

Polity IV Country Report 2010: Ukraine

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Score:</td> <td style="width: 15%;">2009</td> <td style="width: 15%;">2010</td> <td style="width: 15%;">Change</td> <td colspan="2"></td> </tr> <tr> <td>Polity:</td> <td>7</td> <td>6</td> <td>-1</td> <td colspan="2"></td> </tr> <tr> <td>Democ:</td> <td>7</td> <td>6</td> <td>-1</td> <td colspan="2"></td> </tr> <tr> <td>Autoc:</td> <td>0</td> <td>0</td> <td>0</td> <td colspan="2"></td> </tr> <tr> <td>Durable:</td> <td></td> <td>19</td> <td></td> <td colspan="2"></td> </tr> <tr> <td>Tentative:</td> <td></td> <td>Yes</td> <td></td> <td colspan="2"></td> </tr> </table>	Score:	2009	2010	Change			Polity:	7	6	-1			Democ:	7	6	-1			Autoc:	0	0	0			Durable:		19				Tentative:		Yes				<div style="text-align: center;"> <p>Authority Trends, 1991-2010: Ukraine</p> </div>
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SCODE	UKR	CCODE	369	Date of Report	1 June 2011																																
Polity IV Component Variables																																					
XRREG	XRCOMP	XROPEN	XCONST	PARREG	PARCOMP																																
3	3	4	5	2	3																																
Date of Most Recent Polity Transition (3 or more point change)																																					
End Date			Begin Date																																		
			6 September 1991 (Ind.)																																		
Polity Fragmentation: No																																					
Constitution	1996 (amended 2007)																																				
Executive(s)	President Viktor Yanukovich (PRU); directly elected, 17 January and 7 February 2010; 35.32% and 48.95% Prime Minister Mykola Azarov (PRU); elected by Supreme Council, 11 March 2010																																				
Legislature	Unicameral: Supreme Council (450 seats; proportionally elected; most recent elections, 30 September 2007) Party of Regions (PRU): 175 Bloc Yuliya Tymoshenko (BYuT): 156 Our Ukraine-People's Self-Defense Bloc (NU-NS): 72 Communist Party of Ukraine (KPU): 27 Lytvyn Bloc: 20																																				
Judiciary	Constitutional Court; Supreme Court																																				

Narrative Description:¹

Executive Recruitment: Competitive Elections (8)

The president of the Ukraine is directly elected by popular vote and acts as head of state. In constitutional amendments that came into effect on 1 January 2006, the power of the presidency was diminished and executive authority is shared by the president and prime minister in a mixed presidential-parliamentary system. The president retains the power to lead the country's external security and foreign policy; as such, the president nominates the ministers of defense and foreign affairs. The parliament nominates a prime

¹ The research described in this report was sponsored by the Political Instability Task Force (PITF). The PITF is funded by the Central Intelligence Agency. The views expressed herein are the authors' alone and do not represent the views of the US Government.

minister who is charged with forming a ruling coalition, whose votes are necessary to confirm appointment. Once confirmed, the prime minister names a cabinet of ministers (except for the two reserved for the presidency). The president also has power to dissolve the parliament and call new elections, although the terms of this authority are not well defined and this has contributed new dynamics to the factional crisis that has consumed Ukrainian politics almost continually since its independence from the Soviet Union in 1991. During the early years of independence, tensions over the terms of economic privatization, the status of the former communist party and officials, and conflicting relations and orientations with Russia to the east and the European Union to the west polarized groups and led to political paralysis. A compromise was reached between leading members of the “old regime” and the reformers that culminated in a unity coalition and led to the July 1994 election of Leonid Kuchma as president. The “unity of necessity” felt the strains of post-communist transition and began to unravel during the 1999 election campaign as Kuchma began to assert his independence and attempted to consolidate power. In the 1999 presidential elections, President Kuchma retained office with fifty-six percent of votes cast. While the conduct of this election was deemed to be relatively free and fair by international observers, nevertheless, opposition candidates claimed that they received unfair treatment by the government-controlled media and indicated that they were subjected to numerous instances of harassment by law enforcement bodies.

In the wake of President Kuchma’s reelection, Ukrainian politics began to unravel more quickly. In 2000, a political scandal erupted when a member of the president’s security service revealed secret recordings allegedly made of the president’s conversations that implicated him in harassment (and possible elimination) of political opponents and falsification of election results. The authenticity of the tapes was generally accepted by the public and was not vigorously denied by the president himself. While the “tapegate” scandal ignited significant political protests in early 2001, by the end of the year it seemed that Kuchma had largely weathered the storm and suffered only limited political damage from his alleged involvement in these illegal activities. At the end of 2003 the Constitutional Court ruled that President Kuchma could run for a third term despite the 1996 constitutional amendment that limits presidents to two terms in office. The Court agreed with Kuchma’s argument that his first term, which began in 1994, should not count. Despite the controversial Constitutional Court decision, Kuchma decided not to compete in the October 2004 presidential ballot.

