

Post-Communist Ukraine

Bohdan Harasymiw



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Printed in Canada

*To the memory of
my parents*

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Preface and Acknowledgements

This work is meant to be an exercise in strategic intelligence, or simply political science trying to keep abreast of today's headlines. As such, it is offered to all those similarly occupied or interested in making political science relevant to the contemporary world. However difficult it may be to write about a changing subject, like aiming at a moving target, it must be done, because that is the nature of our world at the beginning of the twenty-first century. In this book I have tried not only to describe and analyze an amorphously emerging and enormously complicated political system, that of post-Communist Ukraine, but also to determine the elements of its plausible future development—all of it precariously contingent—for which there are admittedly no historical and few comparative precedents.

As a perusal of the bibliography reveals, this work is not exclusively about Ukraine. It is a comparative case study, and I have put into it virtually everything I know about comparative politics and government—from constitutions to public policy and administration, from political parties to the organization of parliaments, and from public opinion to policing. I hope it will be appreciated in that sense.

It has taken a long time to turn the original academic paper from which this started (at the AAASS meeting in 1992) into a book. If the task has been successful, it is because of help I have received from many quarters and which I am pleased to acknowledge. The initial encouragement for undertaking this project was provided by my long-time departmental colleague Anthony Parel. Research trips to Ukraine in 1992 and 1994 provided an opportunity to meet many people also studying the politics of transition. Bohdan Krawchenko pointed me in the right direction on those occasions. I am also indebted to the University of Calgary for a sabbatical fellowship in 1993–94, which allowed me to begin work on this book in earnest, initially during a summer at Harvard University. It was very kind of Lubomyr Hajda to invite me to present a workshop paper on Ukrainian constitutionalism. For a productive fall term at Duke University thanks are due to Jerry Hough, director, Center on East-West Trade, Investment, and Communications, who offered me a fellowship funded by the MacArthur Foundation, as well as to its staff

and other colleagues with whom I came in contact there: Michael Newcity, Evelyn Davidheiser, Don Van Atta, and Bill Crowther. Before that, from 1989 to 1993, I was privileged to participate in Jerry Hough's Workshop on Soviet Nationalities. My assignment was to cover Ukraine at exactly the time when the Soviet Union was in the process of disintegrating and the Newly Independent States were in the process of forming. In the course of our twice-yearly meetings, exchanges of opinions with its regular participants and visitors allowed me to deepen my familiarity with Ukraine's complex character and the conundrum it represented—an empire's taken-for-granted province that would be an independent state. A research grant from the Canadian Institute of Ukrainian Studies (CIUS) at the University of Alberta enabled me to engage the services of Andrej Kreutz and John Pundyk as my assistants. Their help in locating materials on the international relations of Ukraine was invaluable and far out of line with their actual remuneration. Over the years the CIUS has allowed me to make use of its extensive collection of current newspapers, and I thank its director, Zenon Kohut, for accommodating my seemingly endless photocopying needs.

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As always, my wife, Elaine, has helped me to keep going.

Needless to say, I assume all responsibility for the book's shortcomings.

Bohdan Harasymiw
26 January 2001

CHAPTER 1

Ukraine—on the Road to Democracy?

One of the most marvellous events ever experienced by Sovietologists was the collapse of the Soviet Union and of their subdiscipline as a branch of comparative politics. We had been in a rut. Our knowledge of the Soviet system had become pat, and research had dispersed into more and more arcane details about an apparently stable, predictable, and unchanging governmental system. The emergence of a series of successor states and the renunciation of Communism by these states have created opportunities, both theoretical and practical, for fresh perspectives from political scientists on the former USSR, as well as for a leap into the unknown by the post-Communist politicians in the region. These are indeed exciting times for Sovietologists to be observing politics, even if we are not always living through them.

As the second-largest fragment of the former Soviet realm, Ukraine deserves attention from analysts and policy-makers alike. It is not as small, compact, and easily managed as the Baltic republics, nor is its historical claim to independence as clear-cut as theirs. So its experiment in transition is on a major scale, with comparative and geopolitical repercussions. Its geographical proximity gives its aspiration to be part of Europe a greater credibility than the states of the Transcaucasus or Central Asia enjoy. Its very existence is also a test of democracy in Russia and whether Russia can abide by the principle of "live and let live." Has an independent and democratic Ukraine been brought into existence, and will it survive?

To answer these questions it is necessary to abandon any conventional assumptions that the collapse of the Soviet Union should lead inevitably to democracy in the successor states, including Ukraine. Democracy, independence, and viability are all contingent and uncertain outcomes, notwithstanding politicians' vocal endorsement of or genuflection before these goals. Secondly, Ukraine's transition to democracy, if that is what it is experiencing, is certainly not "normal" in the sense of being strictly comparable to similar processes taking place in other parts of the world, such as Latin America or Southern Europe, because of its massive and comprehensive crisis. Thirdly, it must be assumed that the Soviet legacy has some relevance; hence, I prefer the term "post-

Communist" to describe Ukraine since 1991, rather than "post-Soviet." This will be clarified later. Just as Russia's tsarist past was in certain respects carried over into the Soviet era, so too Ukraine's Soviet past must affect it today and probably well into the future.

This book, therefore, focusses on change and certain critical variables of change.¹ These variables are critical in the sense that they make a difference not only to political change in general, but also to whether any given state regarded as being in transition can reach the objectives of democracy, independence, a market economy, and stability. The most important of these variables are values, the economy—both domestic and global—and elites. Today values as agents of change mean principally the International Demonstration Effect (IDE), beliefs that support a democratic political system, and post-materialist changes in values that democracies are currently experiencing.² Dissemination of such values will determine the installation and survival of democracy in Ukraine or whatever other alternative political system takes shape there. For this reason, my book devotes considerable attention to public opinion in Ukraine. The point is to see whether some of those values conducive to democracy and the market are being diffused into the country, as well as to illustrate the constraints that publicly held values may exert on Ukrainian politicians or the consent they may communicate regarding public policies. In a supposedly democratic system people's views matter.

The domestic economy and its development (or lack thereof) will determine the social structure, interests, and the nature of the contest for power among social groups. The global economy will of course have an impact on the domestic economy and will determine the country's integration into the world economy or its marginalization at the periphery. In any case, it will have an inescapable effect. Elites, their perceptions, and their choices comprise the third major variable governing change.³ Whether there is a circulation of elites will determine in the most basic sense whether there is likely to be change or stagnation.

1. My thinking in this regard has been deeply influenced by Andrew C. Janos. See his *Politics and Paradigms: Changing Theories of Change in Social Science* (Stanford: Stanford University Press, 1986), passim.

2. At the time of this writing, Ronald Inglehart's book was the latest in an ongoing saga of post-materialism. See his *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies* (Princeton: Princeton University Press, 1997).

3. John Higley and Gyorgy Lengyel, eds., *Elites after State Socialism: Theories and Analysis* (Lanham, Md.: Rowman and Littlefield, 2000).

Generational change is the factor most liable to produce political change. The outlooks of elites, whether these are ideological or pragmatic, democratic or authoritarian, revolutionary or reformist, are also crucial. Finally, the choices and strategies made by elites deserve attention for the direction that change may take, even though all of the consequences of their actions may not be known to themselves or to outsiders. Political change does not occur in an automatic or predetermined manner, but is contingent on a mixture of conditions and choices that we postulate as being critical.

The odyssey on which Ukraine embarked in 1991 is often referred to as a transition to democracy. That is simply wishful thinking. Desirable as such an outcome may be—for the people of Ukraine, Europe, the international community, and people of liberal democratic inclination everywhere—it is not a foregone conclusion. In fact, for the time being the transition to democracy in Ukraine appears more like an imitation of democracy. At best, Ukraine may be following the model of Third World democracy in a country like Turkey, which is also on the margins of Europe. This is not at all surprising: a nation that has spent seventy-five years in a time warp cannot help but mimic other, less modern, states of today.

While the inevitability of democracy is not central to it, this book nevertheless uses the idea of transition to democracy as a starting point to examine the nature of the emerging political system in Ukraine. The balance of this chapter, then, is taken up with a theoretical discussion and outline of a model of transition and a stock-taking as to where Ukraine stood in terms of this model at the outset of the journey away from Communism into the political unknown. The rest of the book charts the progress and setbacks experienced by Ukraine on its road to democracy and the market. At the same time, it explores the evident trends in other directions and Ukraine's political development, based on suggestions from the comparative literature. Chapter 2 explores the setting of the rules of the game, the politics of constitution making, including the tussle over parliamentarism versus presidentialism, and how these contribute to the taming of power or the struggle for it. State building and democracy are the subjects of chapters 3 through 5, especially their compatibility in view of the leadership's state-building strategy and the environment of unrestrained corruption. Nation building is dealt with in chapter 6. The political organization of society into political parties, Parliament and parliamentary elections, presidential elections, and trends in public opinion are discussed in chapters 7 and 8. Chapter 9 examines the economy of Ukraine in terms of policies to bring

about reform and to restructure relations with Russia and the other members of the Commonwealth of Independent States (CIS). In chapter 10 policy-making in defence, national security, and foreign affairs is examined with a view to identifying the condition of external consolidation of the newly independent Ukrainian state. The final chapter draws the various findings together and attempts to characterize the evolving system and anticipate where it may be taken in the future by the next generation of the political elite. Throughout the book there is a concentration on the formation and autonomy of elites— an essential feature of democracy—and on their acceptance of the democratic game or their engagement in other, less desirable games.

A Theory of Democratic Transition

First, two questions need to be clarified and two processes distinguished. One is whether a process of transition was ever truly begun in Ukraine; the other, whether that process was genuinely oriented towards democracy. The literature on comparative politics might help us develop a model to answer these questions. This model ought to identify the critical events and conjunctures by which the transition to democracy, its consolidation, and alternative detours away from democracy or around it may be recognized.

In the USSR the processes of transition to democracy initiated by Mikhail Gorbachev can be usefully compared to and understood in terms of similar experience in Latin America. Gorbachev was clearly a liberalizer who set in motion the process of democratization for the Soviet Union as a whole, even though he did not see it through to completion. In the Soviet case, the principal differences distinguishing it from Latin America were the absence of a market economy and the lesser involvement of the military in politics. But in other respects "the dynamics of the liberalization process in the USSR adhered to a model of political change previously manifested in other parts of the world."⁴ A comparative perspective also tells us that there were several possible routes and potential detours in store for the former Soviet Union, but there is no doubt that some sort of process of transition has been underway since the mid-1980s.

A complication for the development of the USSR and for our understanding of the process of transition away from authoritarian Communist rule came at the end of 1991, when not only did central authority collapse,

4. Russell Bova, "Political Dynamics of the Post-Communist Transition: A Comparative Perspective," *World Politics* 44 (October 1991): 137.

but the Union dissolved as well. This opened up the possibility of even greater permutations in transitional paths as the successor states set out to make their own post-Communist transitions independently of Gorbachev and the centre. Whether they initiated their own reform process internally or not, the former republics were launched by the collapse of the USSR onto the path of transition away from Communist authoritarianism and Soviet centralism. This certainly applies to Ukraine, where democratization was obscured by the drive for national independence. Nevertheless, the collapse of the Union also meant the collapse of the Communist political order within the republic. The question in 1991 was whether Ukraine would reach consolidated democracy or some other destination rather than whether it was in transition.

At the time, the overwhelming parliamentary votes for sovereignty and the referendum on independence appeared as unequivocal choices by the elites and the public in Ukraine for the path of democracy. In hindsight these choices do not look so clear. A properly launched transition to democracy requires either a definite break from the old regime (a rupture), a negotiated settlement (a pact), or a transformation that combines the two.⁵ None of these took place in Ukraine, strictly speaking, and neither the parliamentary votes nor the two referenda could be considered to have been unequivocal choices of democracy in place of authoritarianism. Whatever motives the politicians involved at the time may have had, the best that can be said of Ukraine at the end of 1991 in this regard is that the country was launched on a process of transition, but not necessarily towards democracy.

On 16 July 1990, by a vote of 355 to 4, the Supreme Soviet of Ukraine passed the Declaration on the State Sovereignty of Ukraine.⁶ This document proclaimed the supremacy of Ukraine's laws on its territory and gave its people control over the republic's natural resources. It guaranteed freedom of cultural development to all nationalities resident in Ukraine, made provision for Ukrainian citizenship distinct from but compatible with USSR citizenship, and provided for separate armed forces and a security service for Ukraine. It also declared the country's intention to become neutral internationally and non-nuclear and non-aligned militarily. On the surface, this would appear to constitute a fairly clean break with Communism, the USSR, and authoritarianism.

5. For a summary of the well-known transitions literature, see Brendan Kiernan, *The End of Soviet Politics: Elections, Legislatures, and the Demise of the Communist Party* (Boulder, Colo.: Westview Press, 1993), 7.

