

From Viktor to Viktor: Democracy and Authoritarianism in Ukraine

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Abstract: The Orange Revolution has not led to the creation of an effective government or of democratic checks and balances. Therefore, contrary to many hopes, after the 2010 presidential election Ukraine is backsliding into “soft” authoritarianism. However, the failures of the regime to deliver socioeconomic promises have united the electorate in different regions of the country in their growing criticism of the authorities.

Keywords: authoritarianism, Orange Revolution, Ukrainian–Russian relations, Viktor Yanukovich

For political scientists, Ukraine is an extremely interesting case study. The country balances between the West and Russia—while maintaining an official aim to join the European Union—its political culture has both pro-European and post-Soviet components, and it appears to be the CIS state that is closest to Europe politically. Ukraine stands in contrast to many other former Soviet republics in that it gained its independence peacefully and without interethnic conflicts. Despite the turmoil, since 1991 political developments in Ukraine have evolved so that until recently the country’s most important decisions were reached by compromise. Ukraine became the first country of the CIS in which democratic elections, held in 1994, altered both the composition of the parliament and the presidency. Ukraine’s 1996 Constitution was the result of a compromise between the president and the parliament, as opposed to Boris Yeltsin’s “revolutionary” approach, which involved an armed assault on the Russian parliament in 1993.

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Ukraine has been poised to build democracy, a free market, state institutions, and a modernized nation simultaneously (which has been referred to as the “quadruple transition”¹). None of this can be achieved overnight, and it has demanded compromises with the country’s post-Communist nomenclature. The drawback to Ukraine’s system of power-sharing and political compromise was that it preserved the influence of the Communist past, which, in comparison with Poland, Hungary, and the Baltic countries, was not radically restricted.

These dilemmas and contradictions were reflected in the 2004 nonviolent Orange Revolution, which brought into power the pro-Western president Viktor Yushchenko. But Orange governments (2005-2010) ultimately proved to be ineffective. This created background for a backlash: the 2010 election of President Viktor Yanukovich (who did not manage to win despite of falsifying elections in 2004). He quickly reneged upon the constitutional reform of 2004 (which restricted the power of the presidency) and returned to the constitutional model of President Leonid Kuchma. Therefore, it can be concluded that the Orange Revolution has not led to creation of its intended democratic checks and balances. The question arises: was the Orange Revolution an aberration, and would the country revert to a Russian authoritarian model?

This article begins with the analysis of why the previously discredited Yanukovich was elected president and how despite democratic rhetoric and arguments for stability (which at the beginning soothed Western leaders and analysts), he started to build Russian model of “stability” which he openly praised during his first official visit to Russia in early March 2010.² Then, I will analyze the limitations faced by Yanukovich in building an effective authoritarian regime.

Setting the Stage: The Orange Legacy and the Reemergence of Viktor Yanukovich

Ukraine was deliberately polarized in the 2004 presidential election campaign.³ Throughout the 2004 election phase, the Kuchma administration did everything possible to prevent Viktor Yushchenko, former prime minister and leader of the center-right Our Ukraine bloc, from winning the elections. Its main strategy was to present Yushchenko as a radical nationalist who would “oppress” the Russian-speaking population, whereas Viktor Yanukovich, prime minister and representative of the Donetsk clan, was portrayed as a friend to Russia. Yanukovich’s Russian and Ukrainian consultants also promoted the idea of a “schism” in Ukraine between the “nationalistic” West and “industrial” East. They also started to wage an anti-Western, anti-American campaign. Open falsification of the election led to massive peaceful protests, which came to be known as the Orange Revolution.⁴

However, frightened by this radicalization, Ukraine’s political and business elites wanted to prevent further polarization of the country—which could lead to destabilization and thus threaten their interests. They also did not want power concentrated in the hands of new president, whoever he ended up being. As a result, the Orange Revolution, with Yushchenko’s slogan of sending “bandits to prison,”⁵ ended in compromise. The repeat runoff (or the so called “third round”) resulted in Yushchenko’s victory in exchange for constitutional reform, which shifted power from the president to the parliament.⁶ The country emerged from these elections, however, extremely polarized.

The Orange Revolution appeared to be an event of crucial importance for the entire post-Soviet space. Although supported by Moscow, Kuchma did not manage to pass power to his designated “successor” and to repeat a Yeltsin–Putin scenario. The main

accomplishments of the revolution were an increase in political freedoms (including freedom of the press) and free and fair elections. Elections in Ukraine matter, and no political force has managed to monopolize power. After the country's 2006 parliamentary elections, Ukraine was recognized by the US-based NGO Freedom House as the only free country in the CIS (Georgia remained "partially free").⁷

On the other hand, many aspirations of the Orange Revolution have not been realized, including strengthening the rule of law and judicial reform (unlike Georgia, the struggle against corruption never started). This led to the frustration of the Orange electorate, especially those who voted for Yushchenko in 2004 and for his political bloc, Our Ukraine, in 2006 and 2007.

Like in other post-Communist societies that have undergone democratization, broad opposition to the *ancien regime* after the Orange Revolution differentiated and split. This refers not only to the differences between the Orange leaders, to the styles of president Viktor Yushchenko and Prime Minister Yulia Tymoshenko, or to their approaches to economy and governance. It also referred to the institutional competition between the presidency and the cabinet that was caused by rushed and unbalanced constitutional reform in 2004; as more power moved to the parliament, the value of a victory in the 2006 parliamentary elections increased dramatically, and the whole campaign turned into a "fourth" round of the 2004 presidential election. Politics in Ukraine became populist, and the Orange forces were held hostage to electoral democracy.

The Orange forces did not manage to postpone their disagreements until after the elections in order to win a parliamentary majority. In September 2005, President Yushchenko used (for the last time, as the new constitutional norms became effective on January 1, 2006) the right often exercised by his predecessor Kuchma: he dismissed Prime Minister Tymoshenko. Then, to secure the parliamentary approval of new Prime Minister Yuri Yekhanurov, he signed a memorandum with his main rival and Party of Regions leader, Viktor Yanukovich. In this way, Yanukovich's return to the political arena was legitimized. Also, as a result, Our Ukraine's support decreased, while that of Yulia Tymoshenko's Bloc (BYuT) grew. In 2006, as a result of a new coalition in the parliament, Yushchenko had to appoint Yanukovich as prime minister. After the signing of the Universal of National Unity on August 3, 2006⁸ between Yushchenko and would-be Prime Minister Yanukovich, it seemed that a historic compromise was about to happen. However, this attempt at a unity government did not last for long due to the Party of Regions' revanchism, which created a backlash: in 2007, Yanukovich had to agree to early parliamentary elections and accept the results, which again placed him on the opposition.

