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Regime type and politics in Ukraine under Kuchma

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Abstract

The article surveys and discusses different definitions of regime type in Ukraine and whether they provide a sound understanding of the regime emerging in Ukraine and other CIS states since the late 1990s. Ukraine and the CIS witnessed democratic regression and therefore could not be assumed that they were on a 'transition' path to a consolidated democracy. The majority of CIS states have either already moved to fully authoritarian regimes, such as Russia. Or, like Ukraine, they remained as unstable competitive authoritarian regimes which exhibited a 'hybrid' fusion of the former Soviet system and the emerging reformed economy and polity. Ukraine's oligarchs during Kuchma's second term preferred a fully authoritarian regime but they were also divided among themselves and faced a formidable opposition. These factors blocked the creation of a fully authoritarian regime under Kuchma and led to the victory of the opposition through Ukraine's Orange Revolution.

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By the October–December 2004 presidential elections Ukraine will have experienced 13 years of rule under two presidents, Leonid Krawchuk and Leonid Kuchma. During this period Ukraine's two presidents and ten governments have continually claimed that Ukraine was in 'transition' to a liberal democracy and a market economy.

This article argues that transition towards these goals was sporadic at best, and more often than not faulting or regressing. By the end of two Kuchma's terms in office, Ukraine had regressed further from these declared goals and best defined as a 'hybrid' state with a 'competitive authoritarian' regime.

The article is divided into two sections. [Section 1](#) discusses different political science models to define Ukraine's state and regime. [Section 2](#) applies the terms 'hybrid' state and 'competitive authoritarianism' to Ukraine through the use of comparative analysis with other post-communist states.

Defining Ukraine's regime

Political scientists have been very adept in developing new terminology to describe CIS states. Many of these classifications are not necessarily different and therefore at times overlap.

One of the earliest attempts to classify Ukraine was made by [Kubicek \(1994\)](#) who himself drew on other democratization and transitology scholars ([O'Donnell, 1994](#)). Russia and Ukraine were defined as delegative democracies where a ruling elite faced an inactive population between elections. Elections remain one of the few facets found in the state that gave it some semblance of being a 'democracy'. The executive attempts to organize and control society so that the population remains passive between elections. The population defers to them on important matters of governance, making the system remarkably neo-Soviet in the manner in which it operates ([Kuzio, 2002](#)).

[Kubicek \(2000\)](#) also later developed this model to show how Ukraine had many of the features of a corporatist state of the type that was highly common in Latin America. Kubicek focused on an area of transition in Ukraine that had been largely ignored by other scholars, namely: why was civil society in Ukraine tired, defeated, alienated and stagnant at a time of mass corruption, enormous economic collapse, unemployment and unfulfilled expectations? Kubicek sought to explain why there was low trust and political efficacy, and citizens (or 'subjects') felt powerless to change anything.

[Kubicek \(2000\)](#) set out to add to the 'transitology' literature by examining how the institutions of the *ancien regime* influence political and economic reform through 'path dependence'. Kubicek therefore criticised the commonplace view in the 'transitology' literature that movement towards a democracy and a market economy is preordained. This view has since become more common among scholars ([Carothers, 2002](#)).

Kubicek believes that reform can be stopped, halted, it can stagnate or be reversed because, 'The goal of the system ... is actually to fragment civil society and prevent

the emergence of true autonomous centers of power' (Kubicek, 2000, p. 5). Corporatism attempts to control change by preventing mobilization from below. It permits some elements of pluralism but also promotes social unity at the expense of conflict and competition.

Focusing upon 'path dependence' is important, Kubicek believes, because the ruling elite's of the *ancien regime* can reproduce themselves and thereby subvert reform or turn it to their own personal advantage. In the post-Soviet era old institutions survive and work against a radical restructuring of political life.

Much of the corporatist aspects of the Ukrainian state drew upon an inherited and deeply entrenched Soviet 'patrimonial' political culture found within centrist elites (Montgomery and Remington, 1994; Prizel, 1999; Van Zon, 2001). As Ukraine became mired in political crisis after the Kuchmagate¹ crisis in November 2000, and during the difficult 2003–2004 transition to the post-Kuchma era, Ukraine's centrist elites fell increasingly back on their neo-Soviet political culture.

Kubicek (2000) fails to provide us with the full picture of transition in Ukraine and the former Soviet Union. This is because he, like many other scholars, ignores a crucial influence upon the transition process—the national question—that is vital for understanding Ukraine's 'path dependence' (Kuzio, 2001). A more vibrant national identity in eastern Ukraine would have not required any negotiated transition in 1990–1992 between 'soft liners' in the *ancien regime* (that is, national communists) and moderates in the national-democratic opposition as the latter would have taken power themselves and instituted the radical changes that Kubicek laments did not take place.

This is what happened in the three Baltic states. In Ukraine the national democrats broke with this alliance only in 2000–2001 after Viktor Yushchenko's government was removed. Four years later he came to power through election victory and the Orange Revolution. His former centrist allies disintegrated.²

The author points out that eastern Ukraine is more alienated and less trustful of ruling elite. But he fails to ask why eastern Ukrainians should feel this to a greater degree than western Ukrainians. The economic crisis in western Ukraine was more severe, and yet protests were not translated into votes for the Communist Party (unlike in eastern Ukraine). Kubicek (2000) admits that societies that are as polarised as Ukraine are prone to calls for consensus (*zlahoda*) politics over conflict. But his comparisons of Ukraine with Poland, the Czech Republic or Hungary as not being polarised are a poor choice as these three states are mono-ethnic. In addition, their transitions did not include Russian and Soviet imperial and totalitarian baggage.

Ukraine is best understood as only a partial delegative democracy as it is mainly Russophone eastern Ukrainians who are inactive between elections. Centrist political parties, often backed by Russophones, are top heavy and only mobilise citizens through pressure or financial inducements. This goes some way in explaining

¹ The Kuchmagate began on November 28, 2000 when tapes illicitly made in President Kuchma's office by presidential guard Mykola Melnychenko were publicly revealed in parliament. One of the tapes included an order by Kuchma to "deal" with opposition journalist, Heorhiy Gongadze, who was kidnapped on September 16, 2000. His decapitated body was found near Kyiv 2 months later. Melnychenko fled abroad and sought asylum in the USA where he has lived since 2001.

² See Ukraine: weak opposition gives Yushchenko a free hand. *Oxford Analytica*, 25 January 2005.

why eastern Ukrainians are so passive. Eastern Ukraine is the main base of support for oligarchs and centrist parties.

A passive population between elections is not the case in western and central Ukraine where civil society is continuously active, both during and between elections. Therefore, the delegative democracy label cannot be applied to western and central Ukraine. As numerous scholars have argued, Ukraine is very far from being a homogenous entity (Shulman, 1999). Shulman (2005) has pointed to a strong link between national identity and reformist sentiment. He divides Ukrainians into two political cultures: ‘ethnic Ukrainian’ and ‘eastern Slavic’ with only the former strongly supportive of reform. This link was clear when western and central Ukrainians played a decisive role in the Orange Revolution.

Western and central Ukraine remain strongholds of the democratic opposition. In the 2002 parliamentary elections these two regions voted primarily for three opposition forces: Viktor Yushchenko’s Our Ukraine (NU), the Yulia Tymoshenko bloc (BYuT), and the Socialist Party of Ukraine (SPU). The only exception to this rule was the SPU’s victory in the central-eastern Poltava *oblast*.