6. Kathleen Mihalisko, "Ukraine's Declaration of Sovereignty," *Report on the USSR*, 27 July 1990, 17–19.

A closer look at the context of this event throws such an interpretation into some doubt. In June the 28th Congress of the Communist Party of Ukraine (CPU) passed a resolution approving the affirmation of state sovereignty for Ukraine and urging Communist deputies in the Supreme Soviet to speed up passage of the Declaration.⁷ The basis for the adopted Declaration was a draft prepared and approved earlier in 1990 by the Presidium of the preceding Supreme Soviet, chaired by Valentyna Shevchenko. Ukraine's parliamentarians were not in fact blazing a trail by themselves but following in the footsteps of the Russian Federation, which had just passed its own declaration of sovereignty as a means for Boris Yeltsin to get out from under the authority of Gorbachev.⁸ In the debate on the Declaration most deputies spoke against outright independence, distinguishing the Ukrainian case from that of the Baltic republics—Estonia, Latvia, and Lithuania.⁹ The absence of sixty-three Communist deputies, who were attending the CPSU Congress in Moscow, and the refusal of the majority of them, including the Supreme Soviet chairman and CPU First Secretary Volodymyr Ivashko, to return for the critical debate not only reduced the number of potential hardline Communist opponents of the Declaration in attendance, but also motivated the remaining Communists to support the Declaration out of spite. After its passage, attempts to use the Declaration as a basis for amending the constitution were blocked successfully by hardline deputies, thus indicating its symbolic rather than substantive nature, as far as most lawmakers were concerned.¹⁰ On the whole, a careful look at events surrounding the passage of the Declaration on the State Sovereignty of Ukraine reveals that it was hardly a definitive break with the old regime.¹¹

7. *Pravda Ukrainy*, 28 June 1990; Roman Solchanyk, "Ukrainian Party Congress Supports State Sovereignty," *Report on the USSR*, 20 July 1990, 21–2.

8. The first to declare its sovereignty was Estonia (18 November 1988), followed by Lithuania and Latvia (18 May and 28 July 1989, respectively). The following countries then declared their sovereignty: Azerbaijan, Georgia, Russia, Uzbekistan, Moldova, and finally Ukraine. By then the three Baltic republics had already declared their independence (March–May 1990). See Ann Sheehy, "Fact Sheet on Declarations of Sovereignty," *Report on the USSR*, 9 November 1990, 24.

9. *TASS International Service*, 0955 GMT, 16 July 1990, trans. in *FBIS-SOV-90-136*, 16 July 1990: 84–5; and *The New York Times*, *La Presse* (Montreal), and *The Globe and Mail* (Toronto), 17 July 1990.

10. *The Independent*, 12 October 1990.

11. This accords with Taras Kuzio's interpretation. See his *Ukraine: Perestroika to Independence*, 2d ed. (New York: St. Martin's Press, 2000), 134–7.

On 17 March 1991 the voters of Ukraine took part in a double-headed referendum seeking their opinion on the fate of the USSR and Ukraine within it.¹² Like the residents in other parts of the Soviet Union, they were asked, "Do you consider necessary the preservation of the Union of Soviet Socialist Republics as a renewed federation of equal, sovereign republics, in which there will be in full measure guaranteed the rights and freedoms of people of all nationalities?" Gorbachev, the sponsor of this question, urged them to answer "Yes," which is how 70.2 percent of those participating in Ukraine voted. At the same time they were asked by the lawmakers of Ukraine: "Are you in agreement with the idea that Ukraine should be part of a Union of Soviet Sovereign States on the basis of the Declaration on the State Sovereignty of Ukraine?" Overall, 80.2 percent of those voting responded in the affirmative.¹³ Obviously a larger share of electors was in favour of sovereignty for Ukraine, as stated in the 1990 Declaration, than of Gorbachev's renewed federation or union. Was this significant? The figures could easily be read as either a rejection or a reaffirmation of the status quo. Of every ten voters, eight supported the Kravchuk option; seven, the Gorbachev variant. Could this be called decisive? Considering that voter turnout was 83.7 percent, it meant that 58.8 percent of the total electorate favoured a renewed Soviet federation; 67.1 percent, a sovereign Ukraine. Even if responses to the second question indicated support for independence, what about the one-third of electors who rejected it or stayed home? Results of referenda are notoriously difficult to interpret as to their intent and meaning, and this one was no exception. No clear-cut choice of independence, much less of democracy, could be read into the public's responses to the two questions, all the more so since both were so similar.

Once again, the context for the sponsorship of the referendum crucially modifies our understanding of its meaning. The question formulated and approved by the Supreme Soviet of Ukraine was a

12. For examples of the two ballots, see *Radianska Ukraina*, 14 March 1991; for the results, see *ibid.*, 23 March 1991. According to Sarah Birch, Communist Party members were more likely to have voted for both questions. Residents of western Ukraine voted strongly against both, as did urban residents, people with higher education, and those of retirement age. Native Ukrainian speakers tended to vote against the USSR question. See Birch, *Elections and Democratization in Ukraine* (Houndmills and London: Macmillan; New York: St. Martin's Press, 2000), 74–5.

13. For the political uses to which Leonid Kravchuk, Ivashko's successor as Supreme Soviet chairman, put the referendum and its results, see Kuzio, *Ukraine: Perestroika to Independence*, 167–70.

compromise crafted by Leonid Kravchuk between the majority of deputies, who supported the USSR referendum, and the minority democratic opposition that viewed the Gorbachev referendum as illegal.¹⁴ Holding Ukraine's own referendum was a means of obtaining the agreement of both groups to participate in the referendum for the Soviet Union. A "No" vote to one or both questions was urged by the various opposition groupings,¹⁵ but that campaign seemed to have had little effect on the public, perhaps indicating an elite-mass gap at that juncture.

On 24 August 1991, as the abortive coup against Gorbachev in Moscow collapsed, the Supreme Soviet of Ukraine promulgated its "Act Proclaiming the Independence of Ukraine."¹⁶ This document simply stated that Ukraine was a sovereign and independent state, that its territory was indivisible and inviolable, and that its constitution and laws have exclusive force therein from that day forward. Whether this would have happened in other circumstances is a moot point; whether it was partly a reaction common to the non-Russian republics at the time to the prospect of Yeltsin's taking over the mantle and assets of the Union is also subject to discussion.¹⁷

In any event, on 1 December 1991 voters in Ukraine were asked to register their response to the question: "Do you endorse the Act Proclaiming the Independence of Ukraine?" On this occasion, the ballot paper included the text of the Act so that there could be no ambiguity about what was being voted on.¹⁸ Altogether, 84.2 percent of the electorate turned out to vote; of these, 90.3 percent answered "Yes," 7.6 percent "No," and 2.1 percent spoiled their ballots.¹⁹ Therefore, 76.0 percent of the total electorate could be said to have endorsed independence. At the time it was typical to read more than this into the result. For example, one analyst wrote: "The vote in the referendum was not, however, simply for independence but was also for democracy and, with

14. Roman Solchanyk, "The Changing Political Landscape in Ukraine," *Report on the USSR*, 14 June 1991, 22–3; and idem, "Ukraine: From Sovereignty to Independence," *RFE/RL Research Report*, 3 January 1992, 35.

15. Roman Solchanyk, "The Referendum in Ukraine: Preliminary Results," *Report on the USSR*, 29 March 1991, 6.

16. *Pravda Ukrainy*, 31 August 1991. For the definitive account of the coup and its impact on Ukraine, see Kuzio, *Ukraine: Perestroika to Independence*, chap. 9.

17. Ann Sheehy, "Commonwealth Emerges from a Disintegrating USSR," *RFE/RL Research Report*, 3 January 1992, 6.

18. *Pravda Ukrainy*, 23 November 1991.

19. *Literaturna Ukraina*, 12 December 1991.

it, a new understanding of Ukrainian statehood.”²⁰ It is doubtful, however, that the voters of Ukraine necessarily endorsed democracy as well as independence in December 1991; at best, some sentiment for a change to the status quo was being expressed.²¹

Granted that some sort of transition, deliberately or accidentally set off, is underway in Ukraine, our task is to sketch out a road map and identify the signposts indicative of the possible destination. This may be done with the aid of literature on comparative politics on the subject. Theories of transition to and consolidation of democracy can be of assistance here, as well as those dealing with the breakdown of democracy. The major theorists on whom I have relied here are Dankwart Rustow, Adam Przeworski, and the team of Michael Burton, Richard Gunther, and John Higley.²² Following these comparativists, I accept a more procedural than normative definition of democracy and focus on human agency and contingency, rather than on civil society, as critical variables in the transition to democracy.²³

20. Bohdan Nahaylo, “The Birth of an Independent Ukraine,” *Report on the USSR*, 13 December 1991, 2.

21. Sarah Birch writes that “the referendum of December was in large part a demonstration of popular faith in Ukraine’s economic, geopolitical, and cultural potential as an independent state,” but this says nothing about a craving for democracy. Her analysis shows that the residents of the western parts of Ukraine, people of retirement age, and native Ukrainian speakers were prominent supporters of the referendum question; urban dwellers were notably against. See Birch, *Elections*, 75–6.

22. Dankwart A. Rustow, “Transitions to Democracy: Toward a Dynamic Model,” *Comparative Politics*, 1970, no. 2: 337–63; Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (New York: Cambridge University Press, 1991); and Michael Burton, Richard Gunther, and John Higley, “Introduction: Elite Transformations and Democratic Regimes” and “Elites and Democratic Consolidation in Latin America and Southern Europe: An Overview,” in *Elites and Democratic Consolidation in Latin America and Southern Europe*, ed. John Higley and Richard Gunther (Cambridge: Cambridge University Press, 1992), 1–37 and 323–48, respectively. Rustow’s article has been republished as chapter 2 in Lisa Anderson, ed., *Transitions to Democracy* (New York: Columbia University Press, 1999), 14–41. However, subsequent references here are to the original article in *Comparative Politics*.

23. For Ukraine, data on public opinion and values are still not systematically available for assessing political trends on a normative basis or in terms of political culture. The concept of civil society, in its turn, although intuitively attractive and politically important, is too amorphous to be recognized clearly and evaluated as to its strength. On civil society, see John Keane, *Civil Society: Old Images, New Visions* (Stanford: Stanford University Press, 1998). On the other hand, the catalogue of the “requisites” of democracy, in the style of S. M. Lipset or Samuel Huntington, is not

A procedural definition of democracy is of course no substitute for a theory on democracy. But the procedures are a necessary condition of democracy and hence a convenient indicator of its origin, growth, and development, far more so than the nebulous though attractive alternative theory based on the concept of "civil society."²⁴ Democracy may be learned, and a civil society can grow after the installation of democratic procedures, as the cases of Japan and the Federal Republic of Germany have convincingly shown.

"Democracy is a system of rule by temporary majorities" is the simple definition put forward by Dankwart Rustow, following Robert Dahl's notion of "polyarchy."²⁵ Similarly, Adam Przeworski defines the basic feature of democracy as being "contestation open to participation"; beyond that, "outcomes of the democratic process are uncertain, indeterminate ex ante; and it is 'the people,' political forces competing to promote their interests and values, who determine what these outcomes will be."²⁶ Przeworski implicitly characterizes people as rational actors exclusively, coldly, and rationally motivated by economic interests. Although I take issue with this and with the notion that political actors can actually calculate the costs and benefits of alternative strategies, I find his conception of democracy as involving essentially open political contests and uncertain or uncontrolled outcomes to be quite reasonable.²⁷

theoretically useful. I have in mind Huntington's "Will More Countries Become Democratic?" *Political Science Quarterly* 99 (Summer 1984): 193–218, reprinted in *Comparative Politics: Notes and Readings*, 7th ed., ed. Roy C. Macridis and Bernard E. Brown (Pacific Grove, Calif.: Brooks/Cole Publishing Company, 1990), 81–101.

24. For a discussion of the development of civil society in Ukraine, which, however, misleadingly conflates that term with "political culture" and "civic culture," see Paul D'Anieri, Robert Kravchuk, and Taras Kuzio, *Politics and Society in Ukraine* (Boulder, Colo., and Oxford: Westview Press, 1999), chap. 5, "Politics and Civil Society." Later (263–5), they further muddy the waters by equating civil society with national identity. For a better yet thoroughly pessimistic treatment of civil society in Ukraine up to 1998, see Paul Kubicek's *Unbroken Ties: The State, Interest Associations, and Corporatism in Post-Soviet Ukraine* (Ann Arbor: University of Michigan Press, 2000). An equally gloomy view of the painfully slow emergence of civil society in Ukraine is offered by Mykola Riabchouk, "Civil Society and Nation Building," in *Contemporary Ukraine: Dynamics of Post-Soviet Transformation*, ed. Taras Kuzio (Armonk, N.Y., and London: M. E. Sharpe, 1998), 81–98.