Nevertheless, the same "Orange split" occurred after the 2007 elections. President Yushchenko picked the wrong strategy. He could have positioned himself as a judge between BYuT and the Party of Regions. He had enough authority, and his faction (Our Ukraine–People's Self-Defense) was in the second Tymoshenko government (Our Ukraine received only the third place with 14.2 percent, compared to 30.7 percent of BYuT, but they gained half of the cabinet positions due to a coalition agreement with BYuT).⁹ Still, from the very beginning, Yushchenko viewed Tymoshenko as his main competitor in the future 2009-2010 presidential election and decided to sabotage coalition with her. However, as a result, the president's popularity fell, and Our Ukraine collapsed into many competing groups.

A continuous split between the Orange forces helped Yanukovich strengthen his position by exploiting the populist opposition niche, which was especially convenient at a time

of economic crisis of 2008-2009. The paradox is that the Party of Regions also benefitted from democratic freedoms, especially free access to media. Tymoshenko suffered attacks from both the oppositional Party of Regions and from President Yushchenko. On the eve of the elections, part of the pro-presidential Our Ukraine supported the Party of Regions in introducing amendments to the law entitled "On Election of the President of Ukraine." In particular, it allowed for the ability to vote at home without documents confirming the illness of the voter. In 2004, conversely, this was one of the main focal points for electoral fraud; now, this law was signed four days before the runoff by President Yushchenko.¹⁰ On the eve of the runoff, the main question for Tymoshenko was whether disoriented Orange voters would consider her the "lesser evil" in comparison to Yanukovich.

Constitutional Limitations for President Yanukovich

In Ukraine's runoff presidential election, held on February 7, 2010, Viktor Yanukovich defeated Yulia Tymoshenko by a slim margin (49 to 45.5 percent).¹¹ Tymoshenko managed to almost double her results compared to the first round. These additional votes were cast not so much in support of Tymoshenko, but against Yanukovich. This was not sufficient for Tymoshenko to bridge the 10 percent gap between her and Yanukovich in the first round (25 against 35 percent). The position of Yushchenko and other candidates who called on voters to say "no" to both Tymoshenko and Yanukovich disoriented the Orange electorate and played into the hands of the latter.

However, these figures, and the fact that Yanukovich received less than 50 percent of the vote, weakened the new president's authority and legitimacy (there were also some irregularities in eastern and southern Ukraine, but it was difficult for Tymoshenko to prove that these irregularities had influenced the final results).

Moreover, after the constitutional reform of 2004, the Ukrainian president shared power with the prime minister. Yanukovich's victory thus did not seem to be as threatening as it might have been in 2004. Unlike the 2004 elections, which both sides viewed as a winner-take-all contest, the post-Orange experience has shown that Ukraine's main political forces can all make compromises.¹² Despite the drama and scandals of the presidential campaign, Ukraine's political and business elites, as they had shown in 2004 and 2006-2007, did not want a concentration of power in the hands of one leader, even if he represented the party they supported.

As Yanukovich's Party of Regions did not have a parliamentary majority, to form a governing coalition the Party of Regions needed to find a compromise, either with BYuT ('super grand coalition') or with the pro-Yushchenko Our Ukraine (as it was de facto after the signing of the Universal of National Unity in 2006). This last idea seemed to have been Yushchenko's plan already during the campaign. Thus, there was a hope that while representatives of the *ancien regime* could return to power, they would not be able to reverse the tide and crush democratic gains.

If the Party of Regions was unable to form a new parliamentary coalition with BYuT or the Our Ukraine bloc, Yanukovich had the constitutional right to push for early parliamentary elections. However, such a move was considered too risky for the Party of Regions. The entrance of new players into the presidential campaign (like Serhiy Tihipko and Arsenij Yatsenyuk, see below) could mean fewer votes for the Party of Regions and the bargaining process would start again within the newly elected parliament. After difficult bargaining with Our Ukraine, the Party of Regions rejected all these options.

Constitution Neglected¹³

One month after the election, the Party of Regions, with the support of two small factions—the Communists and the Lytvyn Bloc (headed by parliamentary chairman Volodymyr Lytvyn)—suddenly changed the law on parliamentary procedures to allow individual deputies from other factions to join a governing coalition. As a result, the Party of Regions was able to create a new coalition with a slim majority (219 votes from the three parties, together with 16 defectors from opposition factions out of 450 MPs).¹⁴ Those who defected from the opposition were motivated by pressure, promises of position, or business opportunities. According to Ukraine’s Constitution, a coalition can only be formed by factions which would have a majority in parliament. The new procedure allowed individual deputies to break from their faction in order to join a ruling coalition. As a result, the Party of Regions was able to create a new coalition and a government led by Mykola Azarov, a close supporter of Yanukovich.

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Only a year and a half before these events, on September 17, 2008, the Constitutional Court had confirmed that according to the Constitution, a coalition could be formed only out of factions.¹⁵ On April 6, 2010, the same members of the Constitutional Court said that it was possible for individuals to participate.¹⁶ It was clear that the Court was under pressure and had lost its function as independent arbiter.

After this, parliament began serving as a “rubber stamp” for the executive. As an example, a new July 2010 law on the judiciary contradicted the Ukrainian Constitution by giving the Supreme Council of Justice (where the president, not the judges, de facto dominates) the right to appoint and dismiss judges from their positions.¹⁷ Against precedent, parliament approved this law without waiting for a review by the Council of Europe’s constitutional advisory group, the Venice Commission.¹⁸

Having control over the cabinet, parliament, and judiciary, Yankovych appeared to be more powerful than Ukraine’s last strong executive, Leonid Kuchma. However, to secure Yanukovich’s widening authority, his administration had been trying to enact new constitutional changes through one of three ways:

(1) Securing a two-thirds constitutional majority in parliament (in July 2010 the coalition had 252 of 300 MPs needed).

(2) Changing the Constitution via referendum (which contradicts procedure as defined by the Constitution).

As it appeared that Yanukovich lacked forces in the parliament to follow these options, his administration decided to follow third option:

(3) Canceling the 2004 constitutional reform in the Constitutional Court.

The constitutional reform of 2004 was done in hectic manner, rife with procedural violations. Several changes were not approved by the Constitutional Court before parliamentary voting (as demanded by constitutional procedure). As a result, from a formal point of view the procedure was violated. However, since January 2005 these changes became, as lawyers define, the “body of the Constitution.”¹⁹ While in the opposition, Yanukovych and his team always stressed that it was not legal to cancel these changes in the Constitutional Court and stressed that Party of Regions was in favor of the parliamentary republic.²⁰ That is why most experts considered that the Constitutional Court would stress that procedure had been violated, but would then recommend that parliament introduce necessary changes.²¹ In this case, Yanukovych would face the same problem: it would be necessary for him to find the support of two-thirds of the parliament members.