While twenty-six candidates were registered to compete in the October 2004 polls, the primary contenders for power were Prime Minister Viktor Yanukovich and former prime minister (1999-2001) and leader of the center-right Our Ukraine party, Viktor Yushchenko. Yushchenko was viewed as a Western-oriented political reformer and Prime Minister Yanukovich had the backing of outgoing President Kuchma and favored a pro-Russia policy agenda. During the campaign, Yushchenko claimed to have been the victim of government intimidation and dirty tricks, including an alleged poisoning attempt. In first round balloting on 31 October 2004 both Yushchenko and Yanukovich won thirty-nine percent of the vote. While poll monitors from the OSCE indicated that the vote failed to meet international standards, nevertheless, preparations for second round balloting continued. In second round balloting on 21 November, Prime Minister Yanukovich was declared the victor with fifty-two percent of the vote. As tens of thousands of Ukrainians throughout the country took to the streets in protest, international monitors deemed the elections to be fraudulent. While the parliament declared the elections to be invalid a week later, political tensions ran high as Yushchenko’s “Orange Revolution” expanded and supporters of Yanukovich, primarily in the Russian-speaking eastern half of the country, threatened to secede if Yushchenko was declared president. By the end of November President Kuchma advocated the staging of entirely new elections in order to bring an end to the political crisis that gripped the country. Pro-Yushchenko supporters rejected this proposal, instead insisting on a re-run of the second round balloting between Yushchenko and Yanukovich. In early December the Supreme Court officially annulled the results of second round balloting and ordered a re-run of the contest between Yushchenko and Yanukovich. The re-run of the second round balloting was held on 26 December 2004. In this poll, Yushchenko claimed an eight-point victory over Prime Minister Yanukovich. While the Prime Minister appealed these results, nevertheless, he resigned his cabinet post on 31 December. Final results were not issued until 11 January 2005; Yushchenko was officially sworn into office on 23 January 2005. Yushchenko named Yuliya Tymoshenko as prime minister but the fierce personal rivalry between the two leaders of the Orange Revolution escalated to heated recriminations and the sacking of Tymoshenko by the President. This divided the Europe-oriented reformers and created a tripartite acrimony that has, once again, paralyzed Ukrainian politics. With the loss of Tymoshenko’s support, President Yushchenko was forced to accept limits

on presidential authority that were institutionalized in constitutional amendments creating more powerful roles for parties, parliament, and prime minister.

Since 1 January 2006, Ukrainian politics has been characterized by the political maneuverings of its three principal players: Yushchenko, Yanukovych, and Tymoshenko. New parliamentary elections were held on 26 March 2006 under terms of proportional representation with defections prohibited. Yanukovych's Party of Regions (PRU) gained the most votes but fell well short of a majority. The Tymoshenko Bloc (BYuT) gained the second most votes, followed by Yushchenko's Our Ukraine (NU) party, with the Communist Party (KPU) and the Socialist Party (SPU) gaining enough votes to act as spoilers. After three months of talks, a coalition agreement was finally reached among the ByuT, NU, and SPU but the coalition collapsed in early July when the SPU left to join the PRU. On August 3, an "anti-crisis coalition" combining the NU with the PRU, SPU, and KPU was announced and, on August 4, Viktor Yanukovych was named prime minister. This created a dueling executive between the West-oriented Yushchenko and the East-oriented Yanukovych that held together largely because of the Ukraine's dependence on Russia for its energy supplies and its desire for Western investment. The partnership reached its limit in October 2006 and the NU left the ruling coalition. The Yanukovych government survived the NU defection and retained a slim majority in parliament. A crisis soon developed as the Yanukovych government moved to eliminate the NU ministers, including the Interior Minister (part of the original coalition agreement) and the Defense and Foreign Affairs Ministers (reserved to the presidency). The crisis escalated further when the parliament passed the Law on the Cabinet of Ministers on December 21 which further arrogated presidential powers to the prime minister and parliament. The President's veto was overridden on 5 February 2007 when the BYuT voted with the ruling coalition. This forced Yushchenko to seek reconciliation with Tymoshenko and on February 24 the NU and ByuT formed a "united opposition." However, in March some members of the "united opposition" began to defect to the ruling coalition which changed its name to the "coalition of national unity." This raised questions of legality as member defections are prohibited by the (amended) constitution. The President attempted to dissolve parliament by decree on several occasions beginning on April 2 with each attempt resisted by the ruling majority in parliament which met in defiance of the presidential orders. On June 1, the opposition members resigned their seats which left parliament without enough members to constitute a quorum. Despite the confusion and acts of defiance, preparations for new elections began in earnest in August and new elections were finally held on 30 September 2007. The party composition, however, changed only slightly leaving the country in essentially the same parliamentary morass the President was trying to escape. On 29 November 2007 a new "Orange Revolution" coalition agreement was announced by the BYuT and NU that commanded only the slimmest majority (227 of 450 seats) and the prospects for stabilization, in the immediate term, appear similarly slim. After failing by one vote to achieve a majority in the first round of voting by the legislature, Yuliya Tymoshenko (ByuT) was elected prime minister backed by a resurrected "Orange Revolution" coalition with President Yushchenko's party (NU); the vote netted just the 226-vote minimum majority required for election to the post.