25. Rustow, "Transitions," 351.

26. Przeworski, *Democracy and the Market*, 10. For a fuller elaboration, see *ibid.*, chap. 1.

27. "In sum, in a democracy all forces must struggle repeatedly for the realization of their interests. None are protected by virtue of their political positions. No one can wait to modify outcomes ex post; everyone must subject interests to competition

In accordance with Rustow's conception, the process of transition to democracy is probably best conceived of as a passage through a series of contingent stages. It begins with an essential condition, followed by a phase of preparation. This leads to a decision deliberately made to institutionalize the procedures of democratic competition. The final stage is one of habituation. None of these stages flows inevitably from the preceding one, but each is built on the ones before, and there is no inevitability to the ultimate outcome. This four-stage conceptualization of the transition process can serve as a basis for our study of Ukraine or, for that matter, any of the former Soviet republics.

A fuller exposition of what Rustow said is entailed in each stage will help to identify and define the critical indicators of transition to democracy and its alternatives. His definition of national unity (a phrase of numbing familiarity in the Canadian political milieu), the background condition for democracy, is that "the vast majority of citizens in a democracy-to-be must have no doubt or mental reservations as to which political community they belong to."²⁸ This means that the existence of actual or latent secessionist sentiment should be taken as an indication of a problem at the very outset of the transition process. Thus, the secessionist moves in the Baltic republics from 1988 onward and the boycott of the 17 March 1991 referendum by five republics were inauspicious for national unity and for democracy in the whole of the Soviet Union considered as a single political entity. A democratic political system for the entire USSR was never in the cards on the basis of national unity, because the USSR was not a national unit, but rather a multinational aggregate held together by force, inertia, and the command economy instead of choice.

The critical indicators of national unity, it seems reasonable to assert, should be the following kinds: ethnic homogeneity and harmony; tolerance; language and citizenship laws; minority rights; and border problems. Ethnic cleavages, potentially or actually politicized, can spoil national unity and must be examined. So must inter-ethnic relations. Government policies regarding citizenship and cultural autonomy can also have an effect and may be interpreted as a contributing factor. Demands for autonomy or even outright separation are especially important, as are internal or external demands for the revision of the state's borders. Each of these or its converse would contribute accordingly to establish or undermine the essential background condition for democracy. An unsatisfactory situation in this regard can result either in a

and uncertainty" (*ibid.*, 14).

28. Rustow, "Transitions," 350.

federal solution so as to accommodate the national differences, in continued discrimination against minorities, or in dictatorship, secession, or civil war.

This background condition having been met serves as the setting for the start of the actual process of democratization. According to Rustow, this process begins "by a prolonged and inconclusive political struggle," in which "the protagonists must represent well entrenched forces (typically social classes), and the issues must have profound meaning to them. Such a struggle is likely to begin as a result of the emergence of a new elite that arouses a depressed and previously leaderless social group into concerted action."²⁹ This is the second stage of the overall process, or the preparatory phase. It consists of creating the social bases for democratic politics: contending political forces emerge in response to felt grievances. Classes coalesce, and parties arise on the basis of the affected interests. Elites articulate the desires and provide leadership for these contending forces, and the societal dichotomy, or division, leads to polarization. If that division is regional, then secession rather than democracy can be the result. Evolution in the direction of democracy can be deflected most easily in this phase, either through endless conflict or through the intransigence of one contender who reckons on and succeeds in crushing opponents rather than living with them.³⁰

More fundamental than the appearance of contest, polarization, and contenders for the start of the democratic game is the development of autonomous centres of power and of elites with such autonomous power. This point has been emphasized in slightly differing ways by Tatu Vanhanen in his empirical study of democratization, and by Eva Etzioni-Halévy in her very bold and convincingly argued theoretical treatment of elites.³¹ Vanhanen has "formulated a theory of democratization that is based on the idea that the relative distribution of economic, intellectual, and other power resources among various sections of the population is the fundamental factor that accounts for the variation of democratization. Democracy emerges from the necessity of circumstances when important power resources have become widespread."³² His empirical analysis produced results showing that in the 147 countries

29. Ibid., 352.

30. Ibid., 353–5.

31. Tatu Vanhanen, *The Process of Democratization: A Comparative Study of 147 States, 1980–88* (New York: Crane Russak, 1990); Eva Etzioni-Halévy, *The Elite Connection: Problems and Potential of Western Democracy* (Cambridge: Polity Press, 1993).

32. Vanhanen, *The Process of Democratization*, 192.

that he studied between 1980 and 1988, about 70 percent of the variation in levels of democratization could be explained by the distribution of power resources.³³ Etzioni-Halévy's rather similar argument is that the relative autonomy of elites from government is a key requirement of democracy.³⁴ In any country with a Soviet legacy of political and economic Party-state monopoly such as Ukraine, it will clearly be important to examine closely the trends insofar as autonomous centres of power and elites are concerned.

Critical indicators of the progress being made in this second stage would be the emergence of significant political parties with recognizable social bases; the appearance of effective leaders for these groups with autonomy from the state; and a distinct polarization among these contenders. From the beginning there was a number of handicaps facing most of the post-Soviet states in this regard. Social classes based on private property were absent, and there was no prospect of their appearance until the process of privatization of state property was well underway. This process, however, has failed to produce a market economy and has discredited democracy, thus stopping Ukraine's transition dead in its tracks. Non-Communist political parties were at a considerable disadvantage in resources and experience, as compared to the apparatchiki of the Communist Party of the Soviet Union (CPSU). The possibility of a Communist versus anti-Communist polarization evaporated with the delegitimation of socialism in general and the Marxist-Leninist ideology in particular, and with the conversion of many non-Russian republican Communist leaders into nationalists. The whole of Soviet society, except for members of the nomenklatura, could well have qualified for Rustow's characterization of "a depressed ... social group," which would make differentiating the significant contenders in the post-Communist order difficult if not futile. Thus, a conflict pitting the nomenklatura against the rest of society might have developed as the major cleavage, but the collapse of the CPSU averted this. Perhaps it has happened, what with the nomenklatura appropriating state assets, but this remains to be seen in

33. Ibid., 193.

34. Eva Etzioni-Halévy writes: "An elite or sub-elite is ... relatively autonomous if it is to a significant extent exempt from control of its resources by other elites or sub-elites, including the elites (or sub-elites) of the state, and the business elite. But the main focus ... is on the relative autonomy which other elites and sub-elites have been able to carve out from one major state elite: the government, or governing elite. It is the mutual autonomy of elites, but even more so this latter type of relative autonomy, countervailing and limiting government power, which is a major requirement of democracy, and which has developed in Western democracies more than in other regimes" (*The Elite Connection*, 101).

what follows. Among the successor states of the former Soviet Union, including Ukraine, a bad sign in terms of this second phase of democratization would be the emergence of ethnic political parties, which would aggravate the problem of national unity.

In the normal course of events, the preparatory phase would be succeeded by a decision phase, "a deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize some crucial aspect of democratic procedure."³⁵ "Decision means choice," Rustow emphasized, "and while the choice of democracy does not arise until the background and preparatory conditions are in hand, it is a genuine choice and does not flow automatically from those two conditions."³⁶ Here the role of elites will be disproportionately large. It involves the design of institutions and constitutions. Sometimes this choice of institutions will be deliberate; often it can be haphazard, motivated by a common desire to end the basic conflict. Always it will reflect the existing balance of forces, not a utopian ideal. The imprints of old institutions may remain.³⁷

Critical to the success of this stage of the process would be evidence of deliberate decision making designed to institutionalize the conflict, such as the "round tables" that figured in the democratic transitions of Poland and Hungary and the drawing up and approval of a constitution. A comparison with other countries' experiences might be made, to anticipate the likely success of constitutional provisions to institutionalize the fundamental conflict, especially with respect to the appropriateness of presidential versus parliamentary government, the effect of constitutional provisions on the stakes in the political game, the electoral law, and the role of the judiciary.³⁸ The continuity of Communist-era institutions would have to be examined in order to assess the probability of the successful institutionalization of democratic procedures.³⁹ In the post-Communist context, the question of the loyalty and stability of the armed forces and the political police would figure in any calculation of progress towards democracy. If no decision is forthcoming at this stage,

35. Rustow, "Transitions," 355.

36. Ibid., 356.

37. Przeworski, *Democracy and the Market*, 94.

38. Przeworski notes Juan Linz's argument in favour of parliamentarism as encouraging a non-zero-sum political game. Przeworski also hazards a guess that lasting constitutions are those that "reduce the stakes of political battles" (ibid., 34, n. 44; 36).

39. A clear explanation for the carry-over of Soviet institutions into the independent Ukrainian case is given in Kuzio, *Ukraine: Perestroika to Independence*, 188–9.

then the process of democratization could become stuck or aborted.⁴⁰ An unsatisfactory decision is liable to lead to protracted conflict, but any decision will probably and inevitably lead to sustained conflict.

Living with the results of any such decision produces habituation, the fourth phase. "A distasteful decision, once made, is likely to seem more palatable as one is forced to live with it."⁴¹ In other words, democracy produces democrats. This phase is not very different from consolidated democracy, which Przeworski elaborates as follows:

A system in which the politically relevant forces subject their values and interests to the uncertain interplay of democratic institutions and comply with the outcomes of the democratic process. Democracy is consolidated when most conflicts are processed through democratic institutions, when nobody can control the outcomes *ex post* and the results are not predetermined *ex ante*, they matter within some predictable limits, and they evoke the compliance of the relevant political forces.⁴²

As there is nothing inevitable about this phase, it may result in outcomes other than consolidated democracy, including a detour or return to authoritarianism.

According to Michael Burton and his colleagues, the process of consolidation in Latin America and Southern Europe within the overall process of democratization depended critically on the role of political elites. In a consolidated democracy there is consensus among the members of the elite, and there is also mass participation. If one of these conditions is missing then democracy is either unconsolidated or limited or else it is pseudo-democracy. The transition to successfully consolidated democracy requires the achievement of elite consensus, which occurs either through settlement (negotiation of an agreement) or convergence (acceptance of the rules of the game).⁴³

Burton and his co-researchers speculate, however, that in Eastern Europe consensual unification of elites might occur not through settlement or convergence, but rather on the basis of a kind of pragmatic, non-ideological, bureaucratic, self-preserving co-operation between the

40. Rustow, "Transitions," 356.

41. *Ibid.*, 358.

42. Przeworski, *Democracy and the Market*, 51. This accords with Burton, Gunther, and Higley's less elaborate formulation. See their "Introduction," where consolidated democracy is defined as "a regime that meets all the procedural criteria of democracy and also in which all politically significant groups accept established political institutions and adhere to democratic rules of the game" (p. 3).

43. Burton, Gunther, and Higley, "Introduction," 4–30.

representatives of the former Communist state and other organizations.⁴⁴ For a number of reasons, the task of consolidation there will be especially daunting. A fundamental difference in the post-totalitarian transitions, they say, is the absence of a pluralist elite configuration. Besides that, the economic problems are severe in Eastern Europe and the former Soviet Union. The international environment will have an impact, and the challenge of ethnic nationalism will have to be met.⁴⁵ Overall, from the perspective of the Latin American and Southern European experience, the prospect for Eastern Europe and the former Soviet Union would seem to be that in the post-Communist era "elite disunity, and thus endemic regime instability, beckons."⁴⁶

Thus, a number of subsidiary questions must be answered to see if Ukraine's transition is indeed to democracy or to something else. What is the situation with national unity, and what are the prospects either for accommodation of diversity through federalism (or its equivalent, some form of institutionalized decentralization) or for dictatorship and repression? How strong is regionalism? Do elites with autonomous power exist? Are the so-called oligarchs autonomous of the state? Does the state have power over the "oligarchs," and does anyone other than the "oligarchs" have real power? If not, this is not a democracy. How has the economic transformation contributed to the dispersion or distribution of power and to the legitimization of both the market economy and democratic politics among the public?⁴⁷ Are political parties emerging with recognizable social bases, or are they "sofa parties" centred on the personalities of individual leaders? Are parties distinguishable by the public on the basis of some common ideological criteria? Is the electoral competition a real contest with real choices, and do parties serve to link society to the state through the expression and representation of interests? In writing their constitution, have Ukraine's

44. Burton, Gunther, and Higley, "Elites and Democratic Consolidation," 345.

45. *Ibid.*, 346–7.

46. *Ibid.*, 347.

47. The process of democratic transition is directly and adversely affected by the concomitant process of economic reform or marketization. These are inexorably at odds with one another, and the imperative of progress on the marketization will inevitably hurt democratization. See Przeworski, *Democracy and the Market*, chap. 4. Unless economic performance is sufficient to provide the taxes for cushioning the effects of marketization on those with fixed incomes and on the unemployed, and unless the hardships of marketization are made politically palatable to the public and the market versus anti-market conflict is institutionalized within the democratic framework, the double-barrelled transition to market and democracy in the former Communist states will likely be impossible or excruciatingly protracted.

leaders truly accepted the combination of unity and diversity and the rules of democratic procedure, or are the rules still being contested? Even if accepted, will the rules themselves generate certain kinds of conflicts? Of course, conflicts are inevitable: it is always a question of the manner in which they are handled and whether the results are accepted. Do the relevant political actors in Ukraine submit their interests to the uncertainties of the democratic political game? Do they accept the outcomes, or do they try to evade the process and the results? Finally, is there elite consensus—or elite disunity and instability?