However, on September 30, 2010, the Constitutional Court decided differently: it automatically restored the 1996 version of the Constitution, therefore giving to Yanukovych all the authority that Kuchma had. Yanukovych received the right to nominate a prime minister, to appoint a head of security service (SBU) without parliamentary approval, to approve ministers, and to dismiss a prime minister at any time. The restored 1996 Constitution does not mention anything about “parliamentary coalition”. Now to form the cabinet the formal coalition was not needed, so it decreased the importance of compromises with other factions in the parliament. Most experts believed that the Constitutional Court overstepped its authority and participated in the constitutional coup.²²

This step required changes to many laws so that they were in line with the restored 1996 Constitution. But the changes to the law on cabinet of ministers were approved on October 7, 2010 with procedural violations—two readings were held in one day without the necessary debates. It increased the authority of president to a level that contradicted the Constitution, i.e., the right of president to appoint not only ministers but also their deputies.²³ Even Kuchma did not have such authority.

Polarizing the Country

During the 2009-2010 presidential election, Yanukovych’s team focused not only on disappointment caused by the performance of the Orange governments. It also exploited the slogans of the 2004 election as still being the best for mobilizing their regional electorate in east and south of the country: anti-NATO sentiments, promises to make Russian the second official state language, and insistence on the absence of a falsified vote in 2004. Yanukovych even mentioned the possibility of recognizing South Ossetia and Abkhazia, thus countering the idea of territorial integrity that is a basic principle in Ukrainian politics. Such declarations were made in order to attract the support of the Kremlin.²⁴

As a result of this electoral rhetoric, the country was polarized again. Tymoshenko won in 16 regions and the capital, while Yanukovych won only in nine regions and in the city of Sevastopol. Despite promises to cure divisions in the country, the first steps of the new president polarized it even further.

Yanukovych propaganda played on Yushchenko’s mistakes. During his term, Yushchenko eloquently spoke about European integration, respect for Ukraine’s history, the need to overcome the split in Ukrainian Orthodoxy, and mutual respect in Ukrainian-Russian relations. However, in many cases, his policies turned out to be counterproductive. Paradoxically, support for Ukrainian membership in NATO was higher under Kuchma than under Yushchenko. Polls by the Kyiv-based Razumkov Center showed that in June

2002, the numbers of those who supported joining NATO and those against it were nearly equal—approximately 32 percent each. In July 2009, at the end of Yushchenko's term, only 20 percent supported NATO membership while 59 percent rejected it.²⁵

Under Yushchenko, Ukraine's position in regard to its relationship with Russia became weaker than it had been immediately following the Orange Revolution, when Orange forces were united and the Kremlin was afraid of the influence of the revolution on other post-Soviet countries. The most critical issue remained Ukraine's dependency on Russia for energy—primarily gas.²⁶

Yanukovich paid his first visit to Brussels on March 1, 2010, in order to meet with EU leadership. However, despite Yanukovich's pro-European rhetoric, Ukraine's foreign policy aims were clearly shifting toward Russia. After tough negotiations with the Kremlin over reducing the price of gas, Yanukovich suddenly decided to make geostrategic concession.²⁷ On April 21, 2010, he signed in Kharkiv an agreement with Russian president Dmitry Medvedev: Moscow agreed to decrease the price for the Russian gas approximately by one-third (by \$100 for 1000 cubic meters of gas) in exchange for the lease of the Russian naval base in Sevastopol for additional 25 years (after the present agreement expires in 2017).²⁸ The agreement allows to prolonging the Russian naval presence for consecutive five-year terms after 2042, even though, according to the Ukrainian Constitution, there should be no foreign military troops on Ukrainian soil on a permanent basis. The decision was approved in the parliament without necessary discussions and provoked a physical fight during a parliamentary meeting.²⁹ Thus, it again polarized the country.

This concession from the Ukrainian side did not mean that the Russian approach in Crimea softened. The salience of the issue was demonstrated when then mayor of Moscow, Yuri Luzhkov, who was persona non grata under the Orange governments, visited Sevastopol in July 2010 and repeated his claims that it was a Russian city, further stating that the Russian naval base would remain there forever.³⁰

Yushchenko's course to receive NATO's Membership Action Plan was quickly revised as well. The previous law on national security, which was adopted in 2003 under president Kuchma and prime minister Yanukovich, proclaimed the strategic aim to join NATO. On July 2, 2010, a new law on the fundamentals of Ukrainian domestic and foreign policy was adopted. It proclaimed the country's non-aligned status and was aimed at reducing external pressure from Russia. In the 1996 Constitution, Kuchma had refrained from mentioning non-aligned status in order not to limit his possibilities for maneuvers in the international arena.³¹ But again Russia was not satisfied, and President Medvedev displayed his mistrust by advising that a commission be created to monitor Ukraine–NATO relations.³²

In regard to humanitarian issues, the position of the new Ukrainian president also allows Russia to promote its soft power in the region.³³ On April 27, 2010, during his visit to the Council of Europe in Strasburg, Yanukovich rejected the view that the 1933 famine in Ukraine was genocide.³⁴ The appointment of Dmytro Tabachnyk as minister of education polarized the country in the cultural sphere, as he is notoriously known for his pejorative statements regarding the Ukrainian intelligentsia and for Soviet interpretations of the Ukrainian liberation movement during World War II.³⁵ The new minister reduced the role of the independent testing system given for school graduates.³⁶ This testing system was one of the few successful steps taken by the Orange coalition that had reduced corruption in the country.

In contrast to all other Ukrainian presidents, Yanukovich has given clear preference to that part of the Ukrainian Orthodox Church—referred to as UOC(MP)—that is under the jurisdiction of the Moscow Patriarchate. Symbolically, he received a blessing in Kyiv from Russian patriarch Kiril *before* he attended his inauguration in the Ukrainian parliament.³⁷

According to what analysts predicted (as in the case of potential recognition of Abkhazia and South Ossetia, which Yanukovich finally rejected³⁸), on March 9, 2010 Yanukovich declared that the Ukrainian language would remain the only state language.³⁹ However, those MPs from the Party of Regions who are openly connected to Moscow submitted a draft law on languages that would have upgraded Russian to the status of a “regional language” throughout most territory of Ukraine. This would be a further blow to the role

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of the Ukrainian language, as stated in the recommendations of OSCE and in a letter from the OSCE High Commissioner on national minorities, Knut Wolleback, to the parliamentary speaker.⁴⁰ For the time being, it seems that while understanding the potential explosiveness of the adoption of this draft, the Yanukovich administration still refrains from pushing this law. Thus, in contrast to the situation in Belarus, Yanukovich has taken into account resistance from the national-

democratic opposition and civil society.⁴¹

In analyzing Ukraine’s concessions to Russia, it appears that Yanukovich has yielded on issues that are symbolic to Russia but that, in his mind, do not threaten his own power. While playing on contradictions between different regions, the Yanukovich administration is trying to preserve its control over the whole Ukraine, and is therefore attempting to avoid the threat of separatism or discussions of federalization (upon which Party of Regions tried to play during the Orange Revolution). For example, Yanukovich’s concessions to Russia on the Sevastopol base do not benefit the local Crimean elites. Although Crimea’s prime minister, Vasyl Jarty, is formally subordinated to the Crimean Parliament, he and his entourage all come from Makeevka in the Donetsk region, and *de facto* control the peninsula.

