

Why Yulia Tymoshenko Will Remain Imprisoned

Publication: Eurasia Daily Monitor Volume: 8 Issue: 204

November 4, 2011 06:14 PM Age: 49 days

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(Source: AP)

Western policymakers and Ukrainian experts are perplexed as to why President Viktor Yanukovich agreed to the court quickly sentencing Yulia Tymoshenko on October 11 to a seven year sentence, a three year ban from political life and a fine of 1.5 billion hryvnia (\$190 million). The “7+3” charges ban Tymoshenko from the next two presidential and three parliamentary elections.

The sentence, refusal to heed the flood of Western criticism and the new charges against Tymoshenko only one day later led the EU to cancel the October 20 visit to Brussels by Yanukovich. The Ukrainian Security Service (SBU) has launched two new charges against Tymoshenko related to when she was CEO of United Energy Systems in 1995-1997 and the assassination of Viktor Yushchenko’s protégé Vadym Hetman in 1998. Ten factors explain how and why the Yanukovich administration dug itself into a hole.

Feral elites: Ukraine’s elites have little connection to society whose citizens and voters they treat with contempt and do not feel any responsibility toward. Feral elites believe the world is Machiavellian and the ends justify the means. Most Western media coverage used language similar to the Economist (October 11) to describe Yanukovich as “thuggish and vindictive” (The Times, October 14, The New York Times, October 17).

National interests: personal and business interests are of greater importance than Ukraine’s national interests. Revenge against Tymoshenko for removing the opaque gas intermediary RosUkrEnergo from the 2009 gas contract with Russia is more important for the feral elites than European integration.

Cash cow: Ukraine is a source of rents through raw materials and finances that are spent by elites in Western Europe where most of them have second homes, businesses and children in private schools.

Banal: when President Yanukovich was Prime Minister in 2006-2007, his government self-privatized a Soviet era mansion (Mezhirya) near Kyiv that has become his palatial home. Yanukovich fears that if he were to lose the 2015 presidential election to Tymoshenko, she would re-nationalize Mezhirya.

Ostentatious bling: in 2010, Ukraine's elites moved from "old money" under Presidents Leonid Kravchuk and Leonid Kuchma (members of the Soviet nomenklatura elites) to nouveau riche and rose to prominence in the 1990s decade of "Wild Capitalism." President Yanukovich, who belongs to the latter group, was twice imprisoned for violent crime as a teenager and comes from humble origins.

Two important differences between Ukrainian old and nouveau riche are firstly, the need by the latter group to show off their wealth and secondly, they are less well educated. President Yanukovich's narrow horizons inhibit the pursuit of a rational, educated response to domestic and foreign policies and reaching compromise.

Machismo: Donetsk clan/Party of Regions political culture is machismo in promulgating and reacting to domestic and foreign policies. Donetsk machismo culture is prevalent toward women and therefore has an inability to deal with Tymoshenko. Yanukovich refused to debate with Tymoshenko during the second round of the 2010 elections stating that: "women's place should be in the kitchen." The Nikolai Azarov government is the first of 14 Ukrainian governments without a single woman.

Power: the political culture of the Donetsk clan/Party of Regions seeks political and economic monopolization and to ensure that power is never relinquished. Threats to their power need to be removed as being out of power is dangerous.

The October 2012 elections will be won at all costs to achieve a parliamentary majority to win the January 2015 presidential election (see EDM, October 18). Yanukovich could not meet the EU's demand to permit Tymoshenko to participate in politics. Yanukovich defeated Tymoshenko by only 3 percent. With 14 percent hard support Tymoshenko is ahead of Yanukovich whose popularity has plummeted to 10 percent (www.uceps.com.ua, October 18).

Bad for one's health: if Tymoshenko is released, Yanukovich will lose out in two ways. Firstly, he will lose face within his party, as well as among his team and allies (Ukrayinska Pravda, October 13). Kost Bondarenko, Inna Boguslovska and others have celebrated "Ukraine without Tymoshenko" (RIA Novosti, October 11, Ukrayinska Pravda, October 11). Fear and aggression are used to keep potential dissident elites in line, blocking financial donations to the opposition and dampening civil society activity. If released Tymoshenko would immediately begin her presidential campaign, Serhiy Leshchenko suggested in Ukrayinska Pravda (October 13). If she is released elites who previously feared President Yanukovich will no longer do so. The release of Tymoshenko would prompt further demands such as releasing other political prisoners, drawing up a different election law and holding free elections. This avalanche of additional Western demands would unravel President Yanukovich's authoritarian "managed democracy," a system he built up in Donetsk as regional Governor from 1997-2002.

Inferiority complex: the Yanukovich administration/Donetsk clan/Party of Regions has a deeply ingrained neo-Soviet political culture. This is seen when they launch counter-attacks, draw up false comparisons with Western trials of politicians and accuse the West of "double standards" (see comments by Party of Regions deputies Vladislav Lukianov and Oleksandr Yevremov in UNIAN, October 13-14). The Yanukovich administration has reverted to traditional Soviet demands that the West must refrain from interfering in Ukraine's domestic

affairs coupled with demands to be treated with respect (see Yanukovich in the New York Times, October 17).

There is no understanding of or respect toward European values that underpin the EU or an inability to understand that countries seeking to enter the EU have to play by its rules (see Vitaliy Portnikov in *Levyi Bereg*, October 12 and Tetiana Sylina in *Zerkalo Nedeli*, October 14). The Yanukovich administration seeks to combine “Putinism” at home with European economic integration, or have its cake and eat it. MEP Jacek Saryusz-Wolski told Foreign Minister Kontantyn Gryshchenko: “You betrayed your friends in the EU” and “The Ukrainian leadership has values other than European ones” (*Kyiv Post*, October 11).

The Yanukovich administration is “primitive and confused in its EU position” (*Zerkalo Nedeli*, October 14). Former Deputy Foreign Minister Valery Chaly believes “the concerns of the EU are not understood here” (*The Financial Times*, October 18). Yanukovich and the foreign ministry continue to falsely claim that the “Tymoshenko case” should not be tied to the Association Agreement, failing to understand that she is not the issue – the true issue being an absence of the rule of law (see statement www.mfa.gov.ua, October 11). EU and US officials are exasperated by Yanukovich’s repeated insistence that he cannot interfere in court cases as the judiciary is controlled by the executive.

Kyiv suffers from an exaggerated sense of Ukraine’s geopolitical importance while seeking to blackmail the West by threatening to drop European integration and integrate with Russia and the CIS Customs Union (*Levyi Bereg*, October 12; *Ukrayinska Pravda*, October 13). Leshchenko pasted the flood of Western condemnations of the Tymoshenko sentencing into his *Ukrayinska Pravda* blog (October 15) to reveal the illusionary world that the Yanukovich administration/Party of Regions lives in when it claims that the EU and US are divided over how to react. Leshchenko wrote: “It would seem that the Donetskis have a problem with their hearing.”

Barter: a belief that Tymoshenko’s imprisonment will force Russia to sign a new gas contract with Ukraine. Ukrainian politics is highly unstable and unpredictable and therefore Tymoshenko could still be released. But, the ten factors outlined above point to its improbability. With Tymoshenko’s imprisonment, Ukraine’s European integration has reached a dead end and, together with use of a new election law (see EDM, October 18) Ukraine’s 2012 parliamentary elections cannot be recognized as “democratic” by the OSCE.