Ukraine on the Threshold of Transition to Democracy

Following the four-stage model, what was the situation Ukraine found itself in on the threshold of independence and democracy? By taking stock at that starting point, we shall be better able to assess subsequent events as to whether they will help or hinder the introduction and consolidation of democracy.

National Unity

Ukraine is not an ethnically homogeneous country; at the same time the level of ethnic conflict has been comparatively minor. In the 1989 Soviet census the population consisted principally of the following: Ukrainians, 72.7 percent; Russians, 22.1 percent; and others, 5.2 percent.⁴⁸ The primary and potentially most significant ethnic cleavage was between Ukrainians and Russians. But owing to such factors as high rates of intermarriage, the high percentage of Ukrainian-speaking Russians, the even greater level of fluency in Russian of Ukrainians, and a long history of cohabitation, that relationship has been very stable and without overt conflict.⁴⁹ According to the same 1989 Soviet census, only 74.7 percent of families in Ukraine were ethnically homogeneous, the second lowest figure among all union republics.⁵⁰ In addition, 32.7 percent of Russians in Ukraine were fluent in Ukrainian (second only to

48. I. M. Prybytkova, "Children of Various Nations ...," *Filosofska i sotsiologichna dumka*, 1990, no. 4: 77–83, trans. in *JPRS-UPA-91-001*, 14 January 1991, 31–7, here 32.

49. "The two main linguistic groups in Ukraine have no clearly defined identity or demarcation between them, [and] Russophone Ukrainians particularly remain amorphous" (Taras Kuzio, *Ukraine: State and Nation Building* [London and New York: Routledge, 1998], 75). In 1988, out of all married Ukrainian individuals in Ukraine, 20.9 percent of men and 22.4 percent of women were married to someone of a different nationality. These figures were the highest among titular nationalities of any of the union republics of the USSR at that time. See Prybytkova, "Children" 35.

50. *Pravda*, 16 March 1991, trans. in *JPRS-UPA-91-019*, 9 April 1991, 100–1, here 100.

Jews, 46.5 percent of whom were fluent in this language), while 59.4 percent of Ukrainians reported fluency in Russian.⁵¹ The same proportion (78 percent) of the population of Ukraine in 1989 was said to speak each of the two major languages, its speakers neither dominating nor overwhelming the other in an aggregate sense.⁵² Ukrainians and Russians were not what one could call “two solitudes,” as Anglophones and Francophones in Canada have been described.

The conventional depiction of ethnic relations in Ukraine in the Soviet period has been of a social division of labour with Ukrainians concentrated in the lower-status occupational groups, this division thus providing a basis for political conflict.⁵³ Russians were allegedly blocking opportunities for Ukrainians. Ukrainians were discriminated against in access to higher education; the processes of urbanization and immigration favoured the Russians; and Ukrainians were under-represented in white-collar occupations and overrepresented among blue-collar ones. The argument was plausible, but no evidence of conflict was presented; it was merely assumed. That interpretation has been challenged precisely on the grounds of inadequate evidence for competition and conflict between Russians and Ukrainians owing to socio-economic factors, and because Ukrainians’ social standing was not in fact markedly inferior when considered in comparative sociological perspective rather than as stereotypes of social status.⁵⁴ Both conventional and revisionist views may have overlooked a structural factor that made possible the blocking of opportunities for educated Ukrainians in their own republic but the opening of opportunities for them on the all-Union level. This was the Union-wide system of personnel management—the *nomenklatura*—under which Ukraine exported its trained technical intelligentsia, imported Russian replacements, and staffed positions of political leadership with Ukrainians who were willing to repress nationalist dissent and were loyal to the *nomenklatura* system

51. JPRS-UPA-91-001, 14 January 1991, 32.

52. In 1989, 78.0 percent of the population of Ukraine spoke Ukrainian, and 78.4 percent spoke Russian. See *Vestnik statistiki*, 1990, no. 10: 69 and 76.

53. Borys Lewytskyj, *Politics and Society in Soviet Ukraine, 1953–1980* (Edmonton: Canadian Institute of Ukrainian Studies, 1984), chap. 6; and Bohdan Krawchenko, *Social Change and National Consciousness in Twentieth-Century Ukraine* (Basingstoke and London: Macmillan in association with St Antony’s College, Oxford, 1985), chap. 5.

54. Alexander J. Motyl, *Will the Non-Russians Rebel? State, Ethnicity, and Stability in the USSR* (Ithaca, N.Y., and London: Cornell University Press, 1987), 66–8; and Birch, *Elections*, 27.

from which they benefited.⁵⁵ But mobilization of ethnicity could not have taken place in the Soviet period, because open conflict would have quickly erupted between Ukrainians and Russians once the country achieved independence. After independence, ethnicity was liable to be a more salient determinant of political behaviour for Russians than for Ukrainians.⁵⁶

Demographically, on the eve of independence Ukrainians were in an insecure position despite being dominant. Their growth over the period 1959–89 was only 16.2 percent compared with the republican average of 22.9 percent and the Russians' 59.9 percent. Their share of the total population in 1959 had been 76.8 percent (4.1 percentage points higher than in 1989).⁵⁷ At these rates of growth, the proportion of Ukrainians to Russians should have declined to 2:1 by 1999. Declining birth rates, high rates of abortion, increasing mortality rates, and depletion of the pool of mostly Ukrainian rural dwellers as a source of replenishment of urban centres were all factors contributing to a relatively undynamic demographic situation. As such, they might encourage lawmakers to take rather more defensive positions on social and ethnic policy on behalf of the ethnically Ukrainian population. In the future, relations between ethnic groups—Ukrainians and Russians, and possibly Ukrainians and other minorities—could become problematical if post-independence governments were to introduce policies favouring Ukrainians, which might then antagonize and politicize the minorities.

The 1989 Law on Languages in the Ukrainian SSR, establishing Ukrainian as the state language, and its implementing regulations, which were promulgated in 1991, could have had such an effect.⁵⁸ In November 1991, however, the republic's Parliament issued a Declaration on the Rights of Nationalities of Ukraine, which guaranteed citizens of all nationalities equal rights, including the preservation of their traditional

55. Bohdan Harasymiw, "Political Mobility in Soviet Ukraine," *Canadian Slavonic Papers* 26, nos. 2–3 (1984): 160–81; and Motyl, *Will the Non-Russians Rebel?*, 122–3.

56. Birch, *Elections*, 27–8.

57. *Narodne hospodarstvo Ukrainskoi RSR u 1974 rotsi: Statystychnyi shchorichnyk* (Kyiv: Tekhnika, 1975), 14; and *Soiuz*, no. 32 (1990): 12–13, trans. in *JPRS-UPA-90-066*, 4 December 1990, 16–23.

58. "O iazykakh v Ukrainskoi SSR," *Pravda Ukrainy*, 3 November 1989; "Pro derzhavnu prohramu rozvytku ukrainskoi movy ta inshykh natsionalnykh mov v Ukrainskii RSR na period do 2000 roku (Postanova Rady Ministriv Ukrainskoi RSR vid 12 liutoho 1991 r., no. 41)," *Ukrainska mova i literatura v shkoli*, 1991, no. 6: 3; and "Derzhavna prohrama rozvytku ukrainskoi movy ta inshykh natsionalnykh mov Ukrainskoi RSR do 2000 roku (Skhvalena postanovoiu Rady Ministriv URSR vid 12 liutoho 1991 r., no. 41)," *ibid.*, 4–17.

settlements and the freedom to use their native languages in all spheres of social life.⁵⁹ Insofar as the state was offering to treat all ethnic groups equally while elevating the Ukrainian language to official status, the only real bases for political opposition that could undermine national unity would be fear of equality or denial of Ukrainian sovereignty. Such sentiments could be attributed legitimately also to some members of the Russian minority.

Ethnicity—in particular, a clash between Ukrainians and Russians—was not much in evidence in the results of the March 1991 referendum, and certainly not in the form it might have been expected to take. Russians should have been in favour of the USSR question and against the Ukrainian sovereignty query; Ukrainians, the opposite. However, an analysis of these results by oblasts in Ukraine and their comparison with the ethnic composition of the population therein, using a standard measure of correlation, revealed that there was (1) no significant relationship, either positive or negative, between the percentage of Ukrainians and the “Yes” vote on the USSR question; (2) a weak positive relationship between the percentage of Russians and a “Yes” to that same question; (3) a weak *negative* relationship between the percentage of Ukrainians and a “Yes” to Ukraine’s sovereignty; and (4) a very weak *positive* relationship between the percentage of Russians and a “Yes” to Ukrainian sovereignty.⁶⁰ Overall, therefore, Ukrainians were neutral towards Gorbachev’s renewal of the Union and slightly opposed to sovereignty for Ukraine; Russians were mildly inclined to favour both questions. The Russians’ attitude towards both issues could be interpreted as conservative, thus resolving the apparent contradiction. At that point in time ethnicity was weakly, if at all, politicized in Ukraine, at least on the question of sovereignty.

Rather than the overall societal ethnic composition and its potential for creating cleavages so as to threaten national unity, a real problem has

59. *Pravda Ukrainy*, 5 November 1991. For groups living in compact settlements, the declaration allowed their language to be used in addition to the state or official language. It also assured citizens of their right to use the Russian language (but perhaps significantly it did not guarantee it), and provided that in polyglot regions another acceptable language could be used alongside Ukrainian.

60. The actual values of the Pearson product-moment correlation coefficient r were -0.0674, 0.4209, -0.4805, and 0.3039, respectively. For the last three, therefore, r^2 was 0.1772, 0.2309, and 0.0924, which means that ethnicity could at best explain 17.7, 23.1, and 9.2 percent of the variation. For the ethnic composition of the oblasts, see *The First Book of Demographics for the Republics of the Former Soviet Union, 1951–1990* (Shady Side, Md.: New World Demographics, 1992), table D-3, p. D-6. For the referendum results, see *Radianska Ukraina*, 23 March 1991.

been regionalism. On the eve of the independence referendum this combination of ethnic and territorial claims to autonomous or even separate political status made its appearance in several places. The most serious was in Crimea, but there were also “centrifugal tendencies” in eastern Ukraine (the Donbas region), southern Ukraine, where the idea of the “New Russia” had been revived, and Zakarpattia (Transcarpathia), home of the Ruthenian (Rusyn) movement.⁶¹

In January 1991 Crimea voted for autonomous republic status for itself within Soviet Ukraine, a change acknowledged the following month by the Supreme Council of Ukraine. The only predominantly Russian oblast in Ukraine (67.0 percent Russians and 25.8 percent Ukrainians in 1989), Crimea thereafter made a further move towards secession on the pretext of a non-existent threat of “forced Ukrainization” and the danger of “a Tatar invasion.” Such threats were “exploited by the local Communist-dominated administration.” Its probable motive was “to isolate themselves from the democratic changes being wrought by the Ukrainian Supreme Soviet and safeguard their status and privileges by transforming the peninsula into an autonomous ‘preservation’ where they can operate more or less undisturbed by developments in the Ukrainian capital.”⁶² The campaign for Crimean self-determination moved into high gear in September 1991, with the principal local political groupings all coming out in favour; groups in the RSFSR offered moral support, and tension mounted steadily thereafter.⁶³

In the Donbas and the southern parts of Ukraine, where there were significant concentrations of Russians and where Russian was the dominant language, movements in support of autonomy emerged in 1990.⁶⁴ Some proposed the idea of a revival of a Donetsk-Kryvyi Rih republic, which hearkened back to 1918, while others advanced the idea of the creation of a Donetsk-Dnipro autonomous region. The “New Russia” movement advocated merging Odesa, Mykolaiv, Kherson, Dnipropetrovsk, and Crimea oblasts, as well as part of Moldova’s Dnister region, into a unit with “special state status.” Here the idea of federation was mooted, but there was no consensus. These movements were not

61. Roman Solchanyk, “Centrifugal Movements in Ukraine on the Eve of the Independence Referendum,” *Report on the USSR*, 29 November 1991, 8–13; and Kuzio, *Ukraine: Perestroika to Independence*, 201–12. My next three paragraphs are drawn from these sources, in addition to any explicit references.

62. Solchanyk, “Centrifugal Movements,” 9.

63. A fuller account is available in Kuzio, *Ukraine: Perestroika to Independence*, 202–4.

64. For the details, see *ibid.*, 207–9.

very successful, but they loomed larger as time went on.

Owing to its recent incorporation into Ukraine (1945) and its history of being under Slovak and Hungarian influence, Zakarpattia was understandably the least well-integrated region of the republic during the Soviet era.⁶⁵ There a local Ruthenian identity had survived, and a movement for autonomy, which began in 1990, was accelerated by the declaration of Ukraine's independence in August 1991. The region's Hungarian minority (12.5 percent of the population), demanding its own Hungarian autonomous district, had also supported Transcarpathian autonomy, together with groups in Czechoslovakia.

