Twenty years as an independent state: Ukraine’s ten logical inconsistencies

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Abstract

This main focus of the article is an analysis of Ukraine two decades after it became an independent state through ten factors that have remained constant features of Ukrainian life. The first factor is low public trust in state institutions and the wide gulf between elites and state on the one hand and the public on the other. A second factor is the striving by political forces to monopolize political and economic power for the sake of power and self-enrichment—not for the conducting of reforms. The third factor is threats to democracy under eastern Ukrainian Presidents Leonid Kuchma and Viktor Yanukovych. The fourth factor is the low quality and ideological amorphousness of political parties. The fifth factor is the absence of political will and re-occurrence of missed opportunities; a prominent example of which is the Viktor Yushchenko presidency. The sixth factor is the domination of elite greed and rapaciousness over pursuit of the national interest and national security. The most egregious example of this corruption is in the energy sector which western Ukrainians have dominated (It’s a Gas: Funny business in the Turkmen-Ukraine Gas Trade, 2006). A seventh constant factor is the prevalence of virtual over actual policies and the non-fulfillment of domestic obligations which leads to low public trust in state institutions. The eighth factor is an imitation of integration into Euro-Atlantic structures because virtual policies lead to inconsistent and multi-vector foreign policies. Virtual policies make it difficult for European and American governments to engage with the Ukrainian authorities because they rarely fulfill their obligations. The ninth factor is eastern Ukrainian naivety about Russia, regardless of whether it is democratic or authoritarian, that pursues hard-nosed geopolitical goals, a naivety that applies to Kuchma in 1994 as much as to Yanukovych in 2010. The tenth factor, the Russia factor, is Russia’s inability to accept Ukraine’s sovereignty or territorial integrity. Both eastern and western Ukrainian have been unable to fashion responsive policies to deal with Russia’s un-acceptance of Ukraine and its hard-nosed geopolitical goals.

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Ukraine’s democratic regression and stagnation under Yanukovich point to Ukraine’s future as a permanently open question that invites contradictory and challenging answers and two decades into Ukrainian independence the country’s trajectory still remains an open question. Indeed, Western policymakers often refer to Ukraine as ‘groundhog day,’ a country where policy prescriptions from the past could be dusted off and re-submitted to deal with problems whose resolution is continually put off. Kuzio (2011) described this state of affairs as an ‘immobile state’ while Ukrainian analyst Karasiov (2011) asked in an article published on the eve of Ukraine’s twentieth anniversary of independence why Ukraine’s elites have still to decide what they are building.

Ukraine’s regional divisions grew under both Presidents Yushchenko and Yanukovych but the country is unlikely to sink into civil war and inter-ethnic conflict because ethnic or religious hatreds do not run deep in the country. At the same time, Ukraine’s regional divisions and national disunity are unlikely to disappear in the immediate future and Ukrainians will therefore continue to muddle through its domestic and foreign policies (Arel, 1998). Italy, for example, achieved national unity and independence in 1861 but still retains deep regional divisions and polls show over half of Italians think they are not a ‘single people’ with 15 percent supporting the division of their country (Economist, 2007, 2010). Nationality questions and regional divisions are very rarely ‘resolved’ but tend to remain contested and in a state of flux. Ukraine was more integrated in its first decade of independence than in the second although in both decades the largest political party in the country was either opposed to independence (the Communist Party of Ukraine [KPU]) or ambivalent toward Ukrainian national identity (Party of Regions). Both political parties are unsupportive of the Ukrainian language, culture and national identity and are opposed or do not prioritize NATO and EU membership.

Ukraine’s first two decades as an independent state has highlighted the importance of nationality as a factor in post-Soviet political and economic transitions, a factor that was largely absent in democratization’s ‘third wave’ in Latin America and less prominent in the ‘fourth wave’ in the former communist world. Motyl (1997) and Roeder (1999) have argued for sequencing where nation and state building should be undertaken before democratic and market transition. Kuzio (2001) has written about post-Soviet countries, such as Ukraine, undergoing a ‘quadruple transition’ of nation and state building, political and economic transition. Nationality and inherited political cultures often make getting the politics right more difficult; Ukraine’s moderate nation-building policies since 1990 ameliorated the threat of ethnic violence with the potential for conflict greatest in the Crimea (von Zon, 2000). At the same time, regional divisions have contributed to muddled and multi-vectored political, economic and foreign policies. Until Ukraine reaches a compromise on its nation and state building policies the country will be unable to move ahead on democratization, rule of law, fighting corruption and implementing socio-economic reforms. Yushchenko and Yanukovych’s divisive domestic and foreign policies in the last decade have therefore worked against the successful implementation of political and economic reforms.

Ten constant factors in Ukrainian domestic politics and foreign policy

During Ukraine’s first two decades as an independent state ten factors have constantly re-appeared under four presidents.

Low public trust

Ukraine has built a weak democracy with little public trust in state institutions. As the anecdote went, the Soviet regime pretended to pay their people and they repaid this by pretending to work. Public alienation with the Soviet regime under Leonid Brezhnev during the ‘era of stagnation’ never in fact ended in 1991 but continued through to the present – except for a brief respite in 2005 after the Orange Revolution. In Post-Soviet Ukraine, elites and the state pretend to respect their people (especially during election campaigns) and they repay this ‘kindness’ by pretending to pay their taxes. Oligarchs pretend to be law abiding citizens when they are living and undertaking philanthropic activities in western Europe but revert to rapacious baron capitalists upon returning to Ukraine.