At the national level, when the economic interests of the business elites of the Party of Regions are threatened, the new administration declines offers from Moscow (i.e., to join the Customs Union or to merge Gasprom and Naftogas Ukrainy), as it would be difficult for them to compete with Russian oligarchs and state monopolies. This has already created dissatisfaction in Moscow.⁴²

Narrowing the Political Space: Attack on Freedoms and the 2010 Local Elections

Developments after Yanukovich’s inauguration revealed how fragile the gains of a young democracy could be. The positive changes enacted after the Orange Revolution were not institutionalized. As an example, public television promised by the Orange team was not created. Most of Ukraine’s nationwide media are privately owned by oligarchs.⁴³ Media is

not their main business, and the opportunity always exists for the government to threaten their other businesses if their media coverage is not deemed to be “correct.”

Yanukovich promoted Valery Khoroshkovsky, an oligarch and owner of the popular Ukrainian television channel Inter, to the position of head of the security service and then to the Supreme Council of Justice, in clear violation of Ukrainian law.⁴⁴ Yehor Benkendorf, Inter’s CEO, was appointed head of the National Television Company of Ukraine. Soon, Khoroshkovsky’s Inter Media Group petitioned to the courts to revoke the frequency licenses of two of Ukraine’s most balanced channels, Channel 5 and RTVI. When journalists appealed to Yanukovich regarding the issue of censorship, he naturally ordered Khoroshkovsky himself “to investigate.”⁴⁵

For half a year in parliament, the ruling coalition ignored the right of the opposition to head a committee for the freedom of speech, which was institutionalized in the law on parliamentary procedure adopted on February 2, 2010 (that is, under Yushchenko). Even without this law, when the Party of Regions was in opposition, it still headed the committee. In this case, both tradition and law were ignored.⁴⁶ Additionally, the opposition no longer has representatives in the National Council for Television and Radio Broadcasting, something it enjoyed even under Kuchma.

On February 16, 2010 (nine days after the runoff election), the parliament cancelled local elections scheduled for the end of May 2010. According to Article 85, part 30 of the Constitution, parliament only has the right to set, not cancel, the date of elections. The Party of Regions wanted to create a so-called “vertical of power” from among the new heads of local state administrations and change the electoral law (see below). After managing this, the parliamentary majority set a new date of October 31, 2010.

Instead of moving from closed to open party lists, the new law on local elections approved on July 10, 2010, came back introducing a mixed proportional-majoritarian system for *rayon* (district) and *oblast* (regional) *radas* (councils). In the narrowing political space, it was expected that majoritarian seats would be tightly controlled by the ruling party. The Yanukovich administration also wanted to review what would happen in local elections under the new system and, if the outcome was beneficial, introduce the system at the national level. Additionally, there were many provisions that created difficulties for the opposition; for instance, both the council and mayoral candidates could be put forward only by parties—a change made just four months before the election. Also, no bloc candidates were allowed. This was a blow to political competitors like BYuT and Our Ukraine but also to regional elites, who were now forced to join the Party of Regions.

In Kyiv, where the Party of Regions did not have any chances to win scheduled elections to *rayon* councils, the Kyiv city *rada*, under pressure from the presidential administration, abolished the very existence of *rayon radas* on September, 9, 2010, four days before the official start of the campaign. All of these late changes to electoral law were criticized in the resolutions of the European Parliament and Parliamentary Assembly of the Council of Europe.⁴⁷

Local elections were held in the atmosphere of political pressure and open administrative interference, especially in single-mandate districts. However, by the fall of 2010, the support of Yanukovich and his Party of Regions began to decrease due to the inability to deliver the populist promises made during the presidential campaign (this trend continued in early 2011, as seen in Table 1).

TABLE 1. Support for political leaders: “Who would you vote for if the presidential elections were held next week?”

	Percent of those polled		
	June 2010	October 2010	February 2011
Yanukovych (Party of Regions)	39.2	29.4	16.9
Tymoshenko (BYT)	11.8	9.8	10.5
Yatsenyuk (Front for Change)	4.7	5.2	6.4
Tihipko (Strong Ukraine)	11.6	8.3	3.2
Symonenko (Communists)	1.5	2.4	2.6
Tiahnybok (Svoboda)	2.4	2.0	2.4
Hrytsenko (Civil Position)	1.1	1.0	1.6
Vote against all	5.4	12.8	18.3
Abstain from voting	7.6	9.1	14.4
Have not decided	9.6	14.7	17.6
Total	100.0	100.0	100.0

Source: The Kyiv International Institute of Sociology (<http://kiis.com.ua/ua/news/view-43.html>).

Using administrative pressure, the Party of Regions received 39.4 percent of the mandates in oblasts and rayon radas across the country on party slates.⁴⁸ Results in majoritarian districts, where administrative pressure was especially strong, distorted the general picture even more in favor of the Party of Regions (for example, in oblast radas it received about 54 percent of mandates⁴⁹). However, due to the low turnout in absolute figures, the number of votes for Party of Regions compared to the first round of presidential elections decreased by 3 million (including by 800,000 in the Donetsk region, the base for the Party of Regions' business).⁵⁰ In this situation, it was not easy for the Party of Regions to gain a victory even in some of its strongholds in the east of the country. In Kharkiv, mayoral election polls predicted the victory of the candidate from the Batkivshchyna party (led by Yulia Tymoshenko), but the candidate from the Party of Regions was declared the winner. In the Luhansk mayoral election, the candidate from the Party of Regions prevailed over the Communist candidate only by 25 votes (which also led to accusations of falsifications). It is characteristic that during his visit to Western Ukraine, where the opposition was successful, Yanukovych stated that “if city mayors are [active] in opposition, I will screw their heads off.”⁵¹

A Chance for Reforms?

The retreat from democracy was justified by governmental propaganda as a means of overcoming “Orange chaos” and providing stability for long-awaited reforms. The stable relationship of Yanukovych to his cabinet and the parliamentary majority could thus, in principle, secure

support for unpopular reforms. While in 2009, the Party of Regions undermined Ukraine's cooperation with the International Monetary Fund by helping to adopt a populist law that increased wages and pensions, the new government agreed to IMF demands to increase gas prices for the population and to gradually increase the pension age.⁵²

However, it appears as though the government has no genuine reform program. Prime minister Mykola Azarov, a loyal supporter of the president, was head of the tax administration in the Kuchma administration and represents the old style of management methods. Both the reform-minded deputy head of the presidential administration, Iryna Akimova (associated with oligarch Rinat Akhmetov), and deputy prime minister Serhiy Tihipko (who finished third in the presidential election and is building now his own party, Strong Ukraine), appear to have limited influence.