The relevance of region to the emerging politics of independent Ukraine was apparent in the March 1991 referendum results, although it was not given much attention at the time. These results showed a wide variation in the "Yes" votes on the two questions—at the extremes, from 16.4 percent for the Gorbachev formula in Lviv oblast to 87.6 percent in Crimea. In response to Rukh's call for a "No" vote to both questions, in Lviv 30.1 percent voted for Ukraine's sovereignty; in Chernihiv 90.3 percent voted in favour. The results also showed a considerable range of the margin of difference between the two in each oblast. This margin, which might be called the "relative preference for Ukraine's sovereignty," varied from a high of 33.9 percentage points in Ivano-Frankivsk to a low of -2.9 in Crimea. That is, the vote in favour of the sovereignty question was 33.9 points higher than the vote for Gorbachev's renewed Union in the former, and 2.9 points lower in the latter. On balance, the inhabitants of all oblasts preferred sovereignty rather than the Union, except in Crimea, where the preference was reversed. The remarkable fact is that if the oblasts are ranked in order from high to low according to their relative preference for sovereignty, there is only a weak positive relationship between this and the rank-order of oblasts by percentage of Ukrainian population. But there is a very strong and more statistically significant relationship with the size of the vote for independence later that year.⁶⁶ At the top of the ranking on both scales were these oblasts: Ivano-Frankivsk, Rivne, Volyn, Kyiv, Ternopil, Lviv, and Cherkasy. At the bottom were those least enthusiastic

65. Ibid.

66. Spearman's ρ , the measure of rank-order correlation, between (a) percentage of Ukrainians and (b) relative preference for Ukrainian sovereignty by oblast, as registered in the 17 March 1991 referendum, was 0.6675, which is significant at $p < .01$ level. On the other hand, the correlation between (b) and (c) the percentage vote for independence in the 1 December referendum was 0.7981, which is significant at $p < .001$.

about sovereignty and independence: Kherson, Mykolaiv, Luhansk, Odesa, Donetsk, and Crimea. The pattern for regional political differentiation was in place early, as was, probably, the underlying complex of factors—socio-economic and historical—including not only ethnicity.

The referendum on independence, held on 1 December 1991, seemed to show that at that point in time national unity was apparently stronger, and by implication secessionist sentiment internally within Ukraine was much weaker, than the climate of political discussion on the eve would have led one to expect.⁶⁷ Overall, 90.3 percent of voters favoured independence and 84.1 percent of eligible electors cast ballots. In no oblast did the “Yes” side obtain less than a majority. The lowest percentage for independence was in Crimea, but at 54.1 percent this was obviously not an exclusively ethnic vote. Other potentially troublesome oblasts with autonomist movements in them registered the following percentages: Luhansk and Donetsk, 83.9; Odesa, 85.4; Kharkiv, 96.3; Mykolaiv, 89.5; Kherson, 90.1; Dnipropetrovsk, 90.4; and Zaporizhzhia, 90.7. In Zakarpattia the “Yes” vote was 92.6 percent; in Chernivtsi, 92.8. However, additional questions on local autonomy in the latter two oblasts were approved by votes of 78 percent and 89.3 percent, respectively.⁶⁸ Although the percentages of Ukrainians and Russians residing in the various oblasts correlated very strongly with the “Yes” and “No” votes, respectively, the overwhelming republic-wide endorsement of independence obscured or could be interpreted as reducing, at least momentarily, the political significance of the Ukrainian-Russian ethnic cleavage.⁶⁹

The issue of Crimea continued to be politically relevant throughout 1992, while the other claims to autonomy subsided. It was involved in the ongoing conflict between Ukraine and Russia over the division of the armed forces among the members of the CIS and specifically over rights to

67. Public opinion polls conducted in September and October 1991 showed, however, that sentiment in favour of independence was growing. See Solchanyk, “Centrifugal Movements,” 13. In retrospect, though, “the fact that all significant political forces in Ukraine supported independence, even at the last moment the SPU, meant that the eventual 90.3 percent vote was perhaps not that surprising” (Kuzio, *Ukraine: Perestroika to Independence*, 195).

68. Nahaylo, “The Birth of an Independent Ukraine,” 1–5.

69. The value of the correlation coefficient r for the percentage of “Yes” votes and of ethnic Ukrainians by oblast was 0.7827; for “No” and Russians, 0.8899, according to my calculations. These are both significant, since the percentage of variance explained (r^2) is 61.3 and 79.2, respectively. It should be noted that this indicates that Russians were more definite in their rejection of independence, while Ukrainians were more lukewarm, relatively speaking, in their endorsement of it. Russian opposition to an independent Ukraine, therefore, was stronger than Ukrainian nationalism.

the Black Sea Fleet.⁷⁰ Russia's involvement was not only strategic, but was also concerned with its own unresolved identity crisis and the inter-connection of the independence of Ukraine and Russia. Russian leaders apparently found it difficult to keep separate and accept the "idea of Ukraine" as distinct from the "idea of Russia."⁷¹ Claims were made that Crimea was historically Russian territory that never should have been granted to Ukraine. A summit meeting between Leonid Kravchuk and Boris Yeltsin in June that year resulted in the signing of an agreement and gave some signs of hope that relations between the two states would improve, but it provided little basis for optimism. The omission of the Crimean question from the agenda was construed as an implicit victory for the Ukrainian side, meaning that the peninsula's fate was being left in the hands of Ukraine, but it could equally have been interpreted as having been left unresolved.⁷² Meanwhile, a confrontation between the Kravchuk government in Kyiv and the Crimean government in Simferopol was at long last suspended when the Crimean side placed a moratorium on the independence referendum scheduled for August. Kravchuk must be given some credit for exhibiting good negotiating skills, which prevented the secession of Crimea from Ukraine during the first few years of independence. A complicating factor was that while Kyiv, Simferopol, and Moscow were battling over jurisdictions and sovereignties, the issue of the rights of the growing numbers of Crimean Tatars was ignored and would eventually have to be faced.⁷³ The Tatars' claims will have to be reconciled somehow with those of Ukraine, the Russians in Crimea, and Russia. Russian leaders have taken an active interest in the issue of Crimea, some asserting that the peninsula is Russian territory and must be reunited with Russia.⁷⁴ The Crimean question is further discussed in chapter 6.

70. Stephen Foye, "CIS: Kiev and Moscow Clash over Armed Forces," *RFE/RL Research Report*, 17 January 1992, 1–3.

71. Roman Solchanyk, "Ukraine and Russia: The Politics of Independence," *RFE/RL Research Report*, 8 May 1992, 13–16.

72. Roman Solchanyk, "Ukrainian-Russian Summit at Dagomys," *RFE/RL Research Report*, 24 July 1992, 36–9.

73. Roman Solchanyk, "The Crimea Imbroglio: Kiev and Simferopol," *RFE/RL Research Report*, 21 August 1992, 13–16.

74. Roman Solchanyk, "The Crimean Imbroglio: Kiev and Moscow," *RFE/RL Research Report*, 9 October 1992, 6–10. President Yeltsin's position in all this was ambivalent, for in catering to his domestic Russian patriotic opposition he seemed to be following in Gorbachev's footsteps, which caused speculation at the time that it might bring about his downfall. See Jim Hoagland, "Yeltsin is Playing Gorbachev's Game," *Edmonton Journal*, 11 November 1992.

Any revision of Ukraine's borders has been vigorously resisted by the Kyiv leadership, and it appears that this stand has been strongly supported by the general public. Sentiment to change the borders was, at least at the outset, too weak to be exploited from outside, say, by Russia. A survey conducted in September–October 1991 revealed that 83 percent of Ukraine's inhabitants were in favour of keeping the borders intact.⁷⁵ If the conflict over Crimea (including Russia's intrusion into the dispute) had any effect on the public in Ukraine, it made the Russian population entertain some reservations about living in an independent Ukraine, but conversely it had no strengthening effect on Ukrainians.

A serious problem with respect to the integrity of the borders of Ukraine has been the fighting in Moldova and the establishment of the breakaway Russian enclave known there as the "Dnister Republic." While Ukraine has sealed the border and attempted to contain the fighting, the breakaway fragment of Moldova has been receiving moral and material support from Moscow, and the conflict threatens to spill over onto Ukraine's territory. At the same time the instability in the region has brought Romania into the picture, thus reviving claims to northern Bukovyna (Chernivtsi oblast) and southern Bessarabia (the extension of Odesa oblast that cuts Moldova off from the Black Sea).⁷⁶ Moldova itself, along with the adjoining lands, is thus engaged in a three-way struggle for ownership with Ukraine and Romania based on various interpretations of history and historical claims. Sovereignty was thus up for grabs on Ukraine's doorstep; armed conflict spilling over into Ukraine at this time would be a setback for democratization,

75. Among Ukrainians the percentage was 85; among Russians, 78. Even in the following heavily Russian oblasts the percentages were: 61, Kharkiv; 73, Crimea; 79, Kherson; and 81, Luhansk. See Jaroslaw Martyniuk, "Ukrainian Independence and Territorial Integrity," *RFE/RL Research Report*, 27 March 1992, 67–8. In May–June 1992 the survey was repeated, with very similar results. Eighty-two percent of respondents were in favour of keeping borders intact, which indicated a decline of 1 percentage point; the same 85 percent of Ukrainians held this opinion, as in the earlier survey. Perhaps significantly, Russian support had declined to 74 percent. See Jaroslaw Martyniuk, "Roundup: Attitudes toward Ukraine's Borders," *RFE/RL Research Report*, 4 September 1992, 66–7.

76. Bohdan Nahaylo, "Ukraine and Moldova: The View from Kiev," *RFE/RL Research Report*, 1 May 1992, 39–45; and idem, "Moldovan Conflict Creates New Dilemmas for Ukraine," *RFE/RL Research Report*, 15 May 1992, 1–8. For a fuller account of the issue, see Pal Kolstoe, Andrei Edemsky, and Natalya Kalashnikova, "The Dniester Conflict: Between Irredentism and Separation," *Europe-Asia Studies* 45, no. 6 (1993): 973–1000. Ukraine's involvement is summarized on 990–2.

as it had the potential to reopen a whole series of secessionist and irridentist battles.⁷⁷

Preparation: Contending Political Forces

At present rates of progress, Ukraine will have to wait a very long time before it sees the arrival on the political scene of those critical contending forces—social classes—and their political expression—organized parties—that are necessary for the start of the democratization process and the democratic contest. This assumes that classes are still relevant to social structure in advanced industrial or post-industrial societies, which may be questionable. At the start there was a vast array of groups, some calling themselves political parties, but with little apparent connection to recognizable social categories, let alone social classes. Their platforms were equally difficult to distinguish. If they could be arranged on the conventional ideological spectrum and their popular support estimated impressionistically, they probably were concentrated towards the right and centre; polar opposites, right and left, were not balanced against each other.⁷⁸ There was, if anything, a unipolar alignment that at that time made contestation improbable. The one group that had spearheaded the independence drive, Rukh, was perceived soon after independence as having given up its role as opposition to the Communists, which was unfortunate from the point of view of our model because it weakened the principle of contestation. Initially Rukh in fact split into two and eventually into several factions; one of these then moved to become part of the presidential party. The disappearance of the Communist Party, which left behind a lot of apparatchiki displaced from the apparat but not from positions of power, further obscured the picture as far as the possibility of political contest between opposing sides was concerned. In the future, it may happen that no contenders will materialize in Ukraine in terms of our model of democratization until after the marketization of the economy is completed.

Early in 1991 a handbook on Ukraine's emerging multi-party system (I am using that term very loosely) contained the programs and rules of over a dozen parties other than the then ruling Communist Party of

77. A border treaty was signed in August 1999 by the presidents of Ukraine and Moldova, as were agreements to increase trade and co-operation on customs. See RFE/RL Newswire, 19 August 1999.

78. *Ukraina bahatopartiina: Prohramni dokumenty novykh partii* (Kyiv: Pam'iatky Ukrainy, 1991), 19–27. The multiplicity of political parties as of 1990 is skillfully unravelled in Kuzio, *Ukraine: Perestroika to Independence*, chap. 7.

Ukraine.⁷⁹ The book's compiler, Oleksii V. Haran, attempted to classify these parties along the left-right ideological spectrum and in relation to the conservative CPU. Among the "right radical" parties, the most nationalistic and anti-Communist were the Universal Ukrainian National Radical Party; the Republican Party of Ukraine (not to be confused with the better known Ukrainian Republican Party); the Ukrainian National Party; the Ukrainian Popular Democratic Party; the "State Independence for Ukraine" Union; and the Ukrainian Christian Democratic Party. These parties, based primarily in western Ukraine, took their inspiration largely from the slightly notorious Organization of Ukrainian Nationalists. The "right-of-centre" position was occupied by the Ukrainian Republican Party, an outgrowth of the Ukrainian Helsinki Union. In the centre and shading off towards the left of centre were the Liberal Democratic Party of Ukraine; the People's Party of Ukraine; the Ukrainian Peasant Democratic Party; the Democratic Party of Ukraine; the Party of Democratic Rebirth of Ukraine, which was formed on the basis of the reformist Democratic Platform fraction of the CPU; the Social Democratic Party of Ukraine (SDPU) and the Unified SDPU ("right" and "left" social democrats, respectively); and the Green Party of Ukraine.⁸⁰ At that time, except for the right-wing nationalists, these were little more than intellectual currents rather than full-fledged political parties with substantial memberships, well defined social bases, and expressed specific interests. In all, it was a very fragmented party system, if it could be called a system at all.