Two major consistencies have been a massive shadow economy that accounts for 40–50 percent of the country’s GDP, or double in size to even Italy’s. Ukraine resembles a ‘Post-Soviet Italy’ where citizens are alienated from, and indifferent to, the state which provides them with few services, a state that is widely disrespected and to which you should try your best not to deal with and to pay few taxes. Public alienation from state institutions, coupled with societal disgust and envy at elite greed, has ensured a deepening of the ‘era of stagnation’ under Ukraine’s last two presidents, even in comparison with their two predecessors. The rapid stagnation of Presidents Yushchenko and Yanukovych’s popularity to ten percent or lower within their first two years in office, which in a developed democracy would mean they would be considered lame duck presidents, has not led to a growth of support for the opposition; Ukrainians are in fact saying ‘a plague on all of your houses’ when referring to both those in power and the opposition.

Political corruption, which the Razumkov Centre for Economic and Political Studies has described as the biggest threat to Ukraine’s democracy, continues to be a major problem in Ukraine in general (Natsionalna Bezpeka i Oborona, 2009). This is especially prevalent in parliament where attempts to bribe deputies to change factions alters election results and reduces public trust in state institutions, political parties and elections. Following the 2002 and 2006 elections, Kuchma and Yanukovych respectively attempted to cajole, bribe and blackmail opposition deputies to defect to ruling coalitions from the opposition (the Liberal party in 2002, and the Party of Industrialists and Entrepreneurs in 2007). Prime Minister Yanukovych’s Anti-Crisis coalition sought to increase its size to a constitutional majority of 300 by encouraging defections which led to President Yushchenko issuing his April 2007 decree disbanding parliament.

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A similar strategy was re-introduced following Yanukovych’s 2010 election but in a more effective manner as the president was no longer blocking political corruption of parliament but actually encouraging it. By 2011 over sixty opposition deputies from Our Ukraine- Peoples Self Defense (NUNS) and the Bloc of Yulia Tymoshenko (BByUT) had been ‘encouraged’ to defect to the Stability and Reforms coalition amid confirmed allegations that they receive bribes of between $1–10 million and $25,000 a month commission (Kuzio, 2012a). NUNS deputy Doniy (2012) revealed he had twice been offered $10 million for defecting to the Party of Regions plus $20,000 a month (www.pravda.com.ua/news/2011/02/4/5880918/). The 2000 Yushchenko government had found line items in the budget they inherited from the predecessor government of payments of $1.5 million to deputies elected two years earlier in majoritarian districts (Rybachuk, 2011).

Monopoly of power

Ukrainian political leaders seek to maximize their powers and create political and economic monopolies with the ostensible purpose of undertaking ‘reforms’ but few have used the powers given them to do so. Absolute power is a goal in of itself rather than a means to push through radical changes, one reason being Ukraine’s leaders across the political spectrum lack vision and implementable programs. The struggle for Kuchma to maximize his powers is one of the central themes of his first term in office (1994–1999) and during the first half of his second term (1999–2004) (Kasianov, 2008: 212).

Kravchuk and Yushchenko, both only serving single terms, complained about their weak power base but did not adopt undemocratic policies that would have moved Ukraine toward authoritarianism. Yushchenko served under two constitutions but did not utilize the presidential constitution in 2005 to introduce reforms or radical changes promised in the Orange Revolution. Kuchma and Yanukovych have both been willing to use extra-constitutional means to change the constitution. Ukrainian presidents have sought to increase their power on three occasions: in the mid-1990s and spring 2000 under Kuchma and autumn 2010 under Yanukovych. The first attempt was unsuccessful because a compromise was reached with parliament which adopted a semi-presidential constitution. The second attempt was prevented by the Kuchmagate crisis which undermined political unity between centrists and national democrats preventing Kuchma from fulfilling his 1996 goal of introducing a super presidential constitution. In 2010, President Yanukovych and the Party of Regions pressured the Constitutional Court to annul the parliamentary constitution to return Ukraine to the 1996 semi-presidential constitution, a step described in a December 2010 resolution as unconstitutional and illegitimate by the Council of Europe’s Venice Commission. Yanukovych has undertaken few reforms with the powers he has accumulated (Wolczuk, 2002).

Threats to democracy

Democratic regression, growing corruption and patronage and threats to independent media took place throughout the CIS, including Ukraine, since the late 1990s. During Kuchma’s second term in office and under Yanukovych the new oligarchic elites and their political parties and leaders emerged as the main threat to democratization in Ukraine. The moderate left, such as Oleksandr Moroz and the Socialist Party (SPU) he led, supported the democratic opposition and aligned with ‘orange’ leaders Yushchenko and Tymoshenko. The deep-seated undemocratic nature of political culture found within political parties such as the Party of Regions was evident after Yanukovych was elected president. Ukraine’s democracy is again threatened, as in the first half of the decade, by the same politicians who had triumphantly emerged as Ukraine’s new political-economic elites following Ukraine’s transition to a market economy.

Post-Soviet Ukraine’s inheritance has influenced the type of political system that has emerged, whether chaotic – but nonetheless democratic – under two presidents elected primarily by western Ukrainians or semi-authoritarian under two presidents elected overwhelmingly by eastern Ukrainians (Shulman, 2005). Ukraine’s democracy, media freedoms and free elections were nurtured by Kravchuk and Yushchenko while being threatened by Kuchma and Yanukovych. The manipulation of Ukraine’s constitutional process has taken place under Kuchma and Yanukovych on three occasions in the last decade in chameleonic proportions moving from supporting presidentialism to parliamentarism and back again to presidentialism. Political repression has taken place only under Kuchma and Yanukovych, moderately under the former but exponentially since 2010 under the latter (Zimmer, 2005; Swain, 2007).