The government continues to fight corruption only on paper. After Yanykovich's victory, the group associated with the notorious gas middleman RosUkrEnergo (RUE), led by oligarch Dmytro Firtash, received various positions: head of the presidential administration (Serhiy Liovochkin), minister of energy (Yuri Boyko), and head of the security service (Valery Khoroshkovsky). All these nominations were done at the expense of the influence of Akhmetov's group. Under Boyko, the state oil and gas company Naftogas Ukrainy agreed in a Stockholm arbitration court to return a disputed 12 billion cubic meters of gas to RUE.⁵³

The power struggle between different groups within the Party of Regions continues. This struggle, and its resulting inefficiency, became especially visible in the adoption of the new tax code. The draft code developed by the cabinet was vigorously criticized by experts and opposition. Therefore, in summer 2010, Yanukovich had to criticize it as well, but the whole debate showed that the Party of Regions did not have clear vision how to proceed. Serhiy Tihipko, formally responsible for the new tax code, did not know about the revised draft published in August 2010.

The revised draft code did not alter the situation very much. Suddenly for the authorities, small entrepreneurs managed to organize effective protests in Maidan (the main square in Kyiv associated with the Orange Revolution). In November 2010 (symbolically coinciding with the anniversary of the Orange Revolution), small entrepreneurs organized "new Maidan"—mass rallies that oppositional politicians had previously failed to do. Yanukovich had to veto the tax code and postponed the changes regarding small business taxation. It was a temporary victory for small entrepreneurs, but the next steps for the government were unclear.⁵⁴

The same happened with the announcement of administrative reform in early December 2010. Several ministries were cancelled, other enlarged, and Yanukovich declared that the number of bureaucracy would be reduced by 20 percent.⁵⁵ However, Yanukovich returned to Kuchma's non-transparent methods of dismissing and reshuffling ministers at his will. The reform would become effective only if it went hand-in-hand with the anti-corruption struggle.⁵⁶ On the contrary, the package of anti-corruption laws has been postponed several times. Instead of a real anti-corruption campaign, authorities began criminal persecution of former members of the Tymoshenko government—former minister of interior Yuri Lutsenko, minister of economy Bohdan Danylyshyn, and finally Tymoshenko herself, among others. This led Štefan Füle, EU Commissioner on Enlargement and European Neighborhood Policy, to stress during a January 2011 visit to Kyiv that it looked like "selective justice."⁵⁷

Opposition in Search of Its Role

The opposition appeared not to be prepared for open violations of the rules of the game. Yulia Tymoshenko suffered greatly from her 2010 defeat. One of the reasons for this defeat was that in 2008-2009, the approaches of BYuT and the Party of Regions in many cases looked quite similar to one another in the eyes of the Orange electorate. In fighting with Yushchenko, Tymoshenko was quite comfortable negotiating with oligarchs behind closed doors. Nevertheless, genetically BYuT was an opposition force. It has a sizeable national-democratic component, including the liberal Reforms and Order party.

In the local 2010 elections, Tymoshenko received an average result across the country of 16.3 percent of mandates on party slates⁵⁸ and remained the strongest figure operating within the opposition. Nevertheless, BYuT faces the real prospect of further electoral losses if it fails to modernize and transform itself into a more programmatic force, especially as it comes under pressure from the government and as it faces new competitors within the opposition.

In the summer of 2009 it seemed a new sensation was on the horizon: 35-year old Arsenij Yatsenyuk could receive support from an Orange electorate frustrated with both Yushchenko and Tymoshenko. It even seemed that he had a chance to overtake Tymoshenko and make it into the second round.⁵⁹

However, Yatsenyuk did not provide answers to central questions about his team, political program, and funding. The creation of his party (Front for Change) was conducted in the traditional way “from above.” Yatsenyuk hired spin doctors from Russia, notorious from the 2004 presidential campaign. As a result, the former parliamentary speaker and minister of foreign affairs, who in early 2008 signed a letter with Yushchenko and Tymoshenko in support of a NATO Membership Action Plan and supported Yushchenko’s course for European integration, ended up expressing skepticism about these ideas. Instead, notions of “a Larger Europe” with Russia and Kazakhstan and an “Eastern European initiative” centered on Kyiv emerged. Subsequently, Yatsenyuk’s support among the post-Orange electorate in Western and Central Ukraine fell dramatically (he received only 7 percent in the first round), while Tymoshenko’s support rose again.⁶⁰ Slightly better was the result of his Front for Change on party slates in the 2010 local elections (8 percent of mandates). Nevertheless, it gives him possibility to remain in the politics and preserve chances for an active role in the 2012 parliamentary elections.

Former minister of defense Anatoliy Hrytsenko also did not effectively exploit the popular demand for “new faces.” Enjoying a clean reputation, Hrytsenko nevertheless did not make a successful appeal to civil society (from where he actually originated). He received only 1.2 percent of the vote in the first round in the presidential elections. His party “Civil Position” did not improve in local elections. The same happened with the party For Ukraine, which split from Yushchenko’s discredited Our Ukraine. These new forces need to broaden their base and find financial and managerial resources—which they have lacked—in order to become serious players in Ukrainian politics.

The biggest sensation in the presidential elections turned out to be former vice premier and head of the National Bank, Serhiy Tihipko. A successful banker, Tihipko won 13 percent of the vote, positioning himself as a technocratic pragmatist and declaring the creation of a new party, Strong Ukraine. Before the runoff, Tymoshenko promised him the premiership if she won, but Tihipko refused to take sides (and in the runoff his electorate evenly split between Yanukovych and Tymoshenko). Contrary to Tihipko’s

public disapproval for the unconstitutional formation of a governmental coalition following Yanukovich's victory, he soon agreed to become vice prime minister in the new government and started to talk about the use of the Georgian experience in conducting reforms.⁶¹ However, in the debate over tax code he did not perform well and actually undermined support to his party which received in the local elections only about 5.4 percent of mandates on party slates. Moreover, the Party of Regions has placed him in the role of a scapegoat, especially as after the announcement of administrative reform he is to combine position of vice prime minister with ministry for social policy responsible for unpopular social reforms.