On the eve of the independence referendum there was little to distinguish the five major political parties of Ukraine. The Democratic Party of Ukraine (DemPU) had twenty-three deputies in Parliament (out of a total of 450) and a membership of 3,000. Its objectives were "the establishment of a democratic, constitutionally governed state in Ukraine, the free development of all forms of property, and the complete economic independence of Ukraine as a precondition for political sovereignty."⁸¹ The Party of Democratic Rebirth of Ukraine (PDVU) had eighteen deputies and 2,340 members. Its program emphasized "its support for the campaign for an independent, democratic, and sovereign Ukrainian state that respects the principles of humanism, freedom, social justice, the primacy of human rights, and the supremacy of the law."⁸² It

79. *Ukraina bahatopartiina*, passim.

80. *Ibid.*, 13–25.

81. Eberhard Schneider, "The New Political Forces in Russia, Ukraine, and Belorussia," *Report on the USSR*, 13 December 1991, 15–16.

82. *Ibid.*, 15.

had reportedly close ties to the Social Democratic Party of Ukraine, which had three deputies in Parliament and 1,300 members. As a social democratic party, the SDPU claimed to promote democracy in all three of its guises—economic, social, and political. By political democracy it meant “political rights and freedoms for citizens, a multi-party system, a state based on law, and a free press.”⁸³ The Ukrainian Republican Party, “strongest and best organized,” had exactly two deputies in Parliament and 10,000 members.⁸⁴ Its main objectives were sovereignty, democracy, national renewal, the development of a civil society, and the promotion of the welfare of the public.⁸⁵ The Ukrainian Popular Democratic Party, with no seats and only 1,000 members, was promoting the continuation of the tradition of the Ukrainian People’s Republic, privatization, sovereignty, and the building of state institutions on historical bases.⁸⁶ These parties were not only insufficiently differentiated so as to provide the basis for meaningful political contestation, but also miniscule by comparison with the major parliamentary blocs: (1) the Communists’ Group of 239, and (2) the Democratic Bloc’s *Narodna Rada* (People’s Council), consisting of approximately 125 deputies drawn from Rukh, the PDVU, the Democratic Party, Republicans, and independents.⁸⁷

Instead of the development of an ideological or class basis to the principal political cleavage, what happened in 1992 was the coalescence of a presidential party and a coalition mildly in opposition to it, somewhat along the lines of the Mexican PRI model of government. Whereas the main confrontation until now had been between the Kravchuk government and the democratic opposition led by Rukh, Kravchuk managed briefly to co-opt some of the leading Rukh activists in the name of national unity, thereby provoking first a two-way and later a three-way split in Rukh. Convening a roundtable (not a meeting of equals, as in the East European model) of all major political parties, he created a new State Council within the presidency, to which he appointed his former opponents.⁸⁸ This resulted in a major rift in the Rukh movement,

83. Ibid.

84. Ibid., 14–17.

85. *Ukraina bahatopartiina*, 63.

86. Schneider, “The New Political Forces,” 15.

87. Dominique Arel, “The Parliamentary Blocs in the Ukrainian Supreme Soviet: Who and What Do They Represent?” *Journal of Soviet Nationalities* 1 (Winter 1990–1): 108–9; and Kuzio, *Ukraine: Perestroika to Independence*, 135 and 175.

88. Roman Solchanyk, “Ukraine: Political Reform and Political Change,” *RFE/RL Research Report*, 22 May 1992, 1–5. At the roundtable “the participants were from Rukh, the Democratic Party of Ukraine, the Party of Democratic Rebirth of Ukraine,

whose leaders were divided over the question of supporting the president. The break was papered over by the election of three co-chairmen and a resolution of conditional support for Kravchuk. Thus, a portion of Rukh in effect became, in spite of itself, the presidential party; the Russian threat at that time did not hurt Kravchuk's strategy.⁸⁹ In response to these developments, a centrist bloc of parliamentarians calling itself New Ukraine arose from the Party of Democratic Rebirth of Ukraine (the ex-Democratic Platform of the CPU). While rejecting the label of opposition party, New Ukraine emphasized economic reform; one of its initial leaders was then Deputy Prime Minister and Minister of the Economy Volodymyr Lanovy, who was later fired by President Kravchuk.⁹⁰ It may be, therefore, that the principal political cleavage then beginning to take shape in Ukraine was over the key question of economic reform, with the conservative presidential party on one side and the somewhat more radical economic reformers on the other.

If there was a positive side to all of this at the beginning of Ukraine's transition to democracy, it was that initially there were no political parties based primarily on ethnicity, because that would unravel whatever degree of national unity already existed. The bad news was that the growth of presidentialism in the first few years of independence, if it were to become institutionalized, indicated a very long-term transition to democracy. Such a lengthy transition could very well become stuck in the sort of pseudo-democracy that characterized Mexico in the twentieth century: a dominant presidential party; controlled participation on the corporatist rather than pluralist model; highly centralized government; an authoritarian tradition; and corruption.⁹¹

Decisions and Constitutions

A new Constitution for independent and democratic Ukraine, which was a long time in the making, was finally adopted only in 1996. The project began in October 1990, when the Supreme Soviet (Council)

the Ukrainian Republican Party, both social democratic parties, the Greens, the two major trade union organizations, and other groups.... With [one] exception, ... the state councillors are prominent figures in *Rukh* who played important roles in the democratic opposition in Ukraine before the attempted coup" (pp. 3–4).

89. Ibid., 4–5.

90. Alexei Sekarev, "Ukraine's Policy Structure," RFE/RL Research Report, 14 August 1992, 60–3.

91. Daniel C. Levy, "Mexico: Sustained Civilian Rule without Democracy," in *Politics in Developing Countries: Comparing Experiences with Democracy*, ed. Larry Diamond, Juan J. Linz, and Seymour Martin Lipset (Boulder, Colo., and London: Lynne Rienner Publishers, 1990), 135–73.

created a commission of fifty-nine members, chaired by Leonid Kravchuk.⁹² One of the motivating factors may have been the political crisis of the time, which was defused when deputies yielded to the demands of student hunger strikers. During 1991 the commission prepared a draft that incorporated to a large degree the preferences of Kravchuk and the majority of members. It featured a presidential system, a bicameral legislature, and separation of the three branches of government. Other drafts were also prepared and discussed, including one by the Communist Party, which rejected presidentialism and the separation of powers altogether and urged retention of the system of soviets. The tussle between presidentialism and parliamentarism, the latter in its Soviet meaning, continued unresolved from then on, with the balance being determined by the political strength of one side or the other. This is discussed in detail in chapter 2. With the adoption of the 1996 Constitution, a conscious decision to institutionalize political conflict was presumably made in Ukraine. But a great deal of uncertainty about the rules of the game still prevails, despite the common commitment to the rule of law and the notion of a law-based state. Even President Kuchma, by spearheading the referendum in 2000, showed an unwillingness to live by the rules set down in 1996—and still more by announcing his personal readiness to go around an unwilling Parliament so as to adopt the referendum's constitutional amendments.⁹³

Habituation and Consolidation

It is clearly unnecessary and impossible to outline the situation with regard to habituation to democracy as it stood at the beginning of the democratization process in Ukraine in 1991. Habituation is something that comes afterwards. At the beginning there is nothing to become habituated to. Note, however, that even before the fall of the Communist regime the level of interest in politics, as evidenced in public participation in voting, was remarkable. The semi-free elections of 1990, for example, produced turnouts of 84.7 percent and 78.8 percent of the electorate, respectively, for the two rounds of balloting.⁹⁴ In the 17 March 1991 referendum the turnout was 83.7 percent; for the independence question on 1 December 1991 it was 84.2 percent. If these initial levels of participation can be sustained during the transition, and are not a result of the Soviet legacy of compulsory and meaningless voting, the prog-

92. My account in this paragraph is based on Roman Solchanyk, "Ukraine Considers a New Republican Constitution," *Report on the USSR*, 7 June 1991, 23–6.

93. RFE/RL Newline, 18 May 2000.

94. *Radianska Ukraina*, 18 May 1990.

nosis is good; otherwise, the consolidation of democracy will be in trouble.

More worrisome for the prospect of consolidated democracy might be the tension between elites and the public in their understanding of democracy at the beginning of the transition, and also the great regional variations in these conceptions across the country.⁹⁵ According to a survey conducted in 1992, there were significant differences: “the elite, relative to ordinary citizens, gave far more emphasis to democracy as the rule of law, whereas the masses emphasized freedom (especially freedom of speech, individual choice and freedom of beliefs). The elite also placed relatively more emphasis on responsibility for one’s own actions and respect for the rights of others.”⁹⁶ A subsequent study carried out in 1995 noted a decrease in the percentage of respondents who felt that the current regime conformed to their own conception of democracy,⁹⁷ an unfavourable marker for habituation and consolidation.

The performance of the government of Ukraine in the realm of economic policy will be crucial for people to become accustomed to democracy and for democracy itself to survive. An immediate practical task was for the Ukrainian government to implement an economic reform program. However, as one of Kravchuk’s critics, Vladimir Grinev, declared at one point, “in Ukraine, reforms are practically not occurring.”⁹⁸ While playing it safe in this manner, Kravchuk managed to set himself up for electoral defeat. The economic situation and its implications for the survival of Ukraine and its fragile democracy are the subject of chapter 9.

95. Arthur H. Miller, Vicki L. Hesli, and William M. Reisinger, “Conceptions of Democracy among Mass and Elite in Post-Soviet Societies,” *British Journal of Political Science* 27, pt. 2 (April 1997): 157–90.

96. *Ibid.*, 169. As the researchers noted (171 and 174), this discrepancy in emphasis, despite a general commonality, suggests not only that those conceptions may not have been firmly held, but also that in future the actions of the elite might diverge from the expectations of the public in assessing progress towards democracy. A similar regional discrepancy was found to exist, whereby “those in West Ukraine gave relatively more emphasis to freedom (50 percent as compared with 35 percent in the East) while East Ukrainians emphasized rule of law, responsibility, majority rule and negative comments (17 percent in the East as compared with 10 percent in West Ukraine gave negative comments)” (*ibid.*, 175). Negative comments included (190) responses that equated democracy with anarchy, denied its present or possible existence in Ukraine, were otherwise nihilistic, or registered total indifference to the concept.

97. *Ibid.*, 184–5. The percentage of respondents who “felt that the government fitted their understanding of democracy ‘a great deal’ or ‘somewhat’” declined from 41 to 37.

98. *Manchester Guardian Weekly*, 1 November 1992.

One of the requirements for the consolidation of democracy is unity or consensus of the elites. It was difficult to tell, however, whether the rallying around the president in 1992 in Ukraine, for instance, could be interpreted as just such a consensus, or rather the placing of the process of democratization on hold. Even if it did represent a consensus, democratic development could become stalled if this elite unity were not accompanied by mass participation, in which case it could become merely what Burton and his colleagues call "stable limited democracy," citing Mexico as one of their examples.⁹⁹ Perhaps it is too early to talk of consolidation altogether, since the previous stages, as later chapters will show, are so clearly short of completion. But a stuck transition might very well become a permanent feature, and Ukraine's political system could turn into a pseudo-democracy.

A simpler scheme for considering whether Ukraine has begun the transition to democracy and determining how far along the track it has come since 1991 is suggested by Phillippe Schmitter, the Latin Americanist and specialist on corporatism.¹⁰⁰ Schmitter posits five overlapping stages in the transition from authoritarianism to democracy, for each of which an indicator of its initiation and termination is designated. First, the persistence of authoritarian rule can be considered to have ended when the hardliners have been displaced from power. Second, the demise of authoritarian rule begins with the concession of liberal rights to contestation and terminates with the formal transfer or surrender of power. The transition to democracy proper, the third stage, starts with the convocation of free elections that are uncertain in outcome, and ends when party preferences and association memberships have been stabilized. The fourth, consolidation of democracy, has its inception indicated by the convocation of the first regular legislative session, and its termination, by the completion of internal regulation (presumably a legal system) and the creation of major political institutions. The persistence of democracy, the last stage, begins with the rotation or realignment of the major party in power.

In the case of Ukraine, if Schmitter's scheme is applicable, the displacement of the hardliners occurred presumably in 1989 with the forced resignation of Volodymyr Shcherbytsky as first secretary of the Communist Party of Ukraine. But it is difficult to accept that his successor, Volodymyr Ivashko, or Ivashko's successor as first secretary, Stanislav

99. Burton, Higley, and Gunther, "Introduction," 5–6.

100. Phillippe Schmitter, "The Consolidation of Political Democracy in Southern Europe," unpublished manuscript, 1988, cited in David S. Mason, *Revolution in East-Central Europe: The Rise and Fall of Communism and the Cold War*, 2d ed. (Boulder, Colo.: Westview Press, 1996), 117, fig. 4.2.