In the 1994 presidential elections the ‘nationalist’ candidate, incumbent President Leonid Krawchuk, won only west of the Dnipro river in central Ukraine while his opponent, Leonid Kuchma, won most votes east of the Dnipro river. The SPU’s victory in Poltava in 2002, coupled with Viktor Yushchenko’s strong support throughout central Ukraine in the 2004 presidential elections, showed that the opposition and national democrats had expanded their support throughout central Ukraine to a greater extent than that which Krawchuk had obtained in 1994. Central Ukrainian votes for Yushchenko, and Kyiv’s hostility to his main opponent, Viktor Yanukovich, was a crucial element in Yushchenko’s victory in 2004.

In the city of Kyiv the pro-presidential For a United Ukraine (ZYU) failed to even cross the 4% threshold while the Kyiv clan’s Social Democratic united Party (SDPUo) just made it over. These results repeated those of the second round of the 1994 presidential elections when Kuchma lost in Kyiv to the ‘nationalist’ Leonid Krawchuk.

These election results show how an active civil society and anti-oligarchic views have prevented the Kyiv oligarchic clan’s SDPUo from taking control of its home base of Kyiv. Another factor blocking this is the presence of the ‘mini oligarch’, popular Kyiv Mayor Oleksandr Omelchenko, who is aligned with Viktor Yushchenko. Omelchenko strongly backed Yushchenko in round two of the 2004 elections, providing crucial infra-structure support to sustain the Orange Revolution.

In contrast, the Labour Ukraine and Regions of Ukraine oligarchic clans monopolise Dnipropetrovsk and Donetsk, respectively.³ In these two regions, especially

³ In Ukraine there are three main clans that bring together regional, political and oligarch interests. These are the same power bases that dominated Ukraine in the Soviet era. They include the Kyiv clan based on the Social Democratic united Party led by Viktor Medvedchuk, also head of the presidential administration in 2002–2004, the Dnipropetrovsk clan based on the Labor (*Trudova*) Party and led by Serhiy Tyhipko, and the largest and wealthiest in the Donbas based on the Regions of Ukraine Party. Prime Minister, Viktor Yanukovich, the presidential candidate in the 2004 elections supported by President Kuchma, is the leader of Regions of Ukraine.

Donetsk oblast and the Donbas in general, the classification of Ukraine as a ‘delegative’ democracy fits perfectly. ZYU’s best electoral result in the 2002 elections was in Donetsk oblast where it won 37%, a result ensured by then Donetsk governor Yanukovych. The only opposition party with a strong base in eastern Ukraine is the Communist Party (KPU).

In states where there has been no ‘economic reform’, such as in Belarus, oligarchs have not appeared as the ‘winners’. The Belarusian state has instead been ‘captured’ by Lukashenka through a Sultanistic regime (Eke and Kuzio, 2000). In Russia, on the other hand, the oligarchs were removed from power after Putin was elected first to office in March 2000. An agreement was struck whereby the oligarchs could keep their ill gotten wealth on condition they stayed out of politics. Those that have refused to abide by this agreement have either been exiled (Boris Berezovskii) or imprisoned (Mikhail Khodorovskii).

The oligarch’s ‘capture’ of the Russian state has been replaced by that of Putin’s allies in the security forces in what is now described as either a ‘managed democracy’ (Balzer, 2003) or, by Russian political scientists, as a ‘militocracy’ (Kryshtanovskaya and White, 2003). The prevalence of ‘*siloviki*’ (commonly referred to as representatives of the ‘power ministries’ in the Interior Ministry, Security Service and Defence Ministry) in the Russian state administration has grown under Putin, taking over power from the oligarchs who dominated state politics under Borys Yeltsin. Russia also has a confident party of power (Unified Russia) allied to nationalists (Rodina and the Liberal Democratic Party) who together control two-thirds of the State Duma.

All of this makes Russia quite different from Ukraine. Whether oligarchs would distance themselves from politics would depend on who is to be elected Ukrainian president in 2004. A victory by the pro-presidential candidate (Yanukovych) would not have led to the separation of politics and business but rather the victory of Ukraine’s largest and wealthiest oligarch clan. Yushchenko’s victory ensures that there will not be a further consolidation of the oligarchic regime in Ukraine that was allowed to emerge under Kuchma. Yanukovych is associated with Ukraine’s wealthiest Donetsk oligarchic clan. Russia’s support for Yanukovych in the elections was also understood by Ukraine’s ruling elites as an attempt to export Russia’s ‘managed democracy’ model.

In Ukraine the first attempts to define Ukraine’s regime type were undertaken during Kuchma’s first term in office. An analysis of ‘nomenklatura democratization’ leading to ‘electoral clientalism’ in Ukraine was developed by Birch (1997). Birch’s main arguments are that ‘electoral clientalism’ is favoured when elections are contested by candidates in single mandate (majoritarian) districts. This was the case completely in the 1994 elections and for half of the deputies elected in the 1998 and 2002 elections (the threshold in the 1998 and 2002 elections was 4%). The 2006 elections will be the first to be held using a fully proportional election law to a lower threshold of 3%.

Members of the pro-presidential parliamentary majority join together not through ideological unity, but to resolve certain economic or financial issues in their favour. These can include privatising factories, transferring land titles, obtaining credits and resolving difficulties with the State Tax Administration.

Although ZYU and the SDPUo together only elected 54 deputies in the proportional half of the 2002 elections this number was joined by another 140 deputies from majoritarian districts. Together with 30 defectors from the opposition this initially gave a 230-strong pro-presidential majority. With no ideological unity the majority disintegrated in Spring 2004.⁴

The 2006 elections will be the first to be held using a fully proportional election law. This is forcing centrist parties, such as Labor Ukraine, to begin to “de-oligarchise” themselves in anticipation of the 2006 elections in order to portray a more acceptable public face. This may be important to accomplish as the centrist camp disintegrated after Yanukovych’s defeat in the 2004 elections.

In Ukraine, due to economic reform being delayed until 1994, the oligarchs only rose to prominence during the 1998 parliamentary and 1999 presidential elections, 3–5 years later than in Russia. The oligarchs briefly developed an alliance with the national democrats in 1999–2001 which collapsed after the onset of Kuchmagate and the removal of the Yushchenko government in April 2001. Since then, and especially after the 2002 elections, centrists (who are dominated by three large clans who controlled 150 of the 230 deputies in the pro-presidential majority) attempted to rule Ukraine single handed.

A number of scholars have moved away from the transitology tautology underlining the assumptions that post-communist states are moving in a linear line from communism to democracy. D’Anieri (2001, 2003) has defined Ukraine’s regime as ‘electoral authoritarianism’ (in contrast to Kubicek’s ‘delegative democracy’ [1994] or ‘electoral democracy’ [2001]). This makes greater sense as it avoids using the term ‘democracy’ in any definition of Ukraine’s political regime under Kuchma.

The politics of “partial reform” (Hellman, 1998; Hellman et al., 2000) has been developed more recently by scholars who question whether ‘transition’ is a process that has a start (communism) and a finish (liberal market democracy). ‘Partial reform’ can lead to a halt in the transition creating a hybrid state. Such hybrid states are usually stable over time (for example, Mexico under the Institutionalised Revolutionary Party).