Presidential elections were held on 17 January 2010 and monitored by over 3000 foreign observers including 800 from the OSCE and EU. Viktor Yanukovych (PRU; 35.3%) and Prime Minister Yuliya Tymoshenko (25.0%) were the top candidates in the first round; incumbent President Viktor Yushchenko polled fifth with less than 6% of the vote. A runoff election was held on 7 February 2010 and resulted in a very narrow victory for Yanukovych. While Tymoshenko claimed that the vote was tainted by electoral malpractice, international monitors noted that the polls were conducted in a free and fair manner. In March 2010 the Ukrainian parliament approved a measure to ease coalition building in an effort to help President Yanukovych form a governing alliance in the national assembly. As part of the new law, coalitions were permitted to recruit individual deputies, whereas before they could only recruit parliamentary blocs. This change enabled the President's Party of the Regions to align with defectors from his rivals, including Prime Minister Tymoshenko. On 11 March 2010 a loyalist of President Yanukovych, Mykola Azarov (PRU), replaced Tymoshenko as prime minister, marking the end of the turbulent "Orange Revolution." The new governing coalition brought together the President's Party of the Regions, the Communist Party and a bloc loyal to parliamentary speaker Volodymyr Lytvyn. Throughout 2010 the Yulia Tymoshenko Bloc continued to experience defections, giving President Yanukovych a sizable majority in the parliament.

Executive Constraints: Substantial Limitations (5)

The division of executive authority in the Ukraine between the president and prime minister has been a constant source of tension since the early years of independence. While initially a strong parliamentary system, starting in 1995 the office of the president has amassed significant, albeit not complete, executive powers. In this system the president had full control over ministerial appointments and was provided with sweeping decree powers. Despite the existence of a strong presidency, during his first term President Kuchma repeatedly called for a referendum to increase the powers of his office, citing the unwillingness of parliament to cooperate on economic reform issues. Until the end of 1999, left-wing opposition in the parliament was able to effectively constrain the president's executive powers by blocking approval of undesirable legislation or bargaining its support for president's bills in exchange for other concessions. During 2000 a popular referendum was finally held on the issue of expanding presidential powers. In a vote process questioned by international observers, the population supported the effort to strengthen the powers of the president. Throughout 2000 the President applied considerable pressure on parliament to approve constitutional changes in accordance with the referendum results. However, with the revelations of political corruption and abuse of power by President Kuchma that emerged at the end of 2000, the President largely abandoned this policy goal.

Prior to the April 2002 election, opposition members of Parliament sought to draft legislation that would redirect power from the president to Parliament. Despite significant support for this legislation, their efforts fell short of achieving the two-thirds majority necessary for revising the constitution. However, in the face of mounting street protests against his rule in late 2002 President Kuchma, in a complete reversal of his earlier position, proposed a constitutional reform effort to strengthen Parliament. Under this plan, the president agreed to forfeit his ability to select the prime minister and would be limited to only selecting four cabinet positions. This change in government policy was, for the most part, aimed at quelling popular unrest and dividing the already fractionalized political opposition in the country. In July 2003 the deeply divided parliament rejected Kuchma's constitutional reform efforts. Political observers noted that Kuchma's constitutional reform efforts achieved exactly what he intended; to exacerbate the old enmity between the Communists and the Nationalists and divide the political opposition to Kuchma's rule.