Hurenko, or even Ivashko's successor as chairman of the Supreme Soviet, Leonid Kravchuk, represented much of an improvement.¹⁰¹ Perhaps the displacement of hardliners was accomplished with the resignation of Vitalii Masol as chairman of the Council of Ministers in October 1990 or of Vitold Fokin in the autumn of 1992. But then Prime Minister Leonid Kuchma, even if he had not been a hardliner himself, was certainly prevented by hardliners in Parliament from implementing his economic policies. Masol, who was brought back as prime minister by Leonid Kravchuk, stayed on under Kuchma until he was pensioned off.¹⁰² Perhaps in some sense, authoritarian rule, as personified in the continuity of its leadership, still persists in Ukraine.

Meanwhile, the demise of authoritarian rule, the second stage of transition, may be said to have begun with the passage of new election laws in the autumn of 1989, after long and heated debate.¹⁰³ The new laws removed all limits on the number of candidates for all seats. This phase clearly continued with the removal from the constitution of the Communist Party's monopoly of power and the sanctioning of multi-partyism in October 1990. A formal transfer, or surrender of power, which would mark the termination of the second stage of transition, was not apparent, however, in the first three years of Ukraine's independence, nor even after the results of the March 1994 elections.

In Schmitter's scheme, the March 1994 elections, the first free elections with an uncertain outcome, marked only the beginning of the transition to democracy proper in Ukraine. Darkening the picture was the incomplete and indistinct nature of the preceding stages in Ukraine, not to mention the prolongation of the parliamentary elections over a period of two years—half the lifetime of Parliament. The 1998 parliamentary elections did not do much to clarify the situation, nor did the presidential elections in the following year. Could Ukraine's democracy, then, turn out to be merely a cloak for a fundamentally authoritarian polity? Could it be experiencing a stalled process of democratization and thus have become a pseudo-democracy with little chance of consolidation?

101. See the biographies of these three in *Pravda Ukrainy*, 29 September 1989 and 19 October 1989.

102. Masol was once again recycled as presidential adviser, no less, from 3 August 1999 to 24 January 2000. He turned 71 on 14 November 1999.

103. *Pravda Ukrainy*, 31 October and 2 November 1989. For background, see Kathleen Mihalisko, "Dispute in Ukraine over Draft Law on Elections to Republican Parliament," *Report on the USSR*, 15 September 1989, 21–2; and idem, "Reaching for Parliamentary Democracy in Belorussia and Ukraine," *Report on the USSR*, 15 December 1989, 17–21.

* * *

We know from the mass media that Ukraine's transition is in trouble.¹⁰⁴ Democracy is an endless project, and even properly launched it can get derailed. Established democracies have problems with democracy. Why is Ukraine's democracy in trouble? A systematic examination, such as the one attempted here, of the evolutionary trajectory of politics in Ukraine since 1991 should provide a more—dare I say—scientific and less impressionistic, or alarmist, account of the transition. Just how far along the road to democracy is Ukraine? Is there any national unity? Have identifiable political contenders emerged? Is there any agreement on the rules of the democratic game? Is the economic transformation preserving or undermining democracy? Of course, this departure from the comforts of Communism, or “really existing socialism,” for shores unknown is a dreadfully complicated process. Much of the strategic choice and freedom of action of decision-makers is severely constrained, if not determined, by global forces of modernization and neo-liberalism.¹⁰⁵ Yet we must resist the temptation to throw up our hands while attempting to understand Ukraine's political development. Instead, let us try to convert information into knowledge by using a case study to advance comparative theory. We must determine the shape of post-Communist Ukraine from empirical evidence rather than prefabricated notions of “transitions to democracy,” and then apply theory to accumulated facts.

104. See, for instance, Geoffrey York, “The President and the Dead Man,” *The Globe and Mail*, 11 January 2001, and, before that, idem, “Iron Fist Squeezes Democracy in Ukraine,” *The Globe and Mail*, 12 July 2000, and “The Ukrainian Question: With Leonid Kuchma Still President, Can the West Do Anything To Make Ukraine Less Awful?” *The Economist*, 20 November 1999.

105. Adam Przeworski et al., *Sustainable Democracy* (Cambridge: Cambridge University Press, 1995), 1–10.

CHAPTER 2

Agreeing on the Rules of the Game

The fate of the democratic and seemingly well-designed constitution in Nazi Germany and the contemporary proclaiming of new constitutions by communist one-party systems, fascist dictators, and military juntas have led to a substantial decline in the former view of a constitution as a centre of gravity for political systems.¹

As Ukraine was undergoing its free fall into chaos in the 1990s, the discussion of the design of a constitutional system by Ukraine's politicians and by political scientists outside the country could be likened to someone bothering to rearrange the deckchairs on the Titanic as it was sinking. Nevertheless, as all the relevant actors agreed and universal experience has shown, constitutions do matter. Indeed, "constitutions are very important, and great investments of time and effort are needed to write them; and second, it is very difficult, and rare, to write a constitution that lasts—which is why there have been so many of them."² In Ukraine beginning in 1990, the drafters and decision-makers were attempting to write not only a new and long-lasting constitution but also one that would be crafted to their advantage. The objective of this chapter is to trace the evolution of Ukraine's new constitution through successive drafts and at the same time to answer a number of crucial questions. What were the politics of the constitution-making process? Which parties and groups were in conflict? What were the troublesome issues? What sort of Constitution emerged at last from this process? Did it respond to the basic questions that every constitution must answer? What were the implications of its provisions for the harnessing of power for (a) stable democracy and (b) effective government? Could Ukraine's new Constitution be expected to induce players to play the democratic game, and were the politicians under its rules likely to

1. Vernon Bogdanor, ed., *The Blackwell Encyclopaedia of Political Institutions* (Oxford: Basil Blackwell, 1987), 144.

2. Robert A. Goldwin, "We the Peoples: A Checklist for New Constitution Writers," in *Comparative Politics*, 92/93, 10th ed., ed. Christian Soe (Guilford, Conn.: Dushkin Publishing Group, 1992), 92–5, here 95.

manage the transition to consolidated democracy?³ Generally, it is to be expected that the constitution writers will not “get it right” the first time and that a democratic procedure of constitution writing will promote stability, while undemocratic procedure will induce instability.⁴

Background

Although associated with independence, the impulse for a new constitution for Ukraine antedated it. It came from CPSU First Secretary Mikhail Gorbachev’s changes in 1988 to the Constitution of the USSR and its major political institutions, the example of the independence movements in the Baltic states, and the urging of Rukh and the domestic democratic movement. In 1989 various drafts were put forward, and changes to the Soviet constitution of Ukraine were adopted after much heated debate and accompanied by public demonstrations, in spite of defensive resistance by the Communist Party of Ukraine. The changes mainly concerned the electoral system—making way for the semi-competitive elections of the following year—the Supreme Council (Soviet) of the Ukrainian SSR and local councils, and the language law.⁵ As a result of the elections held in spring 1990, approximately 125 out of 450 deputies in the Supreme Council were affiliated with the Democratic Bloc, in opposition to the Communist majority of 239. Despite its minority status, the Bloc’s agenda—really that of Rukh—dominated the subsequent parliamentary session that included passage of the sovereignty declaration in July and the law on Ukraine’s economic independence in August 1990.⁶ After a prolonged tussle, Leonid Kravchuk was elected chairman of the Supreme Council that same summer, but the Democratic Bloc boycotted the election. In October 1990 further changes to the Constitution were passed, including the rescission of article 6 on the monopoly position of the CPU and the amendment of article 7 to permit political pluralism.⁷

3. For a concise review of these questions, see Charles R. Wise and Trevor L. Brown, “The Separation of Powers in Ukraine,” *Communist and Post-Communist Studies* 32, no. 1 (March 1999): 23–44. Kataryna Wolczuk has written an excellent essay, based in part on extensive interviews conducted in Ukraine: “The Politics of Constitution Making in Ukraine,” in *Contemporary Ukraine*, ed. Kuzio, 118–38.

4. Przeworski et al., *Sustainable Democracy*, 49–50.

5. See *Pravda Ukrainy*, 31 October, 2 November, and 3 November 1989.

6. For the law on economic independence, see *Pravda Ukrainy*, 8 August 1990.

7. *Radianska Ukraina*, 28 October 1990. A crucial distinction often overlooked is between multiple candidacies and multiple parties. In the 1989 elections to the

In October 1990 a parliamentary commission was also established to draft an entirely new Constitution that would fit the conditions of Gorbachev's perestroika (Ukrainian: *perebudova*).⁸ Headed by Kravchuk, it consisted of fifty-nine men (not a single, even token, female was included), twelve of whom were legal experts, not deputies of the Supreme Council. Out of the forty-seven parliamentary deputies, twenty-four were members of the Communist majority (the so-called "239"), eighteen belonged to the Narodna Rada (the Democratic Bloc parliamentary caucus after the election), and five were uncommitted. This was fairly representative of the broadly tripartite partisan alignment of the Supreme Council at the time.⁹ The dozen non-parliamentarians included the ministers of justice and internal affairs (police), as well as various distinguished law professors and academicians. In the course of its subsequent work the commission generated considerable controversy, which enlivened and extended its proceedings.

The Preliminary Version: The "Concept" of 1991

The Constitutional Commission's first meeting took place on 1 November 1990, and a working group was formed to develop the general

Congress of People's Deputies of the USSR, multiple candidacies were permitted in each constituency, but no parties were yet allowed, as the CPSU's monopoly of power was still enshrined in the constitution. See article 9 of the Soviet law "Pro vybory narodnykh deputativ SRSR," *Radianska Ukraina*, 23 October 1988. Similarly, the number of candidates per electoral district was also unrestricted in the 1990 republican elections. See article 38 (4) of the draft electoral law "Pro vybory narodnykh deputativ Ukrainskoi RSR," *ibid.*, 6 August 1989. These laws thus allowed non-Communists to stand for elected office, but they did not require competitive multi-party elections. Besides, the way they were implemented raised numerous obstacles to doing so. See Birch, *Elections and Democratization in Ukraine*, 45 and 59–60. Parties were recognized and able to register only after the 1990 elections and thus permitted to contest elections in multi-party competition.

8. *Radianska Ukraina*, 28 October 1990.

9. Arel, "The Parliamentary Blocs," 125 and 144–9. According to Arel, the strength of the three blocs as of November 1990 was 239, 122, and 88 deputies, respectively. There is no statistically significant difference between the makeup of the commission and the whole Parliament in terms of these three categories. Prominent Communist members included CPU First Secretary Stanislav Hurenko, Oleksandr Kotsiuba, Prime Minister Vitold Fokin, and Oleksandr Moroz, the eventual leader of the neo-communist Socialist Party. The commission included such prominent members of Narodna Rada as Serhii Holovaty, Ivan Drach, Oleksandr Iemets, Levko Luk'ianenko, Dmytro Pavlychko, V'iacheslav Chornovil, and Ihor Iukhnovsky.

principles of the new Constitution. (During all of 1990 and 1991, of course, Ukraine was still within the USSR.) According to Roman Solchanyk, "the working group was instructed to address such fundamental issues as the future state structure of the republic; its name; its political, economic, and electoral system; citizenship; the legal status of its citizens; its state and national symbols; and its administrative and territorial structure. It was also resolved that the concept of a new constitution would be examined by the Supreme Soviet in December and that work on the draft constitution itself would be completed by April 1, 1991."¹⁰ Like many a subsequent deadline, this one was never met, as the deliberations dragged on, months turning into years. Submissions were invited from the public and from Supreme Council deputies. The commission considered the working group's draft concept in early December. A major issue was whether Ukraine ought to remain unitary or recognize Crimean pressure for autonomy. Then, as later, political realities of the day intruded on the commission's proceedings. It was decided to continue working on the draft concept and to include the entire commission in the project, in light of which the original timetable was dropped.¹¹

When the commission next met in February 1991, no agreement was forthcoming on a final draft text. In particular, "conflicting views were expressed on such issues as the official name of the state; a presidential versus a parliamentary form of state administration; a single versus a bicameral legislature; the role of the Prosecutor's Office in the governmental system; and the role of the soviets."¹² A majority of commission members favoured presidentialism and bicameralism as advocated by Kravchuk. In view of the disagreement, it was again decided to rework the draft and present it to the Supreme Council in March.¹³

In April 1991 Leonid Kravchuk emphasized that a new Constitution was needed for stability. He identified the major issues that were still unresolved, noted that there was agreement on the division of powers and the law-based state, and reiterated his preference for a presidential system and bicameral legislature. Sharp debate ensued on the issues of presidentialism, bicameralism, the soviets, and citizenship (single or dual, Ukrainian and/or Soviet). The commission took note of these dis-

10. Solchanyk, "Ukraine Considers a New Republican Constitution," 23–4.

11. *Ibid.*, 24.