Threats to Ukraine’s democracy rest over the re-introduction of censorship in the media, especially on television, the falsification of elections, monopolization of political power through control of parliament and government without any remaining checks and balances. Political repression is not yet on a scale of authoritarian Belarus although the judicial system and rule of law are increasingly manipulated by the authorities. Repression of the opposition on the scale it has emerged under Yanukovych has never take place under any previous president and it has broken an unwritten ‘non-aggression pact’ between elites to not go after each other after elections. Having broken countless laws and constitutional articles in his pursuit of unlimited power, Yanukovych is acting as though he never intends to leave office as the same politically motivated criminal charges used against the opposition could be directed against himself and his entourage if he lost power (Kuzio, 2012b).

Political parties and elections

Ukrainian politics and regionalism are closely bound together. The election to the presidency of Kravchuk in December 1991 reflected the inability of nationalist and democratic leaders to obtain majority support from the population,
particularly in the Russian-speaking east and south. This has been a recurring problem throughout Ukraine’s independence as reformers and ‘orange revolutionaries’ (see below) were unable to find support among Russophones which restricted their support to western-central Ukraine. Ukraine has elected four presidents over two decades: two from western Ukraine (Kravchuk and Yushchenko) and two from eastern Ukraine (Kuchma and Yanukovych). On only one occasion was a candidate elected in the first round: this occurred in 1991 when Kravchuk received over 50 percent of the vote. On three other occasions (1994, 2004 and 2010) the election has gone to a second round of voting, where two candidates representing the Ukrop (Our Ukraine) west-centre and Russophone east-south have fought bitterly for the presidency. These elections have been marred by bitter inter-regional rivalry, which in 1994 and 2004 nearly led to inter-regional conflict. The only occasion when this pattern was broken was in 1999, when the election was a contest between two eastern Ukrainians, Kuchma and KPU leader Petro Symonenko. Kuchma defeated Symonenko with votes from throughout Ukraine and he won a landslide in the west, which had rejected him in 1994. With voting in the second round of presidential elections being so divisive, it is little wonder that much of the voting on both sides of the regional divide is negative, that is, Ukrainians vote against the other candidate rather than voting for a particular candidate. In presidential elections the east has voted for one centrist candidate (Kravchuk in 1991, Kuchma in 1994 and 1999, Yanukovych in 2004 and 2010) whereas the west has been fractured among many national democratic candidates (five in 1991, two in 2004, four in 2010). Centrist candidates, such as Yanukovych in 2010, have faced competition not from within their political camp but from the KPU in the east.

In the 1990s the main cleavage that ran through Ukrainian politics divided political elites over their attitudes to statehood and to a lesser extent over reforms, divisions that had emerged in the late Soviet era. In the late 1980s national democrats were the first to establish democratic political parties that had emerged out of Rukh (Ukrainian Popular Movement for Restructuring) and former dissident groups, such as the Ukrainian Helsinki Union that became the Republican Party. Nationalist groups, such as the National Front active in the 1960s and 1970s, evolved into the DSU (State Independence for Ukraine) while KUN (Congress of Ukrainian Nationalists) was established by the Stepan Bandera wing of the émigré OUN (OUNb). The largest nationalist party is Svoboda which has no links to Ukrainian émigrés and is rumored to be financed by the Party of Regions. Centrists established parties in the second half of the 1990s with the most successful of these, the Party of Regions, one of the last to be established in 2001. Centrists and national democrats were natural allies against the left until the 2000–2001 Kuchmagate crisis and since then Ukraine has experienced a de facto ‘cold war’ between centrists and national democrats that has threatened the country’s territorial integrity, and undermined reforms and Ukraine’s integration into Euro-Atlantic structures. Ukraine’s regional divisions have been worsened by both Presidents Yushchenko and Yanukovych who have led the country from Lviv and Donetsk respectively. The ‘cold war’ nearly became a ‘hot war’ in the 2004 elections which is highly likely to be repeated in the 2015 elections where Yanukovych will seek a second term in office and fear losing power.

Ukraine’s historical legacies have prevented the KPU from evolving into a social-democratic party, a process that has taken place elsewhere in central-eastern Europe. The first group to withdraw from the Soviet era Communist Party of Ukraine in the late 1980s was the Democratic Platform that drew on younger members in the Komsomol (Communist Youth League). Many of these went into business and politics and some joined the leadership of national democratic and centrist parties (i.e. Oleksandr Zinchenko, Viktor Medvedchuk, Serhyy Tiahnybok, Anatoli Matvienko, Oleksandr Turchynov, Yulia Tymoshenko and others). They were followed by the KPU’s senior elites, national communists led by Kravchuk and economic pragmatists led by Kuchma. The hard-line wing of the KPU, known as ‘imperial communists,’ remained disorganized and illegal from 1991, when it was banned, until 1993, when it was permitted to establish a new Communist Party. The KPU dominated two of the three parliaments elected in the Kuchma era where it controlled upwards of a quarter of deputies. Since the 1999 and 2002 elections, which the KPU lost to Kuchma and Our Ukraine respectively, the KPU has been in terminal decline which has been exacerbated after most of its voters defected to the Party of Regions.