In late 2003 supporters of President Kuchma attempted to introduce a constitutional amendment that would have allowed parliament, rather than the people, to elect the president. After widespread opposition protests to this proposed amendment engulfed the capital in early 2004, President Kuchma shelved the issue. However, the President continued to lobby for a series of constitutional amendments that would have weakened the power of the next president. The opposition, which believed they were in a good position to win the October 2004 presidential election, actively fought to defeat the passage of these amendments. As a result, the bill fell six votes short of the three hundred required for passage.

In the interim period between the flawed second round presidential balloting in November 2004 and the election of Viktor Yushchenko on 26 December 2004, parliament passed a series of electoral reform bills favored by supporters of Yushchenko. However, these reforms, passed on 8 December, also strengthened the role of the prime minister and weakened the political authority of the president. In essence, these compromise agreements increased the transparency of future elections while transforming the Ukraine from a strong presidential system to a strong parliamentary system with a weak president. Under this new political system, the president loses the ability to nominate all cabinet positions but retains the right to name the prime minister, defense minister and foreign minister, subject to parliamentary approval. Moreover, the president retains the sole right to appoint all regional governors. These changes went into effect on 1 September 2005. This has created an ambiguous system in which the overlapping authority of the president, prime minister, parliament, and the party system are ill-defined and competing and this has accentuated the polarization that has characterized Ukrainian politics since the dissolution of the Soviet Union. The courts have been reluctant to issue rulings that would more clearly define the roles and responsibilities of the various institutions.

In late September 2010 Ukraine's constitutional court boosted the powers of the presidency. It ruled that the reforms introduced in 2004, which curbed presidential powers in favor of parliament, were unconstitutional. In doing so, the right of parliament to name the prime minister and most cabinet ministers, was rescinded. The net effect of this action is that Ukraine has once again become a presidential republic, as it was prior to the Orange Revolution. The semi-presidential system, instituted after the 2004 unrest, was originally designed as a compromise between the new pro-Western president, Viktor Yushchenko, and Yanukovich's followers in parliament who saw it as a way of checking the powers of their rival.

Political Participation: Factional Competition (7)

There are over one hundred registered parties and blocs in the Ukraine and elected parliament members frequently switched from one party to another once in office until that practice was prohibited by constitutional amendments that went into effect on 1 January 2007. While over thirty parties actively participated in the 2002 and 2006 legislative elections in the Ukraine, many of these parties simply reflected the interests of personalities and cliques (managers of state-owned factories and collective farms, academics, private “businessmen,” etc.). In the Ukraine, political parties often function more as debating clubs and business alliances rather than as real sources of power and influence. Traditionally, the real sources of power have not been held in the political parties but in the hands of a few regional elites from the industrial cities of Donetsk, Kharkiv, and former-President Kuchma’s hometown of Dnipropetrovsk. These regional “clans” – an outgrowth of the old CPSU patronage system – have played an important role in post-Soviet politics. While regional political divisions were pronounced in the Ukraine in the early post-independence years, between pro-European supporters in western regions and pro-Russian loyalists in eastern regions, nevertheless, most analysts have downplayed its importance in recent years. However, this regional division was still very evident in the aftermath of the 2004 presidential election as supporters of Yushchenko (West) and Yanukovich (East) largely (although not completely) divided along these regional cleavages.

Under the leadership of President Kuchma, the electoral process in the Ukraine was plagued by acts of government interference and malpractice. Up until 2004, this interference consisted mainly of the manipulation of the media and the use of law enforcement authorities (especially tax police) to harass and intimidate opposition organizations. In recent years the center of the political struggle in the Ukraine has taken place between the so-called Party of Power, led by a leading member of Kuchma’s administration, and by an alliance of pro-market opposition parties headed by former Prime Minister Yushchenko. Unlike the party of Kuchma and Yanukovich, with its political base in the so-called “red-director belt” in the industrial east of the country, Yushchenko’s Our Ukraine party derives its primary political support from the western regions of the country. The Communist party, which has become increasingly marginalized after its electoral collapse in 2002, also has its base of political support in eastern Ukraine and the Crimea. The polity has remained highly factional and polarized since Yushchenko’s electoral victory in 2004, reflected in the March 2006 parliamentary elections, the political crisis following his dissolution of Parliament in April 2007, and in the developments surrounding the 30 September 2007 parliamentary elections.

In December 2010 Yulia Tymoshenko was charged with misusing state funds while serving as prime minister. She has denied these allegations, claiming that she is being targeted for standing up to President Yanukovich. A number of her political associates have also been investigated and jailed since Yanukovich assumed the presidency in March 2010.