At the same time, during elections the survival of regime is threatened by unexpected developments, such as the strength of the opposition and civil society or outside pressure to hold free elections as a pre-requisite to obtaining international assistance. Serbia under Slobodan Milosevich in October 2000, Georgia under Eduard Shevardnadze in November 2003 and Ukraine under Kuchma in October–December 2004 are examples of how miscalculations by the regime during elections led to regime change.

A state only ‘partially reformed’ is similar to what other scholars have discussed as a ‘hybrid state’ that combines elements of authoritarianism and democracy (Levitsky and Way, 2002b). Such hybrid states account for the majority of countries in the world (Diamond, 2002).

⁴ See T. Kuzio, Ukraine’s pro-presidential parliamentary majority disintegrates. *Jamestown Foundation, Eurasian Daily Monitor* 1(83) (September 13, 2004) and Ukraine: Parliamentary shift bodes ill for Yanukovych. *Oxford Analytica*, 15 September 2004.

‘Hybrid states’ are a better way of describing ‘electoral democracies’ (Kubicek, 2001) and ‘electoral authoritarian’ states (D’Anieri, 2001). Freedom House’s annual Nations in Transit survey of 27 post-communist states describes one category of countries as ‘transitional governments’ or ‘hybrid regimes’.

Ukraine entered the post-Soviet era through a negotiated pact between the national communists (who later became centrists and oligarchs) and the national democrats (Kuzio, 2000). The April 1990 Soviet Ukrainian elections had shown that Ukraine, along with Russia, Belarus and Moldova, was in the ‘partial success’ group of Soviet republics (Montgomery and Remington, 1994). The ‘high penetration’ group where the opposition was more powerful included Armenia, Georgia and the three Baltic states. Georgia experienced a democratic revolution in 2003–2004 and remains, together with Ukraine and Moldova, still classified as ‘transitional governments’ or ‘hybrid regimes’. Armenia meanwhile, has regressed to a ‘semi-consolidated authoritarian regime’ (Table 1).

The classification of three CIS states as ‘transitional’ (Nations in transit, 2003) is misleading. If true, there would have to be evidence of ‘transition’ that shows some progress towards democratic consolidation. Of these three states (Ukraine, Georgia, Moldova) Georgia underwent a democratic breakthrough in 2003–2004, but it remains too early to say whether this will lead to a successful consolidation of democracy. Ukraine’s democratic breakthrough occurred during the 2004 elections.

‘Transition’, in the manner in which Carothers (2002) criticised the use of the concept as assuming a direct linear path from authoritarianism to democratic consolidation, is difficult to apply to the CIS. All 12 CIS states have witnessed democratic regression (rather than progress as implied in the traditional understanding of ‘transition’) since the late 1990s.

The Georgian democratic revolution of November 2003 and subsequent election by a landslide of reformer Mikhail Saakashvili in January 2004 is the exception, rather than the rule in the CIS. The November 2003 Azerbaijani and December 2003 and March 2004 Russian elections confirm the trend towards ‘consolidated autocracies’ in the CIS. Ukraine’s Orange Revolution in late 2004 has added another country to Georgia and helped to break these negative trends.

The difficulties of the ‘transition paradigm’ were dissected by Carothers (2002) who found its premise of a ‘democratic teleology’ as its main failure to depict reality. Like Levitsky and Way (2002a,b), Carothers (2002) points out that only

Table 1
Freedom House designation of CIS regimes (2004)

Transitional governments or hybrid regimes	Semi-consolidated authoritarian regimes	Consolidated authoritarian regimes
Ukraine	Azerbaijan	Belarus
Moldova	Russia	Turkmenistan
Georgia	Armenia	Uzbekistan
	Tajikistan	Kazakhstan
	Kyrgyzia	

Source: Freedom House, Nations in Transit, 2004 (<http://freedomhouse.org/research/natttransit.htm>).

approximately 20 out of 100 transitions in the 1990s have achieved success in democratic consolidation. The majority of the states which were in transition remain in the ‘political grey zone’ and often combine elements of authoritarianism and democratic systems that scholars have increasingly referred to as hybrid regimes (Carothers, 2002).

Carothers (2002) defines Ukraine, Russia, Bulgaria, Bosnia, Moldova and Albania as hybrid regimes. These hybrid regimes have the following six features, all of which could all be found in Ukraine during Kuchma’s second term in office:

- Citizens interests are under-represented or ignored;
- Low levels of political participation beyond voting as in a ‘delegative democracy’;
- Frequent abuses of the rule of law;
- Election outcomes produce uncertain results and lack legitimacy;
- Exhibit low levels of trust in state institutions;
- Poor performance of the state.

Carothers (2002) prefers to move away from the earlier classifications frequently used in the 1990s because they assumed that these regimes were merely stuck in a forward transition. Hybrid states can have long staying power. “Worse, these factors have, over time, coalesced to form a logically coherent system prone to stagnation and resistant to change” (Motyl, 2003, p. 19). In Mexico the hybrid state ruled by the PRI stayed in power until the 1990s by managing elections where it regularly received 80% of the vote. Russia is also increasingly referred to as a ‘managed democracy’ that could be stable over time (Balzer, 2003).

The main threat to regime stability in hybrid states is the requirement to hold periodic elections. If elections are mishandled, as in Serbia by Slobodan Milosevic in October 2000, Edvard Shevardnadze in November 2003 or Kuchma in Ukraine in 2004, regime turnover can lead to ‘democratic breakthrough’. Kuchma miscalculated by selecting a candidate (Yanukovych) with a prison record that made it easier to mobilise against.

Carothers (2002) characterisation of the ruling elites as corrupt, disinterested in the country and dishonest is consistent with opinion polls in Ukraine which show that 90–92% of Ukrainians believed they had no influence over central or local affairs. In 2003, between 63 and 85% of Ukrainians believed the elites were corrupt, unable to increase living standards, were disinterested in protecting their rights, unprofessional and undemocratic. Seventy-one percent believed that the newly elected president in 2004 should change Ukraine’s course. Meanwhile, 72% of Ukrainians had no faith in free and fair elections in 2004 (People don’t match reforms, 2003). Only 22% of Ukrainians believed that the 2002 elections were held in a free and fair manner. As to the 2004 elections, only 12% believed they would be free and fair, a public view that was consistent with Ukraine holding its dirtiest ever election.

The political process in hybrid states is, ‘widely seen as a stale, corrupt, elite-dominated domain that delivers little good to the country and commands little respect’ (Carothers, 2002, p. 10). Ruling elites are as cut off from citizens as they were

in the Soviet era by living in their own virtual world where actual policies and official rhetoric contradict one another (Wilson, 2001; Kuzio, 2003b). Maleyev (2004) sees this relationship as one where elite rule over Ukraine ‘acts like a (foreign) occupation force’. This wide gulf between elites and parties led to the authorities miscalculating the mood within the population.

Carothers (2002) sees hybrid regimes as blurring the distinction between the state and the ruling party. The state’s assets (finances, jobs, public information via state media, security forces) are placed in the hands of the ruling party (Carothers, 2002, p. 12). This is especially seen during elections when the party of power abuses its access to state administrative resources.⁵

Carothers (2002) describes hybrid regimes as ‘dysfunctional’ because they exhibit ‘feckless pluralism’. Levitsky and Way (2002a,b, 2003) prefer to call this ‘pluralism by default’. Pluralism by default exists in states which do not have either a strong civil society or united elites. Instead, there is, ‘a fragmented and polarised elite and weak state unable to monopolise political control’ (Way, 2003, p. 463).