The largest political parties in Post-Soviet Ukraine have been two parties who are direct descendants of the Communist Party in Ukraine: its namesake, the KPU and the Party of Regions. Both were established in Donetsk, the largest Communist Party base in Soviet Ukraine, they draw on each others voters and both are highly disciplined. The Party of Regions is the first ‘party of power’ in Ukraine that seeks to emulate the Communist Party Soviet Union in fusing the party and the state (as with the Unified Russia party under President and Prime Minister Vladimir Putin) (http://www.pravda.com.ua/bbc/2011/06/23/6324127/). The one difference is that the Party of Regions, being a party of oligarchs, has far more resources at its disposal. Different inherited political cultures are reflected in the manner in which party politics are played out in western and eastern Ukraine. In the more Sovietized, Russophones east, one party has dominated the landscape, whether this has been the KPU in the 1990s or the Party of Regions in the last decade. Eastern Ukraine, the most populous and modernized region of the country, has produced only three large political parties – KPU, Party of Regions and the Labor Ukraine Party (re-named the Strong Ukraine party). In March 2012, Strong Ukraine merged with the Party of Regions in its long-term strategy of removing potential competitors for the Russian-speaking vote.

In western Ukraine, the political landscape has been highly fractured with reformist forces divided preventing them from fully aligning themselves behind Tymoshenko in the 2010 presidential elections. In the Yushchenko era, the center-right landscape became chaotic as more and more virtual parties emerged based on leaders rather than members. The Our Ukraine–People’s Self-defense bloc entered parliament in 2007 with nine parties that grew to 14 by the 2012 elections. Political repression and pressure from the authorities forced the opposition to cooperate and Front for Change and Fatherland (Batkyvshchina) agreed to a joint list of candidates in the October 2012 parliamentary elections.
Ukraine’s political parties are funded by big business interests, none resemble European-style parties and all have weak ideological programs. Swedish, Dutch, British and American cooperation with Ukrainian political parties have produced many disappointments and numerous headaches. Sweden, often considered a center of social democracy, had high hopes in the SPU which emerged as a patriotic, democratic alternative to the Sovietophile and Russophile KPU, becoming the most popular leftist party after the 2002 elections. The SPU was one of two Ukrainian social democratic parties permitted to join the Socialist International. Since the 2007 pre-term elections the SPU’s popularity slumped after it defected the year before from its orange allies and joined the Party of Regions and KPU in the Anti-Crisis coalition. The SPU failed to recover from what was seen by its voters as an act of ‘betrayal’ and the situation was made worse by Moroz refusing to stand down as leader until 2012. In the 2010 elections Moroz received a paltry 0.38 percent compared to third place with 5.82 percent in 2004 where he pushed KPU leader Symonenko into fourth place. The Moroz phenomenon reflected a deep-seated problem with the personalization of party politics where party leaders regard their parties as personal property. The stagnation of the SPU since 2007 reached its zenith after it was expelled from the Socialist International in summer 2011.

Besides funding from oligarchs and weak ideological programs, national democratic parties are fractured and command little loyalty from their parliamentary deputies. KPU and Party of Regions never defect to their opponents and defections are always in the other direction. Weak loyalty to parties is a product of the absence of ideology and personal interests dominating over party loyalty or patriotism to the Ukrainian state. The weakness of ideology also means many politicians are chameleons forever changing their positions as well as populists during election campaigns. Ukrainian politicians seek to bribe voters with social populism during elections, such as Yanukovych’s March 2012 ‘social initiatives,’ while participating in corrupt schemes between elections (Kuzio, 2010b). The corruption of Ukraine’s parliament is simply a reflection of the corruption of political parties and society where post-Soviet society is de-ideologized, lacking any moral compass and where the ‘Me’ is more important than the ‘We.’ All Ukrainian political leaders are therefore chameleons and populists – not just Yulia Tymoshenko (Hrycak, 2011).

Political will and missed opportunities

National democrats were unable to take power in Ukraine until 2004, far later than in central-eastern Europe where slow reformers such as Romania and Bulgaria and Slovakia and Croatia in 1996–1997 and 1998–1999 respectively replaced post-communist leaders. In central-eastern Europe, reformers were able to remove post-communists (whether social democrats or nationalists) and, with the support of the EU, introduce radical reforms, support democratization and policies to reduce corruption. Slow reformers in central-eastern Europe, such as Romania with similarly traumatic communist legacies as Ukraine began to seriously tackle reforms and battle corruption only after the EU had given them a green light of future membership. In the case of Ukraine, the EU has maintained its traffic lights on amber or red and prospects for EU-Ukraine relations have deteriorated under Yanukovych. The politics of revenge against the ‘orange administration,’ such as the imprisonment of Tymoshenko, former Interior Minister Yuriy Lutsenko and other members of her 2007–2010 government, have de-railed Ukraine’s Association Agreement with the EU.

Reformist elites in eastern and western Ukraine were only united in the 1990s when the former was weak and they had a common enemy, the KPU. In 2000–2001, two events transformed Ukraine’s fragile national unity into a ‘cold war’ that has undermined national integration and elite unity. With Ukrainian statehood and borders internationally recognized the main cleavage that emerged in the last decade was over two factors that were inter-linked; namely, the type of political system Ukraine was building and foreign policy priorities that should be pursued. The first event that divided eastern and western Ukrainian reformers was the November 2000 Kuchmagate crisis when President Kuchma was accused of ordering the murder of journalist Georgi Gongadze. The crisis split reformers into western–central Ukrainians who rallied around Prime Minister and opposition leader Yushchenko and eastern Ukrainians who continued to support President Kuchma. The second event was the emergence of the Party of Regions in March 2001 which eclipsed the KPU to become the largest party in Ukraine.

