliament, 23.05.2012 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1281.html> [Accessed 19.05.2016]

Yacenyuk A. (BYT), speech in VI parliament, 03.07.2012 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/2386.html> [Accessed 19.05.2016]

Yekhanurov Y., speech in IV parliament, 20.09.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1961.html> [Accessed 19.05.2016]

Yeremeyev I. (People's Party), speech in IV parliament, 02.03.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/1861.html> [Accessed 19.05.2016]

Zaets I (“Our Ukraine”), speech in IV parliament, 21.09.2005 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/2069.html> [Accessed 19.05.2016]

Zaets I (Ukrainian People's Party), speech in VI parliament, 01.07.2010 [online] Available at: <http://rada.gov.ua/meeting/stenogr/show/955.html> [Accessed 19.05.2016]

Media

(www.dw.com), D. (2015). *Андрій Зубов: Якщо не провести декомунізацію, Росія ніколи не буде іншою | Європа | DW.COM | 03.11.2015.* [online] DW.COM.

Available at: <http://dw.com/p/1Gyi1> [Accessed 16 May 2016].

Bbc.com. (2011). *BBC Ukrainian - Новини - 20 років історичному референдуму: підсумки та наслідки.* [online] Available at:

http://www.bbc.com/ukrainian/news/2011/11/111129_20_years_referendum_announcement_sd [Accessed 16 May 2016].

Koulinka, N. (2012). *Truth and lies in Ukraine's KGB archives | The Stanford Post-Soviet Post.* [online] [Postsovietpost.stanford.edu](http://postsovietpost.stanford.edu). Available at:

<http://postsovietpost.stanford.edu/interview/truth-and-lies-ukraines-kgb-archives> [Accessed 16 Oct. 2015].

Unian.net. (2006). *Янукович розпочав масові кадрові заміни у центральній владі. Чи в межах закону? Думки юристів розійшлися.* [online] Available at: <http://www.unian.net/products-52872.html> [Accessed 19 May 2016]

Unian.net. (2009). *СБУ возбудила уголовное дело по факту совершения Геноцида (дополненная).* [online] Available at: <http://www.unian.net/politics/225116-sbu-vozbudila-ugolovnoe-delo-po-faktu-soversheniya-genotsida-dopolnennaya.html> [Accessed 16 May 2016].

Дуцик, Д. (2009). *Націонал-демократія залишається запитаною.* [online] Українська правда. Available at: <http://www.pravda.com.ua/articles/2009/04/10/3871169/> [Accessed 16 May 2016].

Капсамун, І. (2011). *Справа Кучми — привід для люстрації.* [online] Справа Кучми — привід для люстрації. Available at: <http://www.day.kiev.ua/uk/article/nota-bene/sprava-kuchmi-privid-dlya-lyustraciyi>. [Accessed 16 May 2016].

Кіпіані, В. (2011). *Люстрація по-українськи за грузинським законом.* [online] ТСН.ua. Available at: <http://tsn.ua/analitika/lyustraciya-po-ukrayinski-za-gruzinskim-zakonom.html> [Accessed 16 May 2016].

Отечественные записки. (2016). *Культура памяти и политика забвения.* [online] Available at: <http://www.strana-oz.ru/2007/1/kultura-pamyati-i-politika-zabveniya> [Accessed 16 May 2016].

Рябчук, М. (2007). *Культура памяти и политика забвения.* [online] Отечественные записки. Available at: <http://www.strana-oz.ru/2007/1/kultura-pamyati-i-politika-zabveniya> [Accessed 16 May 2016].

Самохвалова, Л. (2011). *Євген Головаха: Якби відкрили таємні архіви КДБ, нам би довелося люструвати «святих» людей.* [online] Unian.ua. Available at: <http://www.unian.ua/politics/529220-evgen-golovaha-yakbi-vidkrili-taemni-arhivi-kdb-nam-bi-dovelosya-lyustruvati-svyatih-lyudey.html> [Accessed 16 May 2016].

Солодько, П. (2011). *Валерій Солдатенко: "Перед нами не стоїть завдання проводити люстрацію".* [online] Українська правда. Історична правда. Available at: <http://www.istpravda.com.ua/articles/4d893ce128770/> [Accessed 19 May 2016].

Цензор.НЕТ. (2010). *Мороз о люстрации: Ющенко в архивах СБУ увидел, что большая половина сексотов КГБ – это его "любимые друзья" и половина нынешних политиков.* [online] Available at: http://censor.net.ua/news/109613/moroz_o_lyustratsii_yuschenko_v_arhivah_sbu_uvide_l_chno_bolshaya_polovina_seksotov_kgb_eto_ego_quotlyubi [Accessed 16 May 2016].