The best improvement in the 2010 local elections was shown by right-wing Svoboda with its nationalist radical rhetoric. It increased its result to 4.5 percent of mandates on party slates (an average across the country), and won in its stronghold in Halychyna, in the west of the country. The paradox is that, in reality, this success coincides with the plans of the Party of Regions to destroy Tymoshenko and other moderate opposition forces. It leads many analysts to conclusion that the Party of Regions is tacitly supporting Svoboda.⁶²

In a situation where opposition parties are split, the role of civil society could become greater. For example, journalists have already organized a visible campaign, entitled "Stop Censorship."⁶³ "Tax Maidan" appeared to be another example of hope. Civil society organizations have begun talking about the necessity of a more united approach among the opposition, as well as the necessity of finding new faces and developing new ideas. The question is when, how, and who will lead the process. The recent unrest in the Middle East and North Africa prompted widespread discussion in the Ukrainian media of the prospect of such social protests in Ukraine or some kind of "Maidan-2," even in the absence of united opposition. The "bulldozer" policy of the Party of Regions increases the chances for such a backlash.

Conclusions: Any Reasons for Hope?

The Orange Revolution was the logical reaction of the Ukrainian opposition and civil society to the falsifications of the 2004 presidential election. It provided for some political freedoms, but has not led to creation of an effective government or of democratic checks and balances. Contrary to many predictions, after the 2010 presidential election—which the international community recognized as "democratic"—Ukraine under President Yanukovich is backsliding into "soft" authoritarianism. This is reflected in the deterioration of international ratings: Freedom House moved Ukraine in 2010 from the category of a "free" country into "partially free," in the CIS space Ukraine lost its first-place democracy ranking to Moldova, and the country is falling behind Georgia in economic reforms.⁶⁴

At the same time, the failures of the regime to deliver socioeconomic promises have united the electorate in different regions of the country in their growing criticism of the authorities. By quickly returning and even overstepping the scope of authority, which President Kuchma manifested only during his second term, Viktor Yanukovich faces the same danger: concentrating criticism on himself and creating a backlash from below. To increase the social base of an authoritarian regime, Ukraine lacks material resources (such as the energy resources found in Russia). Compared to Russia, Ukrainians do not have messianic idea of "greatness" or "third Rome," which can easily become the ideological base for an authoritarian regime. And in comparison to Belarus, Ukraine is more

pluralistically diverse; it has much stronger national-democratic opposition, civil society, and traditions of nation-building.

Intra-elite splits (as occurred under Kuchma) seem to be inevitable, though it is not yet clear when they will appear on the surface. Even influential figures in the ruling coalition are unenthusiastic about concentrating power in the hands of one leader. Who could be chosen for the role of “Ukrainian Khodorkovsky”: Tymoshenko, or anybody from the oligarchs? It seems that RosUkrEnergo, the business group most closely allied with Yanukovich, is deliberately pushing Yanukovich toward Russia by deteriorating relations with the West.⁶⁵ But it is also evident that Ukrainian business groups do not want to come under Moscow’s control again, as they would face competition from more powerful Russian business groups. Moreover, other groups could use the deepening of relations with the EU as a counterbalance to RUE—an association agreement with the EU that Brussels would adopt after finalizing a component agreement on a free trade zone, and a roadmap toward free short-term travel visas. Negotiations on both issues started under president Yushchenko.

The European Union and United States were correct in trying to involve the newly elected president in dialogue. For a certain time, the conformist trend in the West prevailed: the West was happy that Ukrainian authorities started to speak with one voice, relations with Russia improved, and the issue of joining NATO was put aside as Ukraine adopted a new “non-aligned status.” However, it appears that the Yanukovich administration has read Western messages wrongly. Therefore, the drift toward authoritarianism must be recognized and reacted to.⁶⁶ Conditionality from the EU and the US in their relationship with the Yanukovich administration is necessary. Along with direct, high-level interaction, international support for local civil society organizations could play a critical role in preserving the fragile democracy in Ukraine, which now appears to be in danger.

NOTES

1. See, for example, Taras Kuzio, “The National Factor in Ukraine’s Quadruple Transition,” *Contemporary Politics* 6, no. 2 (June 2000) : 143-164; Mykola Ryabchuk, “Ukrainian Postcommunist Transition: Between Dysfunctional Democracy and Nonconsolidated Authoritarianism,” June 1, 2010, available at <http://www.polit.ru/lectures/2010/06/01/ukraine.html> (accessed March 25, 2011).

2. See Yanukovich’s press conference in Russia on March 5, 2010, available at <http://www.vesti.ru/doc.html?id=345688&cid=5> (accessed March 25, 2011).

3. On real, imagined, and cleavages artificially deepened by politicians, see “East-West Divide of Ukraine: Managing Regional Diversity to Promote the Formation of a National Identity,” *National Security and Defence* 1, 2006, published by the Ukrainian Center for Economic and Political Studies (named after Olexander Razumkov).

4. See, for example, Anders Aslund, Michael McFaul, eds., *Revolution in Orange. The Origins of Ukraine’s Democratic Breakthrough* (Washington DC: Carnegie Endowment, 2006); Taras Kuzio, “The Orange Revolution at a Crossroads,” *Demokratizatsiya* 14, no. 4 (Fall 2006): 477–492; and Andrew Wilson, *Ukraine’s Orange Revolution* (New Haven and London: Yale University Press, 2005).

5. *Ibid.*

6. For more on this see “Consequences of Amendment of the Constitution of Ukraine, Rationale and Scenarios of Further Reformation,” *National Security and Defence* 1, 2007.

7. *Freedom in the World*, 2006 Edition, available at www.freedomhouse.org/template.cfm?page=15&year=2006.

8. For the English-language translation, see <http://www.kmu.gov.ua/kmu/control/en/publish/>

article?showHidden=1&art_id=65224005&cat_id=65222957&ctime=1170422634401 (accessed March 30, 2011).

9. For the text of the 2007 coalition agreement, see <http://novynar.com.ua/politics/10797> (accessed March 30, 2011).

10. Amendments to the law “On Election of the President of Ukraine” signed by Yushchenko on March 3, 2010, available at <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=474-14> (accessed on January 25, 2011).

11. For official results from the Central Election Commission of Ukraine, see <http://www.cvk.gov.ua/pls/vp2010/WP0011> (accessed March 29, 2011).

12. The author of this article also shared this opinion: *Ukraine in Europe: Questions and Answers*, ed. Olexiy Haran (Kyiv: Stylos, 2009): 57. See also Adrian Karatnycky and Alexander Motyl, “The Key to Kiev,” *Foreign Affairs* 88, Issue 3 (May/June 2009), 119-120. Interestingly, after half a year of Yanukovich’s rule their views diverged, which reflected the contradictions of Western policy towards Yanukovich regime. See “Karatnycky: ‘Yanukovich earned the benefit of our doubt in those areas where he has fallen short,’” *Kyiv Post*, August 21, 2009, available at http://www.kyivpost.com/news/opinion/op_ed/detail/79315/ (accessed March 25, 2011); and “Motyl’s Response to Karatnycky: ‘Would you buy a used car from Yanukovich?’,” *Kyiv Post*, August 23, 2009, available at http://www.kyivpost.com/news/opinion/op_ed/detail/79447/ (accessed March 25, 2011).