Weak elite and national unity makes the adoption of difficult and unpopular reforms a near impossibility. Under Yanukovych the country’s ‘cold war’ has further deepened as political repression of the 2007–2010 Tymoshenko government, small and medium business NGO activists and nationalists has grown to an unprecedented scale. The Yanukovych administration’s attempts to undertake unpopular reforms while antagonizing one half of the country, and without engaging with public opinion and civil society, will fail. IMF program’s have been only partially fulfilled in 1994 by Kuchma, in 2008 by Tymoshenko and in 2010–2011 by Nikolai Azarov, stagnating in the face of the unpopularity of structural reforms, lack of political will and fear of voter backlash in elections. Reforms undertaken in 1994–1995 by President Kuchma, 2000–2001 by Prime Minister Yushchenko and 2010 by Prime Minister Azarov did not receive the backing of cross-party and pan-national elites and were followed by stagnation in the reform process.

Ukraine’s possibility for a democratic breakthrough came about with the election of Yushchenko in January 2005 who was expelled to power by the Orange Revolution, a democratic revolution in which one in five Ukrainians, primarily from western-central Ukraine, participated. This continued the tradition of western Ukrainians playing a disproportionate role in Ukrainian opposition movements in the Soviet and post-Soviet era’s (Beissinger, 2002; Alexeyeva, 1985: 21–59; Kuzio, 2000). Ukrainians were proportionately the largest ethnic group in the Soviet Union among Soviet dissidents and western Ukrainians were the second largest group after Kyivites. This historical legacy has meant that western Ukraine led the nationalist and democratic movements against Soviet rule in 1988–1991, dominated independent Ukraine’s democratic opposition in 2000–2004 and provided the majority of participants for the 2004 Orange Revolution.

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The rule of law stagnated under Yushchenko’s presidency and a 2010 Transparency International report found Ukraine’s judicial system to be highly corrupt. In the last two years of Kuchma’s presidency his prosecutor-general was Hennadiy Vasyliev from Donetsk. Yushchenko inherited Prosecutor-General Sviatoslav Piskun and could have replaced him in February 2005 when Tymoshenko received the support of 373 deputies for the position of prime minister. Instead, Yushchenko maintained Piskun as prosecutor-general until October 2005 when he replaced him with Oleksandr Medvedko, another prosecutor-general from Donetsk who also had little understanding of Western concepts of the rule of law. Medvedko remained in this position until the end of Yushchenko’s presidency showing how unimportant a goal for him to improve the rule of law or reduce corruption in the judiciary. Viktor Pshonka was voted as Prosecutor-General by Ukraine’s rubber stamp parliament on 4 November 2010 by 292 deputies, including surprisingly 36 opposition deputies. All four Ukrainian prosecutor-generals in the last decade had links to the Donetsk clan and Party of Regions; Vasyliev and Piskun were elected to parliament in 2006 and 2007 in the Party of Regions while Medvedko and Pshonka are from Donetsk and widely regarded to be Party of Regions loyalists.

Pshonka’s career is intricately linked to Yanukovych and he began his rise up the ladder after Yanukovych was appointed Donetsk governor in 1997. Two days after his appointment, in an interview on Inter channel, Pshonka said ‘As Prosecutor-General, I am a member of the team tasked with carrying out all the decisions made by the President’, an admission that proves his office is not independent of the executive. The murder of Donetsk journalist Igor Oleksandrov in 2001 became a scandal during the Donetsk phase of Yanukovych’s and Pshonka’s careers. A homeless vagrant, Yurii Veredyuk, was framed with the murder of Oleksandrov and died two months after being released from prison for poisoning. Oleksandrov was reportedly murdered for investigating collusion between senior Donetsk law enforcement officials, Pshonka’s son Artem, a Party of Regions deputy since the 2007 elections, and organized crime groups in the Kramatorsk and Slovyansk regions of Donetsk oblast (as if in a passage from George Orwell’s novel 1984, Artem Pshonka is a member of parliament committee on organized crime and corruption). Oleksandrov died just before airing a television program about Artem Pshonka where he was to be viewed on film as embracing organized crime bosses. The case looks very similar to the August 2010 murder of Kharkiv editor Vasyl Klymentyev who was also investigating high level corruption.

**Greed trumps national interest**

Domestic policies have never been pursued by any Ukrainian president from the perspective of Ukraine’s national interests. ‘Momentocracy,’ where Ukrainians are focused on attaining short term objectives, was how opposition leader Yushchenko described Ukraine during the Kuchma presidency. Ukrainian elites are unaccountable to anybody, least of all to Ukrainian voters, and have only once been afraid of Ukrainian citizens during the Orange Revolution but this was short-lived.

Short-term greed has increased Ukraine’s dependency on Russia for gas, thereby limiting Ukraine’s ability to conduct an independent foreign policy, while preventing foreign investors and domestic expertise from expanding the country’s gas reserves that could supply most of the country’s gas needs. Ukraine has been unable to reform and clean up its energy sector which has remained as a ‘cash cow’ for corrupt elites. Opaque gas intermediaries have been a major source of corrupt rents throughout this period and they were first removed in the 2009 gas contract negotiated by Prime Ministers Tymoshenko and Vladimir Putin. Gas intermediary RosUkrEnergo (RUE), active on Ukraine’s gas market from 2005 to 2008, was a joint venture between the Russian state gas company Gazprom and two Ukrainian businessmen who were front men for other members of the Ukrainian elites, such as Kuchma and Serhiy Levchokin. The Ukrainian side of the intermediary never sought to disguise the opaque corrupt nature of RUE (Global Witness, 2006). Throughout Ukraine’s two decade history, gas debts accumulated by elites have been transferred to the Ukrainian state or directly skimmed from Naftohaz Ukraine, as in the case of RUE. Corruption has been the largest source of rents for Ukraine’s elites and one of the factors that scuttled the Yushchenko presidency. RUE was not established between Gazprom and Naftohaz Ukraine, which may have been a more rational joint venture, where the ‘profits’ would have accrued to Naftohaz – not private individuals. This would have prevented the company from always being on the verge of bankruptcy and requiring state subsidies to keep it afloat that have amounted to 2 percent of Ukraine’s GDP.