In Roeder’s (2002, p. 49) view, pluralism by default is inherently unstable because it incorporates ‘autocratic incumbents and democratic rules’ (Levitsky and Way, 2002a, p. 5). Neither side (authoritarian incumbents or the opposition) are powerful enough to either impose a fully authoritarian regime or to undertake a democratic breakthrough through regime change. Although they are at heart inherently unstable regimes, parties of power (such as Mexico’s PRI) may have the capability to stay in power for long periods of time. Elections remain the greatest threat to upsetting this unstable relationship between the authorities and opposition a ‘manifestation of democracy’. But, it is also an obstacle to authoritarianism. Pluralism within the state, such as we witnessed in Ukraine’s hybrid regime under Kuchma provides, ‘the least hospitable circumstance for preserving authoritarianism or creating new authoritarianism’ (Roeder, 2002, p. 50). The ruling elites of the regime are incapable (for a variety of reasons that we shall discuss later) of introducing a fully authoritarian regime. This was the case during Kuchma’s second term where from the Kuchmagate crisis until he left office (2001–2004) the ruling elites faced one of their strongest challenges from the opposition, albeit a disunited one. In the end, the opposition prevailed and launched an Orange Revolution that halted election fraud intended to support Yanukovich’s election.

Ukraine as a hybrid state and a competitive authoritarian regime

As seen from the previous section, political scientists have a variety of tools at their disposal to integrate their analyses of Ukraine’s regime type within the literature on democratisation. The definition developed by political scientists defines Ukraine as a ‘hybrid’ state with a ‘competitive authoritarian’ regime. The next section applies this definition to Ukraine under Kuchma.

⁵ See T. Kuzio, Rising abuse of state-administrative resources in Ukrainian elections. *Jamestown Foundation, Eurasian Daily Monitor* 1(65) (August 3, 2004).

During Kuchma's first term in office, centrists were too weak to move Ukraine to a fully authoritarian regime. Centrists were still disunited, unstructured and in the early stages of accumulating capital to transform themselves into oligarchs (Puglisi, 2003). During Kuchma's term in the late 1990s the centrists had transformed into oligarchs, and attempted to establish an authoritarian state to defend their political power and new wealth.

Why do centrists prefer authoritarian regimes? One important reason is that they are reluctant to risk ceding power. Being no longer in power in CIS states means not only going into opposition, but also the possibility of facing charges of corruption and, worse still, revenge by former political opponents who now constitute the country's new leadership.

Due to the close connection between business and the executive branch, if the executive loses power business empires built up by the president, his family, and oligarchic allies could be quickly lost. One way to overcome this is by a pact whereby oligarchs are left alone provided they redirect their loyalties to the chosen 'successor'. The 2003 clampdown on the Russian Yukos oil magnate can be attributed to the company's chief executive, Khodorkovskii, violating this unwritten agreement and openly expressing support for the opposition.

In a bid to insure themselves against legal proceedings and to protect the capital accumulated by their families and close associates, the presidents of both Kazakhstan and Kyrgyzstan introduced legislation in their respective parliaments guaranteeing them and their immediate families lifelong immunity from prosecution. Putin granted the same immunity to Yeltsin.

Since 1994 Krawchuk has never requested immunity from prosecution. The same was true of Kuchma in his first term in office. When Georgian President Shevardnadze was removed from power in 2003 he, like Krawchuk, also did not feel sufficiently threatened to seek immunity. In 2004, on the other hand, Kuchma was afraid of leaving office because of the numerous accusations against him and his allies. These accusations against Kuchma ranged from murder and violence, election rigging, high level corruption and abuse of office.

At issue was not only Kuchma's fate as he protected the business interests of his oligarchic allies in a two way process. On the one hand, he allowed their businesses and corruption to proliferate and in return he demanded political loyalty in a symbiotic relationship that has been described as a 'blackmail state' (Darden, 2001).

Ruling elites

The unity of the ruling elites is crucial for the imposition of a fully authoritarian regime. For this to be successful a united party of power is required. As Table 2 shows, it is not coincidental that CIS states with pluralism by default are also those lacking united parties of power, such as Georgia, Ukraine and Moldova.

The only exception is Belarus where no party of power exists. In Belarus the regime is built around a sultanistic cult of loyalty to Lukashenka (Eke and Kuzio, 2001).

Table 2
Parties of power in the CIS

Turkmenistan	Uzbekistan	Kazakhstan	Tajikistan	Kyrgyzia	Azerbaijan	Georgia	Armenia	Moldova	Russia	Ukraine
Democratic Party	People's Democratic Party	Fatherland Party	People's Democratic Party	My Country, Agrarian Labour Party	New Azerbaijan	Union of Citizens of Georgia, For a New Georgia, Democratic Revival Union (Ajaria)	Republican Party	Agrarian Democratic Party	Russia's Choice, Our Home is Russia, Unity, Unified Russia (2001–)	NDP (1997–1999), For United Ukraine (2001–2002), SDPUo (2002–2004)

Note: Belarus has no party of power. Parties of power in Georgia refer to the Edward Shevardnadze era (1992–2003).

Where there have been divisions within the ruling elites, and no one group has been able to establish its hegemony over the state, ‘projects to maintain authoritarianism or establish new authoritarian constitutions failed’ (Roeder, 2002, p. 40). In Ukraine its regional divisions worsened the already existing elite cleavages and prevented the creation of a unified party of power (Roeder, 2002, p. 45).

Tension within the ruling elites in Ukraine and Moldova over ‘cultural or ethnic issues’ have been an additional factor inhibiting the creation of unified parties of power. Regional divisions in Ukraine have prevented the consolidation of both the ruling elites *and* the opposition. In the 2004 presidential elections the Communists were more hostile to Yushchenko’s candidacy than to the Kuchma camp’s candidate, Yanukovych, because Yushchenko is seen by Communists as a ‘nationalist’ and an American stooge.⁶

The challenge of the transition to the post-Kuchma era, coupled with a powerful opposition, also reinforced cleavages within the ruling elites. One group of oligarchs are striving to become gentrified (Dnipropetrovsk) as capitalist entrepreneurs. Another (SDPUo) sought to continue to play by the old rules as corrupt oligarchs.

The first group is not necessarily afraid of an opposition victory as Yushchenko had ruled out re-opening privatisation conducted in the 1990s. Some within the Ukrainian elite also understood that there was a need for change in the post-Kuchma era.

Oleksandr Zinchenko, former deputy head of the SDPUo, and Viktor Pinchuk, one of Ukraine’s wealthiest oligarch-businessmen, understood that the transition from oligarch to gentrification requires a divorce of politics from business (Zerkalo Nedeli, August 16–22, 2003). Only those who hold such views in the ruling elites are not threatened by an opposition victory. In June 2004 Zinchenko agreed to head Yushchenko’s election campaign.⁷

In contrast, high ranking SDPUo member Nestor Shufrych believes it is impossible to divide politics and economics (Ukrayinska Pravda, September 20 and 21, 2004). The SDPUo have been the most hostile to the opposition, working alongside the Communists in denouncing Our Ukraine as ‘Nashists’ (a play on ‘Nasha Ukrayina’ [Our Ukraine] which resembles ‘Nazis’). If the SDPUo had been able to dominate Ukrainian politics in the post-Kuchma era, Ukraine would have evolved towards a fully authoritarian regime.