13. This and the following section is an update of the policy memo: Olexiy Haran, “Is the Yanukovich Model of Governance Drifting toward Russian Shores?,” PONARS Eurasia Policy Memo (George Washington University), No. 121, November 2010.

14. For the text of 2010 coalition agreement and its composition, see *Ukrainska Pravda*, March 16, 2010, available at <http://www.pravda.com.ua/articles/2010/03/16/4865875/> (accessed March 25, 2011).

15. The decision of Constitutional Court of Ukraine, N 1-40/2008, September 17, 2008, available at <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v016p710-08> (accessed March 25, 2011).

16. The decision of Constitutional Court of Ukraine, N 1-33/2010, April 6, 2010, available at <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v011p710-10> (accessed March 25, 2011).

17. Ihor Koliushko, Roman Kujbida, “The new law on the judiciary: a quick and poor justice from reasonable, but dependent judges,” *Ukrainska Pravda*, July 15, 2010, available at <http://www.pravda.com.ua/articles/2010/07/15/5222168/> (accessed March 25, 2011).

18. Parliamentary majority approved the draft law in the first reading on June 3, 2010, and only then submitted it to Venice Commission, several days before final approval on July 7, 2010. The verdict of the commission came in fall 2010 and stressed monopolization of the judicial power (See Maryna Stavniychuk, “Judicial reform: a step forward and two back,” *Dzerkalo Tyzhnia*, October 23, 2010, <http://www.dt.ua/newspaper/articles/61293> (accessed March 25, 2011)).

19. Interview with former Rada’s vice-speaker Viktor Musiyaka to *Glavred*, September 22, 2010, <http://ua.glavred.info/archive/2010/09/22/085630-8.html> (accessed March 25, 2011).

20. See the program of Party of Regions, <http://www.partyofregions.org.ua/meet/program/> (accessed on January 25, 2011); and the statement of first vice-speaker of Ukrainian parliament Oleksandr Lavrynovych (at present the minister of justice) on March 16, 2009 (available at <http://tsn.ua/ukrayina/lavrinovich-mriye-pro-parlamentsku-respubliku.html>).

21. Ihor Koliushko, Yaryna Zhurba, “Constitutionalism or abuse of the Constitution?” *Ukrainska Pravda*, September 30, 2010, available at <http://www.pravda.com.ua/articles/2010/09/30/5431397/> (accessed March 25, 2011).

22. See expert round table on October 5, 2010 at the Gorshenin Institute, available at <http://www.spa.ukma.kiev.ua/article.php?story=20100927102456266> (accessed March 25, 2011).

23. The Law on Cabinet of Ministers, approved on October 7, 2010, available at http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=38680 (accessed March 25, 2011); see also comments of former minister of defense Anatoliy Hrytsenko, available at <http://blogs.pravda.com.ua/authors/grytsenko/4cab8b28d8dcd/> (accessed March 25, 2011).

24. For more on this, see Olexiy Haran and Petro Burkovsky, “War in Georgia and the Ukrainian Reaction,” *Russian Politics and Law* 47, no. 3 (May–June 2009) : 84–88.

25. Sociological polls of the Razumkov Center, available at <http://razumkov.org.ua/eng/poll>.

php?poll_id=46 (accessed March 25, 2011).

26. After the “gas war” of winter 2009, Tymoshenko had to sign with Putin an agreement for a ten-year period. On the one hand, the non-transparent intermediary company, RosUkrEnergo, was removed from bilateral gas trade and specific formulas for calculating gas price and for transit tariffs were finally introduced. On the other hand, the so called “basic price” for calculation was one of the highest in Europe (\$450 per 1,000 cubic meters) and the “basic price” for transit tariffs—one of the lowest at \$2.04 for 1,000 cubic meters for 100 kilometers. Also, the Naftogaz company of Ukraine faces serious penalties if it reduces the country’s gas consumption, while Gazprom faces no penalties if it supplies less than the agreed upon amount of gas to Ukraine. Therefore, this agreement was and is used by Moscow to pressure Kyiv.

27. Edward C. Chow, “Russia has whip hand in talks with Ukraine,” *Kyiv Post*, May 13, 2010, available at http://www.kyivpost.com/news/opinion/op_ed/detail/66667/ (accessed March 30, 2011).

28. Text of the agreement on the Rada’s official website: http://gska2.rada.gov.ua/pls/zweb_n/webproc4_2?id=&pf3516=0165&skl=7 (accessed March 30, 2011).

29. See video at <http://www.radiosvoboda.org/content/article/2025499.html> (accessed March 30, 2011).

30. See Luzhkov’s statement on July 25, 2010, available at <http://finzah.com.ua/118/news/1953.html> (accessed March 30, 2011).

31. For more on Kuchma’s foreign policy see Roman Wolczuk, *Ukraine’s Foreign and Security Policy 1991-2000* (London and New York: RoutledgeCurzon Taylor & Francis Group, 2003). On new challenges under Yanukovich, see James Sherr, *Mortgaging the Future of Ukraine* (London: Chatam House, 2010): 11-15.

32. According to the information of Zerkalo nedeli, an influential and well-connected Ukrainian weekly. Quoted in *Ukrainska Pravda*, September 3, 2010, available at <http://www.pravda.com.ua/news/2010/09/3/5354886/> (accessed March 30, 2011).

33. See *The ‘Humanitarian Dimension’ of Russian Foreign Policy in the C.I.S. and the Baltic States*, ed. Gatis Pelnēns (Riga: Center for East European Policy Studies, 2010).

34. See http://www.bbc.co.uk/ukrainian/news/2010/04/100427_yanukovich_pace_bt.shtml (accessed March 30, 2011).

35. See Ivan Dziuba, “Prokysli ‘shchi’ vid Tabachnyka,” July 2, 2010, available at <http://www.day.kiev.ua/301498> (accessed March 30, 2011); and “Pavlychko vymahaje vid Yanukovycha zvilnyty Tavachnuka”, UNIAN, Aug. 19, 2010, available at <http://www.unian.net/ukr/news/news-391902.html> (accessed March 30, 2011)

36. Ibid.

37. The UOC (MP) enjoys autonomy, including the right to form its own Synod and appoint bishops without formal approval of the Moscow Patriarch. Some of its bishops support the idea of a united, autocephalous Ukrainian Orthodox Church. Between 2007 and 2009, the UOC (MP) and UOC of Kyiv Patriarchate opened a cautious dialogue. In November 2008, the UOC (MP) Synod pronounced the Great Famine in Ukraine (1932–1933) to be genocide of the Ukrainian people, which strongly contradicts Russia’s position (*The ‘Humanitarian Dimension’ of Russian Foreign Policy in the C.I.S. and the Baltic States*, pp. 282-284). But the course of new Moscow patriarch Kiril is aimed at reducing the autonomy of the UOC (MP).