Energy policy did not receive clearer focus and transparency under Yushchenko and the 2006 gas contract, which introduced RUE into Ukraine’s gas relationship with Russia, ‘hints of a personal interest in the agreements’ as, ‘he not only knew of the real owners behind RosUkrEnergo but may have received important benefits from them’ (Balmaceda, 2008, 128). Tymoshenko had herself participated in opaque gas schemes during the 1990s when she had been CEO of United Energy Systems but she was the exceptional eastern Ukrainian in the business as it has been western Ukrainians who have played a prominent role in Ukraine’s corrupt energy sector. These have included among many, Congress of Ukrainian Nationalists (KUN) leader Oleksiy Ivchenko, based in Turkmenistan in the 1990s when he worked with Ihor Bakay in the Itera gas intermediary, and who headed Naftohaz Ukrainy in 2005–2006. KUN was a member of Yushchenko’s Our Ukraine bloc in the 2002 and 2006 elections. Secondly, Ivchenko’s gas business partner Bakay who financed the 2000–2001 parliamentary coalition that backed the Yushchenko government. Finally, Dmytro Firtash, the country’s only oligarch from the western Ukrainian region of Ternopol, who was inexplicably permitted by Kuchma to own 45 percent of RosUkrEnergo.

Firtash had seen the writing on the wall after the second round of the 2004 elections and became an important financial backer for Yushchenko’s campaign following a December 2004 meeting between them and Serhiy Levchokin. Yushchenko quickly reached agreement with the energy lobby in his first year in office leading to orders from the presidential secretariat to halt the pending arrest of former Naftohaz Ukrainy head Yuriy Boyko by Security Service (SBU) Chairman Turchynov, Prime

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Minister Tymoshenko’s right-hand man (Balmaceda, 2008; pp. 123–124). RUE – which Yushchenko always defended – accumulated huge profits that directly assisted Yanukovych and the Party of Regions and, ‘strengthened the position of those wanting a closer relationship with Russia’ (Balmaceda, 2008, p. 136). The gas lobby pushed aside Donetsk oligarchs, such as Rinat Akhmetov, and established a commanding influence in 2007–2010 over the Party of Regions. This enabled the gas lobby to come to power with Yanukovych in 2010 when its representatives received key appointments in the Yanukovych administration. Levchkin became head of the Presidential Administration, Valeriy Khoroshkovsky was promoted from First Deputy Chairman (a position he received from Yushchenko) to Chairman of the SBU (in 2012 he was appointed First Deputy Prime Minister), and Boyko was appointed Energy and Coal Industry Minister.

Virtual policies have been especially commonplace in the rule of law and fighting corruption because the ruling elites have pursued strategies that are of benefit only to themselves. Every Ukrainian president has put his personal corrupt interests above those of the national and state interest – let alone the interests of Ukrainian society (Harasymiw, 2002). The insatiable and rapacious greed of Ukraine’s elites has been stupendous and a product of the close inter-relationship between business and politics. Elite greed has stifled the country’s growth while injecting billions of dollars into European offshore island zones and member states, suppressing the living standards of a majority of Ukrainians. This has reduced budgetary inflows forcing Ukrainian leaders to go cap in hand to the IMF on three occasions in the last two decades. Greed is insatiable because it has never been punished, it is very lucrative and politically is closely tied to business. Rent seeking particularly affected the outcomes of the 2004 and 2010 elections as outgoing corrupt presidents sought immunity for their families and themselves from incoming presidents. In the 2004 elections, Kuchma supported Yanukovych as his successor but after the round-tables switched his support to Yushchenko. In the 2010 elections, Yushchenko supported Yanukovych. Corruption makes leaders fearful of being out of power because they and their families lose immunity from prosecution. Such fears either lead to election fraud, as in 2004 in support of the election of the authorities candidate Yanukovych, backroom deals between Yushchenko and Yanukovych in 2010 or devising ways of remaining in power indefinitely, as in the case of Yanukovych.

Virtual policies

Ukraine’s muddle way and multi-vector foreign policy has been adaptable to short-term geopolitical changes (see the article in this issue by Paul D’Anieri and D’Anieri (2007)). Because reforms have been weak Ukraine’s integration into Europe has resembled a train going nowhere with Ukraine vacillating between being an anti-Russian ‘buffer’ under western Ukrainians Kravchuk and Yushchenko or a ‘bridge’ between Russia and Europe under eastern Ukrainians Kuchma and Yanukovych. A buffer antagonizes both Russia and western Europe’s supporters of good relations with Russia while a bridge places one Ukrainian foot inside Europe and another inside Eurasia, simultaneously displeasing both Moscow and Brussels. The Yanukovych administration has continued Kyiv’s attempts to play off Russia with promises to join a CIS Customs Union or rhetoric in support of European integration toward the Association Agreement and Deep and Comprehensive Free Trade Agreement (DCFTA).

