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## How To Turn A 'Partly Free' Ukraine Into A 'Not Free' Ukraine

by Taras Kuzio

Some Western policymakers continue to argue that Ukraine's political system is unlikely to evolve into a full authoritarian system along the lines of Russia and Belarus, President Viktor Yanukovich will slow down his authoritarian blitzkrieg, they argue, and the system will stabilize into a semi-authoritarian system.

In other words, Ukraine will stabilize at "partly free," the semi-authoritarian status that Freedom House gave it throughout the Leonid Kuchma era and to which it returned in 2010 after Yanukovich's first year in office.

An alternative viewpoint that's gaining ground is that Ukraine will decline further to "not free," the full authoritarian status that independent Ukraine has never held. If this were to take place, Ukraine would join the eight authoritarian CIS countries (Russia, Belarus, Azerbaijan, and the five Central Asian states) that are classified as "not free" by the U.S.-based rights watchdog.

The Yanukovich administration has moved farther down the path of authoritarianism in only one year in office than Kuchma did in a decade. Both administrations resorted to taking political prisoners. Under Kuchma, members of UNA-UNSO (Ukrainian National Assembly-Ukrainian People's Self-Defense) were imprisoned for their alleged involvement in the March 2001 riots. Under Yanukovich, former Prime Minister Yulia Tymoshenko and her former cabinet members are either under arrest or threatened with criminal charges.

Under Kuchma, elections were falsified in 1999 and 2004 -- on both occasions with the assistance of Yanukovich at the local and national levels. Under Yanukovich, local elections were falsified last year. Free elections can only be trusted to democratic forces such as Yushchenko, under whose watch high-

quality elections were held in 2006, 2007, and 2010. Yanukovych is destroying the institution of free elections that brought him to power.

In the 2002, 2006-07, and 2010 parliaments, Kuchma and Yanukovych both sought to bribe, coerce, and blackmail opposition deputies to defect to the ruling coalition. Usually these were business leaders in the opposition, whether members of the Liberal Party in 2002 led by Volodymyr Shcherban or the Party of Industrialists and Entrepreneurs led by Anatoliy Kinakh in 2007.

The Communist Party (KPU) never entered government under Kuchma, but has joined both coalitions established by Yanukovych: the anticrisis coalition in 2006-07 and Stability and Reforms since 2010. The neo-Stalinist KPU is antireform and anti-Western, and therefore any coalition that includes such a political force cannot honestly be described as "reformist."

There has also been regression on national identity questions. The KPU and Yanukovych's Party of Regions voted against the 2006 law on the 1933 artificial famine (Holodomor) and the pages on the famine on the [presidential website](#) were removed on February 25, 2010, the day Yanukovych was inaugurated. In 2003, by contrast, Kuchma launched an international campaign to support the designation of the Holodomor as an act of genocide.

### **Collapse Of Independent Institutions**

Parliament became a rubber-stamp institution under Yanukovych for the first time in its history, because Kuchma never had a stable majority. Yanukovych's Stability and Reforms coalition has bought in 50 opposition deputies, giving it more than 260 in total in the 450-seat Verkhovna Rada.

The courts are in far worse condition today than under Kuchma. Supreme Court Chief Justice Vasyl Onopenko told the "Kyiv Post" that "courts as judicial bodies and judges have lost their independence. This is a direct threat to the judicial protection of human rights."

After the summer 2010 reform of the judiciary. "the Supreme Court has been denied the ability to perform its constitutional function," Onopenko said. "No one guarantees the unity of case law and equal application of laws in state courts. The Supreme Court, which previously did it, is now deprived of such powers."

Yanukovych has marginalized the Supreme Court as personal revenge for its December 2004 annulling of his second-round election victory. In a February 11 interview with the BBC, Yanukovych again repeated that the Supreme Court had infringed the constitution in 2004 when it annulled his election and that he had won a "free election."

Under both Kuchma and Yanukovych, the unreformed "siloviki," or security

forces -- the Security Service (SBU), the Interior Ministry (MVS), and the Tax Police -- have been used against the political opposition and independent media.

Prime Minister Mykola Azarov led the Tax Police throughout its first seven years of existence (1996-2002). The SBU under Yanukovych has adopted authoritarian tactics against academics, NGO activists, politicians, and journalists for the first time since under its predecessor, the Soviet Ukrainian KGB, in the pre-Gorbachev era.

In the 1990s the MVS was more under democratic control than today, as its Internal Troops had been taken away in 1991 and transformed into a National Guard. But these were returned to the MVS in 2000 and have, like in other postcommunist systems, become the president's praetorian guard. On November 28, 2004, the MVS troops were ordered to Kyiv by Prime Minister Yanukovych, over Kuchma's head, to violently suppress the Orange Revolution. But they were turned back by the army.

### **Journalists Disappear**

Under Kuchma the murder of journalist Heorhiy Gongadze became an international scandal after a tape recording was released in which the president allegedly ordered Interior Minister Yuriy Kravchenko to violently beat Gongadze. What is less well known is that journalist Ihor Aleksandrov was also killed in 2001 in Donetsk when Yanukovych was governor of the region.

Last month, "The Washington Post" asked Yanukovych about Kharkiv editor Vasyl Klymentyev, who disappeared only seven months after Yanukovych was elected. The MVS assumes he has been killed. Yanukovych nonchalantly replied, "Many journalists disappear all over the world."

Media censorship took place under Kuchma, but the situation is worse today. What differentiates the Kuchma and Yanukovych presidencies was that total censorship under the former was impossible because of the strength of the opposition, inside and outside parliament, and pluralism within the ruling elites.

Yanukovych claims that "mercenaries" in the West have been bought to write negatively about Ukraine and that the Czech government was bribed to grant former Economy Minister Bohdan Danylyshyn political asylum. Yanukovych's worldview exports Ukraine's domestic situation -- where Ukrainian journalists are often paid to place articles and politicians and cabinet ministers are often corrupt -- to the outside world. This worldview does not see either the legitimacy of Western criticism or the legitimacy of domestic criticism by the opposition and media.

Yanukovych refuses to acknowledge that democratic regression is taking place on his watch and, in this, he is similar to Kuchma. But, in five areas -- political

repression, parliamentary independence, media censorship, the use of the "siloviki," and quality of elections -- democratic regression is worse under Yanukovich than it was under Kuchma. If it continues, it will lead to Ukraine becoming ranked as "not free" by the end of Yanukovich's first term in office, following Kyrgyzstan, which dropped after its 2005 Tulip Revolution from "partly free" to "not free" in 2010.

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