38. During his press-conference on June 4, 2010, available at <http://www.rbc.ua/rus/top/show/v-yanukovich-ukraina-ne-priznaet-abhazyu-i-yuzhnuyu-osetiyu-04062010151400> (accessed March 30, 2011).

39. See <http://for-ua.com/politics/2010/03/11/062943.html> (accessed March 30, 2011).

40. These documents were released on Radio Free Europe/Radio Liberty, January 14, 2011, <http://docs.rferl.org/uk-UA/2011/01/14/original.pdf> (accessed on January 30, 2011)

41. On comparison of the two countries see, Stephen White, Ian McAllister and Valentina Feklynina, “Belarus, Ukraine and Russia: East or West?,” *The British Journal of Politics and International Relations* 12 (2010): 344–367; Mykola Ryabchuk, “Postsowiecka schizofrenia czy schizofreniczna postsowieckość? Zjawisko ambiwalencji społecznej na Ukrainie i Białorusi,” *Studia Białorusnistyczne* 4 (2010): 73-90.

42. On October 31, 2010, the governmentally controlled Russian “First Channel” showed a parody of Viktor Yanukovich based on the movie “Bruce Almighty.” See <http://www.youtube.com/watch?v=wToY1ZgXRCs> (accessed March 30, 2011).

43. This term appeared in Ukrainian media in the mid-1990s after tycoons emerged and began to openly combine their influence in the economy, politics, and media, including direct influence on political parties and parliamentary factions.

44. Only on December 16, 2010, after strong criticism from both within and outside the country Khoroshkovsky wrote a statement of resignation.

45. See Yanukovich statement during his press conference on June 4, 2010, available at <http://zamkova.info/ukraine/7791-yanukovich-ne-chuv-pro-cenzuru-na-vas-nixto-ne.html> (accessed March 30, 2011).

46. On September 23, 2010, after strong criticism from both within and outside the country, the opposition took over the committee.

47. Resolutions on Ukraine of the European Parliament, November 24, 2010, available at <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2010-0650&language=EN> (accessed March 30, 2011); and of Parliamentary Assembly of the Council of Europe, October 4, 2010, available at <http://assembly.coe.int/Documents/WorkingDocs/doc10/edoc12357Add.htm> (accessed March 30, 2011).

48. For the number of mandates received by political forces on party slates, see official data of the Central Election Commission of Ukraine, available at <http://www.cvk.gov.ua/pls/vm2010/wp001> (accessed March 30, 2011).

49. Komentari, N 43, November 12 2010; Materials of the round table at “Ukrainian News Agency,” November 17, 2010. It is important to stress that materials of the Central Election Commission of Ukraine deliberately provide combined statistics for all the radas, including village radas (where formally non-party candidates were allowed), thus covering up real redistribution of mandates in favor of Party of Regions.

50. “Try mil’jony vybortsiv rozcharuvalysja v partii Yanukovycha,” November 12, 2010, available at <http://ua.politics.comments.ua/2010/11/12/136278/tri-milyoni-vybortsiv.html> (accessed March 30, 2011).

51. Quoted from <http://podrobnosti.ua/podrobnosti/2010/11/14/731116.html> (accessed March 30, 2011).

52. Marc Rachkevych, “With IMF deal done, Yanukovich’s challenges still ahead,” *Kyiv Post*, July 29, 2010, available at <http://www.kyivpost.com/news/nation/detail/76038/> (accessed March 30, 2011).

53. Hanna Liuta, “A na pidtantsiovkakh u Gaspromy sam...,” *Dzerkalo Tyzhnia*, December 11, 2010, available at <http://www.dt.ua/newspaper/articles/61642> (accessed March 30, 2011).

54. See Oleksiy Mustafin, “Maidanne chajuvannia. Sproba N 1,” *Dzerkalo Tyzhnia*, December 4, 2010, available at <http://www.dt.ua/newspaper/articles/61618#> (accessed March 30, 2011); and Dmytro Shurkhalo, “Persha peremoha Maidanu-2: Prezydent zavetuvav Podatkovij kodeks,” *Radio Svoboda*, November 30, 2010, <http://www.radiosvoboda.org/content/article/2235184.html> (accessed March 30, 2011).

55. Andriy Duda, “Holovne, shchob zvuchalo,” *Ukrainskyj Tyzhden*, no. 51, December 17, 2010, 18-20.

56. Ibid.

57. “EU official warns Ukraine about ‘selective justice,’” *Kyiv Post*, January 11, 2011, available at <http://www.kyivpost.com/news/nation/detail/94543/#ixzz1CHQVfPKx> (accessed March 30, 2011).

58. Here and below, for the number of mandates received by political forces on party slates, see official data of the Central Election Commission of Ukraine, available at <http://www.cvk.gov.ua/pls/vm2010/wp001> (accessed March 30, 2011).

59. Olexiy Haran, “Tertium non datur,” *Glavred*, November 4, 2009, available at <http://www.glavred.info/archive/2009/11/04/140217-1.html> (accessed March 30, 2011)

60. Ibid.

61. Alexa Chopivsky, “Can Ukraine Follow Georgia’s Lead In Reforms?,” *Radio Free Europe/Radio Liberty*, November 28, 2010, available at http://www.rferl.org/content/commentary_

georgia_ukraine_reform/2232963.html (accessed March 30, 2011).

62. Mykola Pysarchuk, Olena Mihachova, "Partia 'Svoboda' – viddushyna dlia znevirenykh chy tekhnologia bahatorazovoho vykorystannia," *UNIАН*, January 20, 2011, available at <http://www.unian.net/ukr/news/news-417072.html> (accessed March 30, 2011).

63. See, "Stop Censorship," *Radio Free Europe/Radio Liberty*, May 25, 2010, available at http://www.rferl.org/content/journalists_in_trouble_stop_censorship/2052132.html (accessed March 30, 2011).

64. See the ratings of Freedom House (<http://www.freedomhouse.org/template.cfm?page=594>). In the Economist Intelligence Unit's Democracy Index 2010, Ukraine moved down to 67th from 53^d seat in 2008 (see http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf) and in the Reporters without Borders' Press Freedom Index from 89th in 2009 to 131st in 2010 (see <http://en.rsf.org/press-freedom-index-2010,1034.html>).

65. See comments of Taras Chornovil on the role of RUE, *Gazeta po-ukrainski*, December 17, 2010, available at <http://www.gazeta.ua/index.php?id=365504> (accessed March 30, 2011).

66. On problems of the EU's Eastern Partnership, see Nicu Popescu and Andrew Wilson, "Europe's East: Turning Presence into Power," European Council on Foreign Relations Policy Brief (forthcoming April 2011); see also forthcoming book, Roman Solchanyk, *The New Eastern Europe: Ukraine, Belarus, and Moldova*.