A foreign policy that has prioritized Ukraine’s ‘return to Europe’ also required domestic reforms to back up this pro-European rhetoric, but there has been a disconnect between domestic and foreign policies under every Ukrainian president. Ukraine has lacked leaders with political will to implement reforms as well as EU with the vision to offer Kyiv membership perspectives. All Ukrainian leaders have developed a widespread gap between the domestic policies they have pursued and their rhetoric in support of NATO and EU membership. Eastern Ukraine’s more authoritarian political culture, which was seen during Kuchma’s second term and Yanukovych’s first years in office, has led on both occasions to attempts to combine authoritarianism at home with European integration abroad. Western Ukrainian political culture, although relatively more democratic, suffers from political fragmentation and personality conflicts that has led to chaotic administrations under both Kravchuk and Yushchenko. Four Ukrainian presidents have sought to integrate into Europe by building authoritarianism (Kuchma, Yanukovych) or by not overcoming chaotic and political unstable administrations (Kravchuk Yushchenko).

Imitating Euro-Atlantic integration

NATO, unpopular in Ukraine, has offered membership to Ukraine whereas the more popular EU never has. Ukraine’s only opportunity to join a Membership Action Plan (MAP), the preparatory stage for NATO membership, was lost in 2006 because of in-fighting within the ‘orange’ political camp when President Yushchenko prioritized his Tymoshenko-phobia over his rhetoric in support of NATO membership. Ukraine’s only avenue for European integration was the Association Agreement (within which was included the DCFTA) which was negotiated with the EU from 2007 to 08 until fall 2011. The EU initialed the Association Agreement in March 2012, after refusing to take this step at the December 2011 EU–Ukraine summit, but has made its signing by the European Council and ratification by EU parliaments conditional on the release of Tymoshenko and other political prisoners and their ability to participate in elections.

In 2002, Kuchma was advised not to attend the Prague summit of NATO but he ignored the advice and went. NATO changed the language used to allocate seats for countries, using French not English, and thereby ensured Kuchma would not sit next to British and US leaders. In 2012 the cancellation of the Yalta summit, after 13 of 20 invited leaders boycotted it, is the biggest diplomatic embarrassment since Kuchma at the 2002 NATO summit. A similar boycott by European leaders took place of Euro-2012. It took Kuchma 8 years to reach Ukraine’s international isolation while Yanukovych accomplished this in only two years and Ukraine’s international position is the weakest it has ever been since independence in 1991. The country’s
international isolation will grow further in the event the 2012 parliamentary elections are not recognized as “democratic” by the OSCE which is likely if opposition leaders remain in jail.

Naivety about Russia

Eastern Ukrainian leaders in 1994 (Kuchma) and 2010 (Yanukovych) came into power holding naïve views of Russia and its benign intentions toward Ukraine. Kuchma quickly realized this and he sought and received US and NATO backing in his dealings with Russia. Russian (pro-democratic) President Borys Yeltsin took three years to fly to Kyiv to recognize Ukraine’s border with Russia, showing an inability to accept Ukraine’s sovereignty among even Russia’s democrats (Puglisi, 2003). Yanukovych’s naivety about Russia is far deeper than Kuchma’s and is a product of his roots in the working class region of Donetsk which, together with the Crimea, incorporate the most pro-Russian and Soviet political cultures of any of Ukraine’s regions.

Russian influence in the Yanukovych administration is greater than at any time since 1991 (Kuzio, 2010c, 2012c,d). Yanukovych extended the Sevastopol Black Sea Fleet base (see later) to the middle of the century and received nothing substantial in return. The 2010 alleged ‘discount’ was based on a high base price for Russian gas and was as virtual as the 2009 ‘discount’ and Russia has refused to change the manner in which the gas pricing system is formulated. After the Kharkiv agreement, Russia intensified pressure on Yanukovych to continue to give away sovereignty through parts of the Ukrainian economy being taken over by Moscow or Ukrainian enterprises transferred into joint ownership. The most notorious Russian proposal was the merger of the two state-owned gas companies Gazprom and Naftohaz Ukrainy. Even for Yanukovych these proposals were too radical; after all, it is one thing to give away national identity, education and security policy to Russia (as demanded by President Dmitri Medvedev in his August 2009 Open Letter to President Yushchenko) and another thing to give away areas from which you draw corrupt rents.

In Kuchma and Yanukovych’s cases, their naivety about Russia came face to face with a Russia that always over-extends its demands and in so doing turns away its pro-Russian allies, whether Kuchma/Yanukovych or Belarusian President Alyaksandr Lukashenka. Naivety is surprising as Ukrainian Ambassador to Russia, and since 2010 Foreign Minister, Kostyantin Gryshchenko told the US Ambassador to Ukraine: “No one” in the government of Russia “wants to listen to the Ukrainian side of things” (Taylor, 2009) Russian opposition leader Boris Nemtsov (2011) says that Putin, ‘believes that all Ukrainians are Banderites’ (a reference to Organization of Ukrainian Nationalist leader Stepan Bandera). Gryshchenko said that the Kremlin wants a “regency” – someone in power in Kyiv who is totally subservient. He noted that Putin “hates” then President Viktor Yushchenko and has a low personal regard for Yanukovych, but apparently sees Tymoshenko as someone, perhaps not that he can trust, but with whom he can deal (Taylor, 2009).