The ‘Young Turks’ within the pro-presidential camp were also restless at the end of the Kuchma era. The Ministries of Foreign Affairs, Justice and Economics and European Integration voiced their opposition to Ukraine’s admission to the CIS United Economic Space (YES) (Bukkvoll, 2004). The YES was signed by Ukraine, Russia, Belarus and Kazakhstan in April 2004.

⁶ Yushchenko’s wife is an American–Ukrainian. Examples of the anti-Yushchenko and anti-American tirade in the 2004 elections can be found in <http://www2.pravda.com.ua/archive/2004/october/6/4.shtml> and <http://www.razom.org.ua/album/150/>.

⁷ See the hostile open letter from the SDPUo to Zinchenko that described him as a ‘traitor’ (<http://www.sdpuo.org.ua>, September 20, 2004).

Minister of Economics and European Integration Valeriy Khoroshkovskiy and Inna Bohoslovka, head of the State Committee for Regulatory Policy and Enterprise, resigned from the government in January 2004. Khoroshkovskiy and Bohoslovka are Dnipropetrovsk oligarch Viktor Pinchuk's proteges who funded their failed 2002 election bloc, the Winter Crop Generation (Kuzio, 2003c). Khoroshkovskiy and Bohoslovka cited deep disagreements with First Deputy Prime Minister and Minister of Finance Mykola Azarov, deputy head of the Party of Regions and Ukraine's main lobbyist for the YES.

Another line of tension was over corruption and the damage this had done to Ukraine's international image. As secretary of the National Security and Defense Council (NRBO), Yevhen Marchuk, came into conflict with Andrei and Leonid Derkach over their high level involvement in illegal arms sales in the second half of the 1990s. As a supporter of NATO membership, Marchuk understood how this kind of illegal activity damaged Ukraine's prospects for Euro-Atlantic integration. Former oligarch and presidential adviser Oleksandr Volkov also complained about mud slinging by the Derkach oligarchs against himself and the former head of Naftohaz Ukrayiny, Ihor Bakay (Ukrayinska Pravda, November 7, 2003).

In 2003, People's Democratic Party (NDP) leader Valerii Pustovoitenko complained that the presidential administration was pressing his party (Ukrayina moloda, November 19, 2003). Pustovoitenko believed that this was due to the signing by the NDP of an agreement of cooperation in 2003 with Our Ukraine, the same month the NDP protested at the removal of NDP member, Vasyl Shevchuk, as Minister for the Environment from the government. Although heading a pro-presidential party, Pustovoitenko was only a passive supporter of the centrist presidential candidate, Yanukovych, in the 2004 elections. The NDP was divided with a 'Democratic Platform' supporting Yushchenko.

With the power behind him of the SDPUo and the presidential administration, both of whom he led, Medvedchuk's tactics not only created tension with the opposition and within pro-presidential ranks, but also within his own SDPUo. In the 2004 election campaign regional branches of the SDPUo clamoured for their party to back Yushchenko in the 2004 elections. In Mukachevo, site of a severe battle between the SDPUo and Yushchenko's Our Ukraine over who won the mayoral elections in 2003–2004, hundreds of SDPUo party members resigned.

The establishment of fully authoritarian regimes requires unified parties of power. This eluded Kuchma and some within Ukraine's elites remained united in the 2004 presidential elections only in opposition to Yushchenko as the 'Other'.

The attempt to launch the NDP as a party of power during the Pustovoitenko government (1997–1999) failed miserably. Despite the use of state-administrative resources to promote the NDP it only obtained 5.01% in the 1998 parliamentary elections. During Kuchma's second term another attempt was made with ZYU but it disintegrated into eight factions immediately after the 2002 elections.

Under Putin there has been a more successful attempt to institutionalise a party of power with Unified Russia, which combines Putin's Unity and Yevgenny Primakov and Yuriy Luzhkov's Fatherland-All Russia Party. Unified Russia is buttressed by nationalist and nationalist-Bolshevik allies in the State Duma.

Centrists in Ukraine who were grouped around Kuchma were also at a disadvantage to their Russian counterparts grouped around Putin as they could not link up with nationalists to give themselves a parliamentary majority. Centrists in Ukraine are anti-nationalist and the SDPUo denounce Our Ukraine as vehemently as do the Communists. The 2004 presidential election was filled with anti-nationalist (read anti-Yushchenko) campaigns.

‘Nationalists’ in Ukraine are also different from nationalists in Russia as they are reformist and pro-Western (that is, national democrats). This makes them very different from the anti-Western and anti-reform nationalists allied to Putin in Russia.

The lack of a party of power in Ukraine creates difficulties during transitions to new presidents, such as in 2003–2004. During his two terms in office Kuchma acted as a neutral umpire over three competing oligarchic clans who disliked each other as much as they disliked the opposition. Ideally, a presidential candidate from the Kuchma camp should have also been a new neutral umpire, rather than a representative of one of the three large clans, such as Yanukovych, who leads the Donbas clan’s Party of Regions.

The December 2003 Constitutional Court’s decision to allow President Kuchma to stand in the 2004 presidential elections was due to the fear by the executive of the splintering of pro-presidential elites during the election campaign (Mostova, 2003; Sobolev, 2003). SPU leader, Oleksandr Moroz, and russophone liberal, Vladimir Malynkovich, believed that the threat of Kuchma becoming a candidate would thereby hang over the heads of the pro-presidential groups as a way of keeping them in line and not defecting to Yushchenko (Ukrayinska Pravda, January 2, 2004).

This policy has been shaped by past experience of defections within the ruling elites in Ukraine and elsewhere (Way, 2003, p. 455). Executives need to hold on to their allies and limit criticism.

In the 1990s some of the most serious challenges to incumbent’s power came from Ukraine’s prime ministers with Kuchma using this route himself to challenge Krawchuk in 1993–1994. Prime Ministers Yevhen Marchuk (1995–1996) and, more seriously, Pavlo Lazarenko (1996–1997) posed a direct challenge to Kuchma and threatened his 1999 election bid.

In 1997–1999 Lazarenko became the first oligarch to create a ‘dissident party of power’, the left-populist Hromada, which obtained 4.68% in the 1998 elections, only slightly less than the official party of power, NDP (5.01). Lazarenko’s challenge was met by the executive instigating corruption charges against him, the stripping of his parliamentary immunity and Lazarenko being forced to flee abroad and seek asylum in the USA (Darden, 2001; Kuzio, 2003d, 2004a).

Yushchenko led the government in 1999–2001 and after he was removed by a centrist-KPU vote of no confidence he created his Our Ukraine bloc. Our Ukraine came first in that half of the 2002 elections which was based on proportional representation. In 2004 he was elected Ukraine’s third president and made Tymoshenko his Prime Minister.

After Lazarenko fled abroad, Marchuk took up his anti-oligarch and anti-corruption populist rhetoric during the 1999 elections. Marchuk was then bought off

in the second round of the elections when he was appointed secretary of the National Defense and Security Council (NROB) and in 2003–2004 occupied the position of Defense Minister.