A senior Ukrainian official in the Ukrainian government commented on the state of Russian–Ukrainian relations: ‘We had the illusion that everything would work out if we removed from our relations with the Russian Federation key irritants like recognition of the Holodomor [1930s famine] as genocide, plans to join NATO, and the reluctance to extend the stationing of the Black Sea Fleet. But this has not happened. Moscow wishes that we stay on its orbit and even pay it for this. Let’s take the customs union [of Russia, Belarus and Kazakhstan] as an example. The way they invite us to join this union is very strange. They do not tell us what our benefits will be, but point to what we will lose and what sanctions we will face if we refuse to join it and, God forbids, if we create a free trade zone with the EU (www.kommersant.ua/doc.html?DocID=1664067&IssueId=7000796).

The Yanukovych administration is exacerbated by the inability of Russia to treat Ukraine on an equal footing and therefore plans to adopt Kuchma’s policies of balancing Russia with NATO and the EU. As a senior Ukrainian official explained: ’It is not we who are moving away from Russia, but the latter that pushes us off’. By giving up the card of NATO membership so quickly and cheaply the Yanukovych administration will find balancing against Russia a more difficult task than Kuchma (www.kommersant.ua/doc.html?DocID=1664067&IssueId=7000796).

Russia factor

Russia factor creates a permanent paradox for Ukrainian security as Ukraine cannot hope to convince western Europeans to change their stance on Ukrainian membership of NATO if Kyiv has very poor relations with Moscow. Ukraine’s desire to join NATO was, President Yushchenko said, ‘not a policy of threat to anyone, including Russia,’ which, of course, is not the case as Russia has vociferously opposed NATO enlargement into the CIS. At the same time, improving relations with Russia is more difficult during Russia’s resurgence as a great power and because Russia is the only country that is a potential threat to Ukrainian sovereignty and territorial integrity. President Yushchenko explained, ‘Since 1918, Ukraine declared its independence six times and five times it failed. One of the fundamental reasons for this is that we had no external partners who would recognize our territorial integrity’ (Halpin 2008). Yanukovych has removed NATO membership from the agenda while failing to propose alternatives to buttress Ukrainian national security except backing Russian proposals for a ‘common European security architecture’ that has been met lukewarmly by NATO and the EU.

In the event that a post-Yanukovych Ukrainian president re-opens the question of NATO membership Russia’s annexation of South Ossetia and Abkhazia could be a ‘dry-run’ for the Crimea (Kuzio, 2010a). In September 2008, the Party of Regions and KPU had supported recognition of the independence of South Ossetia and Abkhazia in the Ukrainian and Crimean parliaments, a step no other country or political force in the CIS followed (including Lukashenka). Ukraine’s national democrats meanwhile have yet to understand they cannot join NATO and maintain the country’s territorial integrity at the same time
because opposition to NATO membership is too great in regions such as Donetsk and the Crimea. Yanukovych has to also decide between his policies of political repression and European integration which are also incompatible.

Conclusions

The ten factors analyzed in this article have remained constant over two decades of Ukrainian independence regardless of the fact they are illogical inconsistencies. Two decades following the disintegration of the USSR the former Soviet Ukrainian republic has been transformed into an independent state with a market economy and democracy (Kravchuk, 2002; Aslund, 2009). Following fifteen governments and four presidents it is plain that there are many factors that remain constant and re-appear. These ten constant factors include low public trust in state institutions and a wide gulf between elites and citizens, weak accountability of elites, low payment of taxes and large shadow economy. All Ukrainian politicians seek a monopoly of political and economic power but only two eastern Ukrainian presidents have been willing to infringe parliamentary rules, amend legislation and intimidate judges to achieve this goal. Threats to democracy have always appeared when eastern Ukrainian presidents are in power, especially since Yanukovych’s election in 2010. Political parties have failed to evolve along European lines, remain ideologically weak, attract low levels of loyalty from their deputies and are funded by big business. National democratic parties are fragmented while eastern Ukrainian parties have successfully consolidated regional elites into powerful political machines to become the largest parties in Ukraine, whether the KPU in the 1990s or the Party of Regions in the second decade. Ukrainian presidents have never had political will to embark on radical reforms, a factor most clearly seen when comparing Yushchenko and Georgian President Mikheil Saakashvili. The Orange Revolution was the greatest missed opportunity of the last two decades as it offered the possibility of change supported by both sides of the 2004 electoral divide (D’Anieri, 2010). Ukrainian elites across the political spectrum have placed personal greed above national interests, especially in the energy sector which has undermined Ukraine’s national security. Ukraine’s domestic policies have never been integrated with declared foreign policy goals of attaining NATO and EU membership and therefore Ukrainian leaders have imitated the goal of Euro-Atlantic integration. Eastern Ukrainian presidents have come to power with naïve views of Russia that have rapidly disintegrated in the face of Moscow’s hard-nosed geopolitical demands. Russia will be a constantly difficult factor for Ukrainian leaders as they need to balance between Yanukovych’s Russophilia and Yushchenko’s Russophobia.

Countries such as Ukraine are not doomed to be trapped by their pasts and change can happen, as seen when Britain escaped under Prime Minister Margaret Thatcher from being labeled as the post-war ‘sick man of Europe’ and Latin American, southern and central-eastern European democratization in the third and fourth waves of democratization. An even better example is Post-Soviet Georgia where the Rose Revolution has succeeded in bringing radical change to the country. Whether Ukraine will continue to be constantly trapped by the illogical inconsistencies of its ruling elites cannot be foretold. Past illogical inconsistencies can, after all, always become less inconsistent in the next two decades of Ukrainian independence.

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