As secretary of the NROB, Marchuk was never trusted by Kuchma because of his earlier opposition to himself from 1996 to 1999. This was made worse by strong rumours of his involvement with Mykola Melnychenko, the security service guard who illicitly taped Kuchma's office in 1999–2000 that led to the Kuchmagate crisis (Ukraine: an insider report, 2002). Melnychenko himself fled abroad in November 2000 just before the Kuchmagate crisis erupted, leading to another challenge to Kuchma's rule.

After Lazarenko fled abroad in early 1999, his business partner, Tymoshenko, split from Hromada to create her own right-populist Fatherland Party and an eponymous bloc for the 2002 elections. Marchuk's 1999 political allies on the populist right moved over to Tymoshenko. As with Lazarenko, similar executive-instigated corruption charges were launched against Tymoshenko, this time with the assistance of the region's 'counter hegemon', Russia (Levitsky and Way, 2003, pp. 13, 46, 47; Kuzio, 2004a).⁸

Incumbents in competitive-authoritarian regimes also need to dominate and manipulate parliaments. The left controlled the Ukrainian parliament from 1994 to 1999 but were then removed in a 'velvet revolution' in early 2000. In 2000–2001 during the Yushchenko government, the parliament was controlled by a centrist-national democratic alliance. The alliance had existed throughout most of the 1990s and was brought on by each side feeling threatened by the Communist Party domestically and Russia externally.

The national democratic-centrist alliance collapsed due to the Kuchmagate crisis and the removal of the Yushchenko government in April 2001 by a combined centrist and Communist vote of no confidence. The executive learnt these lessons well and attempted to ensure that their centrist allies took control of parliament after the 2002 elections.

Despite deep internal rivalries and disputes within the pro-presidential camp they were still able to forge a more coherent coalition of interests than the opposition. The reasons were the continued presence of Kuchma, the existence of a 'blackmail state' (Darden, 2001) and Medvedchuk's role as the 'crisis manager' of Ukrainian politics. Most members of the presidential camp were afraid of stepping out of line during the 2003–2004 transition to the post-Kuchma era.

Another factor, which has still to be fully researched, is the influence of Soviet era networks. These created common bonds that overcame internal tensions—such as those outlined above—within pro-presidential oligarch clans.

In contrast to opposition left and right parties and blocs, pro-presidential groups are ideologically amorphous. At the same time, they do hold certain views, attitudes and—most importantly—a past common history forged within the top ranks of the Soviet Ukrainian *nomenklatura*, which provides them with a strong

⁸ See Kuzio (2004a).

proprietary view of Ukraine. This, in turn, feeds into an added unwillingness to relinquish power.

In contrast, the opposition are divided between two groups: the KPU and the SPU/BYuT/Our Ukraine. The KPU regard the ‘Nashists’ (Our Ukraine) as a greater threat than pro-presidential oligarchs. Even within the two opposition camps there were divisions over whether to back constitutional reforms with the left (KPU, SPU) backing the changes while the right (BYuT, Our Ukraine) opposing them. Unlike Our Ukraine, BYuT continued to vote against them in the December 2004 compromise package that included constitutional changes going into effect in September 2005. The Kuchma camp had always wanted changes to go immediately into effect after the elections.

Twelve years after the demise of the Soviet Union, five of the 12 CIS states are still ruled by the same person who was already president at the time his country gained its independence. Entrenched elites throughout the CIS have rewritten constitutions and falsified elections in order to preserve their hold on power. The simplest way of extending the tenure of the incumbent president has been to amend the constitution and then argue that his second presidential term is actually his first because the country’s post-Soviet constitution was adopted after the first term began. This argument was used by Russian President Boris Yeltsin (first elected in 1990, constitution adopted in 1993) and by Belarusian President Alyaksandr Lukashenka (first elected in 1994, revised constitution adopted in 1996). A referendum to change the constitution to allow Lukashenka to stand for a third term was successfully adopted in October 2004. The Constitutional Court ruled that Kuchma’s 1999–2004 term was his ‘first’ and that he could therefore stand again in 2004, a ruling that he did not in the end act upon.

Former Azerbaijani President Heidar Aliiev used the same line. He similarly argued that as he was first elected in 1993, but the current constitution was adopted 2 years after that, he was entitled to seek a third term in the ballot scheduled for October 2003. In the end, this proved impossible as he became incapacitated. Instead, his son was elected president in a transfer of power reminiscent of Syria or North Korea.

Referendums have extended the terms in office of the presidents of Turkmenistan (1994), Uzbekistan (1995), and Kazakhstan (1999). Turkmen President Saparmurat Niyazov subsequently secured for himself the option of remaining in power for life. In Tajikistan, voters were called on in June 2003 to endorse as a package some 50 constitutional amendments, the most important of which enabled incumbent President Imomali Rakhmonov to run for two further consecutive 7-year terms.

An alternative method of holding on to power has been electoral fraud. Since 1995, the OSCE has criticised violations and non-free parliamentary and presidential elections in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Ukraine. Ukraine was severely condemned by Western governments and international organizations for election fraud in round two of the 2004 elections. The US led the way in refusing to accept the official result of Yanukovych declared president.

In Ukraine attempts to change the constitution ahead of the 2004 election aimed to deny the most popular candidate (Yushchenko) the extensive levers of power

accumulated by Kuchma. Initially, attempts were made to change the manner in which the president was elected from a popular vote to a parliamentary vote. This change was removed due to the unwillingness of the Socialists to back it.

Instead, the constitutional changes that were voted upon in April and June 2004 envisaged that elections would be held as normal in 2004 but that some of the presidential powers would be transferred to the prime minister and parliament. In return, the opposition would obtain what it had long sought; namely, a fully proportional election law.

The law on parliamentary elections was duly changed into a fully proportional system, albeit with a lower threshold of 3% than the 4% used in the 1998 and 2002 elections. But, when constitutional changes were put to the vote on April 8, 2004 they only obtained 289 votes, 11 short of a constitutional majority. The left (KPU, Socialists) voted in favour but some members of the pro-presidential camp who were elected in single mandate districts rebelled. The December 2004 compromise package agreed to introduce constitutional changes in September 2005.

Finally, incumbents also need to maintain their 'monopoly over the use of violence'. In CIS states, such as Russia and Ukraine, the armed forces have been starved of funds.

This is not the case with the 'siloviky' (internal security forces from the Interior Ministry, the SBU, and the State Tax Administration) whose personnel, special force units and funding have grown. In the 2000 Serbian and 2003 Georgian revolutions the neutrality or defection of these internal security forces proved to be crucial for the success of the opposition. The same was true of these security forces in Ukraine, many of whom defected to the opposition during the Orange Revolution.⁹

These internal security forces have been implicated in corruption, human rights abuses in Chechnya, murders of journalists and political opponents, illegal arms sales and attacks on pro-opposition businesses. Opposition journalist Heorhiy Gongadze and Rukh leader Viacheslav Chornovil reputedly died at the hands of a Ukrainian Interior Ministry special forces unit 'Sokil' attached to the directorate to combat organised crime working together with an organised group.

Opposition

Ruling elites in hybrid states and competitive authoritarian regimes have little choice but to tolerate oppositions. This is one area that makes them different from fully authoritarian states. At the same time, this tolerance has its limits, especially when the elites are threatened with regime change during elections and at the end of the president's final term in office. Toleration is, of course, not the same as acceptance of the important role played by the opposition in democracies.¹⁰

⁹ T. Kuzio, Security forces begin to defect to Viktor Yushchenko. *Jamestown Foundation, Eurasian Daily Monitor* 1(137) (December 1, 2004) and Did Ukraine's secret service really prevent bloodshed during the Orange Revolution? *Jamestown Foundation, Eurasian Daily Monitor* 2(16) (January 24, 2005).

¹⁰ T. Kuzio, Ukrainian officials increasingly denounce opposition as "extremists" and "terrorists". *Jamestown Foundation, Eurasian Daily Monitor* 1(96) (September 30, 2004).

In Central Asia, Azerbaijan and Belarus the opposition is not treated as a legitimate group from whom a new president could be elected. Opposition parties are therefore stripped of legality by the passage of legislation setting impossible conditions they must meet in order to reregister (as was the case in 2003 in Kazakhstan). Or, they are de-legitimised through a political discourse that defines them as ‘radicals,’ ‘extremists,’ and bent on instigating ‘instability,’ as in Kyrgyzia, Belarus and Ukraine.

The opposition in Ukraine is denounced as ‘nationalists’ and ‘Nazis’, a view that is especially prevalent in SDPUo-controlled media. As in the Soviet era, ‘Nashists’ are labelled as ‘anti-Russian’, ‘anti-semitic’, rabid western Ukrainian nationalists who, if they come to power, would incite inter-ethnic conflict.

Ukrainians are disillusioned with politics as a whole, and not just with the authorities. All institutions—presidential and parliamentary—obtain low levels of public trust. A June 2003 Democratic Initiatives poll found that a striking 49–57% did not, or mainly did not, trust NGO’s and political parties.

Most Ukrainians believed change was required but did not believe that they had the power to push these changes through. A poll cited by *Ukrayinska Pravda* (March 11, 2003) found that only 7% believed that changes were unnecessary in Ukraine.

Nevertheless, this did not necessarily translate into support for opposition activities. A poll by the ‘Razumkov’ Ukrainian Centre for Economic and Political Studies (*Zerkalo Nedeli*, September 27, 2003) found that half of Ukraine’s population did not back the opposition protests. Another poll cited found even higher negative views of demonstrations with 69% unwilling to take part in them (*Interfax*, April 25, 2003).

Do the public desire to learn the views of the opposition? When asked if they knew the views of the opposition, 64% said ‘no’, according to a combined poll by four leading sociological organisations (*Ukrayinska Pravda*, May 28, 2003). When asked if they wished to learn more, only 37–46% said ‘yes’, whereas even more—43–54%—said ‘no’.

How is this phenomenon explained? A Centre for Sociological and Political Research poll found that although 33% supported the opposition and only 15.9% the authorities, again a striking 31% supported neither side (*Ukrayinska Pravda*, April 25, 2003). Many Ukrainians seem to believe in the slogan ‘A plague on all of your houses’.

A November 2003 poll by Democratic Initiatives found that if elections were held then, only 1% would vote for Kuchma. Three percent would have voted for then head of the presidential administration and leader of the SDPUo Medvedchuk.

The problem for the opposition was that large negative votes were to be found both for the authorities and for them as well. In a May 2003 Democratic Circle poll, Tymoshenko and KPU leader, Petro Symonenko, obtained two of the highest negative ratings of –29 and –27%, respectively. Both leaders suffered from different problems: Tymoshenko is a ‘dissident oligarch’ and Symonenko a hard line Communist. The promotion of Tymoshenko as Prime Minister under President Yushchenko is a bold move intended to win support from young activists in the Orange Revolution and to install somebody who is unafraid of undertaking radical reform measures.

Two of Ukraine's four opposition leaders (Tymoshenko and Symonenko) therefore have far higher negative than positive rankings. Symonenko is highly unpopular in western Ukraine and Tymoshenko is unpopular in eastern Ukraine. Symonenko is always fated to be a runner up in presidential elections but never to win them while Tymoshenko could never be elected Ukrainian president because of her oligarch past.

Even Yushchenko, who was the most popular politician during Kuchma's second term, did not escape some negative ratings. Our Ukraine leader Yushchenko was the only opposition leader who obtained higher positive than negative ratings and the lowest negative ratings. At the same time, 32% of Ukrainians would never vote for Yushchenko (*Ukrayinska Pravda*, August 18, 2003). These hard-line anti-Yushchenko voters undoubtedly backed Yanukovych in the 2004 elections.

Questions of 'trust' are also a factor in public attitudes to the opposition. A December 2002 Democratic Initiatives poll gave low levels of 'trust' (15%) and high levels of 'distrust' to Symonenko (47%), Tymoshenko (12:54), and Socialist leader Moroz (12:43). The September 2003 Democratic Circle poll found that Yushchenko was trusted fully or mainly by 48% of Ukrainians; even still, 37% still only distrusted him completely or partially. Higher levels of distrust than trust were found for all other leading Ukrainian officials and opposition leaders.

Large numbers of Ukrainians would never vote for the majority of leading politicians. According to the September 2003 Democratic Circle poll, this ranges from 34 to 36% for Medvedchuk, Tymoshenko and Symonenko. 20–25% would never vote for parliamentary speaker for Lytvyn, Prime Minister and Party of Regions leader Yanukovych and National Bank Chairman and Labour Ukraine leader Serhiy Tyhipko. Only opposition leaders Yushchenko and Moroz obtained the lowest number of Ukrainians who would never consider voting for them.

These different polls show general apathy and a widespread 'plague on all of your houses' for all politicians, whether from the opposition or the pro-presidential camp. Most Ukrainians felt they lacked efficacy and the power to change their lives. It is then remarkable how this radically changed in a short period of time in September–November 2004 during the elections. For many Ukrainians who joined the Orange Revolution the option of a 'plague on all of your houses' (*moya khata z krayu!*) was no longer a feasible option as they had to act now to block a Yanukovych fraudulent victory—or regret not having done so in the years ahead.

Elections

Elections are important for hybrid states and 'competitive authoritarian' regimes as the ruling elites seek legitimacy, domestically and internationally. Elections cannot be allowed to be free and fair as this could lead to regime turnover. This was clearly seen in the 2004 presidential elections which were the dirtiest in Ukraine's history.

Regime turnover, in turn, could lead to imprisonment, execution or exile of the ruling elites. At a minimum it could lead to a re-distribution of assets. This is the fate that befell oligarchs Berezovskiy and Khodorokovskii in Russia.

Elections need to be conducted in a not too blatantly un-free and unfair way in order to obtain approval by the OSCE and the Council of Europe. At the same time, elections should be successfully ‘managed’ to give an advantage to the authorities who: ‘While quietly tilting the electoral playing field far enough in its own favour to ensure victory’ (Carothers, 2001, p. 12).

The holding of even semi-free elections helps to provide a veneer of legitimacy for the ruling elites. This ‘veneer of democratic legitimacy’ (D’Anieri, 2003, p. 14) maintains the regime in place with minimum coercion through control over economic goods made selectively available through the levers of the ‘blackmail state’ (Darden, 2001), patronage, selective application of the rule of law, and abuse of ‘administrative resources’.

Kuchma’s strategy in the 2004 elections attempted to tilt the playing field in favour of the authorities in four areas:

1. *Constitutional changes*: Their adoption would have meant that any potential election victory of Yushchenko would have been less of a threat to Kuchma and the oligarchs as constitutional changes envisaged the transfer of power from the executive to the prime minister and parliament where they possessed a tentative majority. The authorities could then ‘allow’ Yushchenko to be elected knowing he would possess few powers. Such a scenario would have allowed Kuchma to remain de facto leader of Ukraine until the 2006 parliamentary elections, working through Prime Minister Yanukovych, who would be the most powerful personality in Ukraine, and the pro-presidential parliamentary majority.
2. *Dealing with the opposition*: In December 2003 the pro-presidential camp and KPU voted to create a commission to investigate Western funding of NGO’s in Ukraine. SBU surveillance and harassment of the opposition inside and outside Ukraine was stepped up. Serhiy Medvedchuk was transferred from Lviv to Kyiv to be deputy head of the State Taxation Administration. As head of Lviv oblast Tax Administration, Medvedchuk aggressively targeted pro-Yushchenko businesses and media outlets. After being transferred to Kyiv, Medvedchuk launched the Tax Administration against Yushchenko’s political coordinator and main financial benefactor, Petro Poroshenko.
3. *Curbing independent media*: After Medvedchuk became head of the presidential administration it began to issue secret instructions (‘temnyky’) to television stations (Human Rights Watch, 2003; Kuzio, 2004c). Television stations controlled by Medvedchuk no longer allowed the opposition to have access. Information on key events were ignored and they provided a monolithic pro-Kuchma survey of events.

The only large circulating newspaper sympathetic to the opposition, *Silski Visti*, was threatened with being closed down in January 2004 after being accused of publishing two anti-Semitic articles. Wide public access to Radio Liberty’s Ukrainian language service programs were reduced after its FM re-broadcaster, Dovira, was taken over by a business group belonging to the SDPUo. Other Western radio stations were also denied a FM re-broadcaster after their FM station, Kontyent, was closed.

4. *Control over institutions:* A new Central Election Commission (CVK) was formed with pro-Kuchma loyalist Serhiy Kivalov, close to the SDPUo, as its head. Of the 15 members of the CVK, three-quarters are from the pro-presidential camp. Kivalov worked closely with Medvedchuk and was implicated in election fraud. Medvedchuk placed new loyalists at the heads of the Interior Ministry, SBU and the Prosecutor's Office. These three institutions, coupled with the State Tax Administration, were seen as vital in attempting to prevent a repeat of the Serbian 2000 or Georgian 2003 revolutions in Ukraine that were sparked by protests at election fraud.¹¹ These attempts failed as Ukraine underwent its own Orange Revolution.

Avoiding international isolation

As Levitsky and Way (2003) have argued, many hybrid states and competitive authoritarian regimes have proved very successful in the post-Cold War era at manoeuvring to prevent sanctions or international isolation being implemented against them. Ukraine's multi-vector foreign policy under Kuchma could be understood as a response to short term changes in the international environment that require adjustments in foreign policy. These adjustments are in the interests of the ruling elite, not the state (Kuzio, 2004b).

Hybrid states and 'competitive authoritarian' regimes are compelled to hold elections and not abuse human rights on a massive scale (Levitsky and Way, 2003, p. 7). But, beyond that they can still maintain good relations with the West and avoid the kind of isolation that Belarusian President Lukashenka suffers from.

Ukraine utilised this very skilfully during Kuchma's first term in office when the NATO card was used to obtain concessions from Russia which recognised their common border. Ukraine's relations with the USA have also always been traditionally better when Washington's relations with Russia have declined. When relations with Russia have improved, as after 9/11, US relations with Ukraine have worsened (Kuzio, 2003a).

After the Kuchmagate crisis Kuchma became isolated in the West. This worsened dramatically when the USA accused Kuchma of authorising in July 2000 (three months after President Bill Clinton visited Ukraine in a high profile visit) the sale of Kolchuga radars to Saddam Hussein's Iraq. Kuchma was advised not to attend the 2002 NATO summit in Prague and when he attended seating arrangements were made to ensure he did not sit next to the US President or British Prime Minister. Nevertheless, Kuchma was not prevented from attending the summit, unlike Lukashenka, who is fully isolated.

International isolation is not in the interests of the majority of the ruling elites and therefore domestic human rights abuses that are undertaken are relatively restrained. When international organisations have issued stark condemnations, such as the Parliamentary Assembly of the Council of Europe resolutions in 2004, the Ukrainian

¹¹ T. Kuzio, Stratfor Report suggests democratic revolution possible in Ukraine. *Jamestown Foundation, Eurasian Daily Monitor* 1(81) (September 9, 2004).

authorities have usually backed off and then re-assessed their strategy. A re-assessment of their strategy aims to reach the same end goals by not encouraging further, damaging international criticism.

Sanctions threatened by the US in the event of the holding of un-free and non fair elections in 2004 proved to be unsettling to the personal interests of Ukraine's oligarchs. This was because they targeted the ruling elites by threatening to deny them Western visas and to launch investigations of their bank accounts (New York Times, March 8, 2004). Such tactics in the field of the denial of visas were successfully used against Lukashenka and the Trans-Dniestr separatist leaders. In the 2004 elections Ukraine's leading oligarchs were placed on a US visa black list.

Conclusion

Within the many different political science classifications applied to CIS states the ones that are most applicable are a hybrid state and 'competitive authoritarian' regime. States, such as Ukraine under Kuchma, are failed authoritarian states, and democracies in transition that do not struggle to consolidated democracies.

Such a conclusion has important ramifications for our study of CIS states and confirms Carothers (2002) view that transitions can have more than one trajectory. From the late 1990s many CIS states could be more readily classified as failed authoritarian regimes, rather than on a transition path towards liberal democracies and market economies. Some of these CIS states are 'competitive authoritarian' (that is, semi-authoritarian) while others are already fully authoritarian states.

Ukraine under Kuchma was also a 'competitive authoritarian' state because of its stalemated domestic political configuration. The Ukrainian political spectrum is divided between three groups: centre-right national democrats, centrist oligarchs (who have their origins in the higher levels of the Soviet Ukrainian *nomenklatura*), and the KPU.

In the 1990s centrists were not powerful enough to rule Ukraine by themselves and relied upon national democrats to ward off internal threats from the KPU and external threats from Russia. During the 1990s Ukraine's oligarchic centrists were still in the early stages of capital accumulation and asset re-distribution (Puglisi, 2003).

Only during Kuchma's second term in office did centrists feel confident and powerful enough to rule Ukraine alone, and thereby move Ukraine from a competitive (semi) to a fully authoritarian state. Until then, Ukraine was stalemated by an opposition not strong enough to come to power (that is, launch a 'democratic breakthrough') or centrists able to fully impose their will (to install 'full authoritarianism'). This unstable regime in Ukraine could have moved to democratic consolidation (Yushchenko) or autocratic consolidation (Yanukovych).

Failed authoritarian regimes can remain relatively stable, as in Russia and Ukraine under Yeltsin and Kuchma, Peru under Alberto Fujimori or Serbia under Slobodan Milosevic (Levitsky and Way, 2001). But, regime stability is always threatened during elections and the end of an incumbent's term in office. The incumbent can attempt to rig elections, as in Serbia in 2000, Georgia in 2003 and Ukraine in 2004, but this could

then tip the system leading to mass opposition protests and a democratic revolution (Kuzio, 2003e). In Ukraine Yushchenko's victory was only made possible by the democratic Orange Revolution (Kuzio, 2005a,b).

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