12. *Ibid.*

13. *Ibid.*; and *Pravda Ukrainy*, 16 February 1991.

cussions.¹⁴ Especially strong disagreement with the commission's work was registered by the Communist Party, which had issued its own draft in January. The Communist spokesman, Stanislav Hurenko, objected to the "de-ideologization" of the Constitution, the abandonment of the commitment to "socialist choice," the institution of a strong president, the presumed liquidation of soviets, and the excessive preoccupation with the rights of ethnic Ukrainians.¹⁵

In May the commission published its "Concept" (*Kontseptsiiia*) of the new Constitution drawn up by a task force of thirty experts, only one of whom was a commission member. It began with a statement of fundamental principles, which were wholly in line with Gorbachev's perestroika policy and aimed at relegitimizing Soviet power.¹⁶ The document urged retention of the "socialist choice" (i.e., the commitment to Soviet socialism) and advocated placing the individual person at the centre of the state's concerns. It spoke of "the people of Ukraine" (*narod Ukrainy*) rather than "the Ukrainian people," and assumed Ukraine would continue to delegate voluntarily part of its sovereignty to the USSR. Its prescription for the new constitution was basically the old Soviet constitution, with a nod to human rights, the separation of powers, and the institution of an assembly-elected president thrown in to match developments at the Soviet centre in Moscow. This could hardly have been otherwise. The largest contingent of experts in the drafting committee came from the oddly named Feliks Dzerzhinsky Ukrainian Juridical Academy; three other committee members were Central Committee apparatchiki of the Communist Party of Ukraine.

Although the "Concept" paid lip service to the separation of powers and the idea of civil society, its detailed proposals effectively negated these principles. For example, it proposed that the president and justices of the Supreme Court should be chosen by the assembly (the Supreme Council), which affirmed the drafters' commitment to a model of pure

14. *Pravda Ukrainy*, 24 April 1991.

15. Solchanyk, "Ukraine Considers," 24–5.

16. "The new Constitution should be based on the Declaration of State Sovereignty of Ukraine," it said, and "should create a solid constitutional basis for the affirmation of a sovereign Ukrainian statehood, a democratic organization of civil society, full popular power based on the supremacy of law, legality, and self-government, a strict separation of powers, ... political pluralism, variety and legal equality of forms of property, equality of rights and freedoms of citizens, ... and acknowledgment of the priority of universal human values and of universally recognized norms of international law" ("*Kontseptsiiia Konstitutsii [Osnovnogo zakona] Ukrainskoi Sovetskoi Sotsialisticheskoi Respubliki: Proekt*," *Pravda Ukrainy*, 6 May 1991).

assembly government that had characterized the Soviet constitutional order from the beginning. All powers were to be concentrated in the hands of the people's representatives, and no real separation of powers would be allowed at all. This was a model derived from France of the Third Republic, and Soviet-trained jurists and Soviet-era politicians alike have found it impossible to be weaned from it. If Soviet Communists had any principles at all, they were not favourably predisposed to presidentialism or to the separation of powers. Instead, they preferred the populism and concentration of powers typical of their perhaps fanciful conception of the Paris Commune of 1871 on which the Soviet constitutional order was ostensibly patterned. The drafters' notion of civil society was similarly tinged with Leninism, as evidenced by the heading of the relevant chapter entitled "Organization of Civil Society," which implied that the civil society had to be organized from top to bottom by the state. That would be the very antithesis of civil society, as understood where such a thing exists.¹⁷ The ground was thus prepared for fundamental conflict between the Communist majority, both in the commission and the Supreme Council, which was defending the status quo and its own vested interests, and the liberal and national-democratic minority opposition that was advocating a radical breakwith the past.

In May 1991 the Supreme Council debated the commission's draft.¹⁸ There was considerable conflict, principally between the Communists, who insisted that their party's draft be simultaneously considered, and the democrats, but also within each of the two main blocs of deputies. Presenting the commission's draft, Kravchuk stated that a majority of its members agreed on a strong president and the retention of the system of councils (soviets, or *rad*y). Efforts at compromise in the Supreme Council were not very successful. Even the name of the country gave rise to disagreement. Despite opposition sentiment in favour of dropping the reference to "socialist choice," the majority supported its retention but failed to obtain the necessary two-thirds vote. There was no agreement on the office of the Procuracy; Dmytro Pavlychko had argued that the Procuracy must not interfere with the independence of the judiciary and must not be anti-democratic or an instrument of the state.¹⁹ There was

17. Keane, *Civil Society*.

18. Interfax, 2102 GMT, 14 May 1991, trans. in FBIS-SOV-91-096, 17 May 1991, 48; Radio Kyiv International Service, 2200 GMT, 14 May 1991, trans. in FBIS-SOV-91-098, 21 May 1991, 84–5; Radio Kyiv International Service, 0000 GMT, 16 May 1991, trans. in FBIS-SOV-91-099, 22 May 1991, 69; and *Izvestiia*, 24 May 1991, trans. in FBIS-SOV-91-103, 29 May 1991, 81–2.

19. *Literaturna Ukraina*, 23 May 1991.

also conflict regarding presidential authority over local government; the session adopted the position that the highest local official should be the chairman of the council, elected by the people, and simultaneously the president's representative. According to the press, deputies were more or less in agreement on (1) a presidential system, (2) direct election of the president, and (3) that the Supreme Council should be professional and bicameral. A referendum was decided on as a means of resolving unsettled issues (the name of the Ukrainian state, symbols, the structure of government, and the matter of the "socialist choice").²⁰ Kravchuk was depicted as having played the role of middleman between the Communist majority and the Narodna Rada minority democrats.²¹

An interesting example of someone convincing himself to support Kravchuk's proposed presidential and bicameral system at this time was Levko Luk'ianenko, a commission member and leader of the Ukrainian Republican Party. He approached the question of constitutional design from the position that a people's political life depends on its character.²² In considering Ukraine's traditions of state building—the egalitarianism of the ancient Slavs, the supremacy of the *hromada* (community), the value that Ukrainian princes placed on justice (equality) over power (control), Mykola Kostomarov's writings on Ukrainians' voluntary associations and the contrast with Russian collectivism, the tradition of the *viche* (public meeting) as a censor or controller of princes (according to Panteleimon Kulish), and the importance ascribed to the *hromada* by Mykhailo Hrushevsky, he concluded that Ukraine had a tradition of individual freedom being valued above the interests of the state. Could this individualism, he asked, be squared with contemporary democratic rule in its two predominant modes, presidentialism and parliamentarism? Obviously, parliamentarism would be better than presidentialism, which might become dictatorial. Parliamentarism would give greater scope to the Ukrainian nature (or national character). But Ukraine was in need of consolidation, so it would be better to have a presidential system. And to avoid dictatorship, it would be preferable to limit presidential power. Bicameralism would also be preferable from the point of view of better legislation (there were intimations of "sober second thoughts" here, but they were not explicitly stated). The importance of leadership—in this case, Kravchuk's—in the politics of constitution making is not to be ignored.

20. *Pravda Ukrainy*, 24 May 1991.

21. Solchanyk, "Ukraine Considers," 25–6.

22. *Literaturna Ukraina*, 30 May 1991.

The parliamentary commission met once more in June 1991, and again there was a sharp clash over the definition of Ukraine as a national state and the deletion of the reference to “socialist choice,” the principal objection coming from the Communist spokesman, Hurenko. The commission also discussed whether Ukraine needed the post of vice-president and a presidential council, and when to hold presidential elections. Sentiment in favour of a presidential system seemed to be gaining momentum.²³ In September, after the abortive coup in Moscow, the Supreme Council agreed to delete the preamble of the still existing Soviet Constitution inasmuch as it no longer corresponded to reality.²⁴ Furthermore, the Declaration of Independence, which also followed the Moscow coup, marked a critical turning point in the constitutional process, as it suddenly liberated the drafters from the shackles of “socialist legality” and gave them freedom to examine and incorporate Western concepts of constitutionality.²⁵

Presidentialism was confirmed in changes to the constitution that were passed by the Supreme Council in February 1992.²⁶ The president was given the power to issue decrees or edicts (*ukazy*), both normative and legislative. He was also empowered to serve as representative of the state in international relations and was designated as commander-in-chief of the armed forces. He would now be allowed to veto legislation passed by the Supreme Council, after which the assembly could overturn the veto with a majority of the votes of the full body. The president would nominate, and the assembly would confirm, the appointment of the prime minister and key ministers (defence, foreign affairs, finance, and so on). He could dissolve local councils that failed to execute presidential policies. Citizenship of Ukraine could be bestowed on worthy foreigners by the president. All of these changes also found their way into the next published draft of the new Constitution later that year.

In the meantime, of course, Ukraine continued in practice (as opposed to the constitution-writing process) to rely on its Soviet-era Constitution, constantly amending it by legislation on innumerable oc-

23. Radio Kyiv International Service, 2200 GMT, 4 June 1991, trans. in FBIS-SOV-91-108, 5 June 1991, 55–6.

24. Radio Kyiv Network, 1500 GMT, 17 September 1991, trans. in FBIS-SOV-91-182, 19 September 1991, 65–6.

25. Keenan W. Hohol, “The Draft Constitution of Ukraine: An Overview,” *Review of Constitutional Studies* 1, no. 2 (1994): 255–6.

26. *Holos Ukrainy*, 15 February 1992.

casions. This caused a great deal of contradiction and chaos. Not the least problematical was the introduction, following Russia's example, of the post of president by constitutional amendment in July 1991, without consideration of its relationship to the other governmental institutions in Ukraine's Soviet assembly model. As Kataryna Wolczuk says, the effective constitution "grew into a register of shifts in the political balance, eventually coming to lack any clarity and consistency." The result was that "the whole machinery of the state was driven by an incomprehensible array of political machinations rather than being the result of the application of any recognized rules and procedures."²⁷

The July 1992 Version

The first full-fledged draft of the new Constitution appeared in July 1992.²⁸ Shorn of references to "socialist choice" and to Ukraine's status within the USSR, it was still characterized by a number of obvious flaws despite the great amount of work that had gone into its drafting. With 258 articles, 8 more transitional provisions, and a further 43 variants of articles in case of a unicameral rather than bicameral legislature, its length broke a cardinal rule of constitutional design, which is that "it ought to be a simple and concise document."²⁹ The drafters could perhaps have taken comfort from the fact that their document, in which they understandably had to cover many bases, was still shorter than the Indian constitution's nearly four hundred articles.

It was also overburdened with unenforceable rights. In addition to the altogether normal democratic rights of free speech, association, assembly, and conscience, as well as most (but not all) elements of the rule of law, the document included such constitutional rights as private property, entrepreneurial activity, work, domicile, rest, and a healthy

27. Wolczuk, "The Politics of Constitution Making," 124.

28. "Konstytutsiia Ukrainy: Proekt. Vynesenyi Verkhovnoiu Radoiu Ukrainy na vsenarodne obhovorennia (1 lypnia 1992 r.)," *Holos Ukrainy*, 17 July 1992. This version took up twelve tabloid-sized pages; the "Concept" occupied a single regular newspaper page. A translation is available in FBIS-USR-92-104, 15 August 1992, 33–67.

29. Peter C. Ordeshook, "Some Rules of Constitutional Design," *Social Philosophy and Policy* 10, no. 2 (1993): 202. On content, see also his "Rule 4: Constitutions ought to focus on institutional design and the statement of general principles, with the presumption that the need for greater specificity and administrative detail, as well as the resolution of potential ambiguity, will be attended to by the legislative and judicial institutions the constitution establishes" (204). Ordeshook's emphasis.

natural environment. This was a compromise between democratic liberalism and Communist conservatism.³⁰

Other provisions of a general nature that raised questions included the underlying conception of the relationship between state and society, which seemed to have been quite confused.³¹

Not only were the several provisions not entirely consistent with each other, but the distinction between the state, society, and state administrative apparatus was not conceptualized clearly enough. Despite the overt endorsement of rule by the people, there was still the idea of power really being in the hands of a paternalistic state.

There was also a lack of clarity in the provisions for a second legislative chamber in terms of representation and function. The provisions did not adequately spell out what the upper house was supposed to represent and what exactly it was supposed to do, i.e., how it would be distinct from the lower house. Perhaps its members, representing oblast governments, would be presidential appointees and would thus ultimately give Kravchuk more power or temper separatist tendencies. The lack of agreement in the commission as to whether to have a legislature with one chamber or two was also obvious in the draft, which augmented the uncertainty of the process.

The provisions for popular initiatives in legislation and for the recall of deputies and the president himself were incongruous with the principle of indirect democracy in a republic. They were among the many legacies of the Soviet era in this and every other version of the Constitution.

Although the document was unwieldy, it represented a serious attempt to break free of the Soviet order and to launch the country on the path of democratic development. That the drafters should have become

30. Ordeshook comments: "Rule 9: Constitutions ought to avoid vague lists of utopian policy goals that are beyond the capacity of the state to realize, and they ought to focus instead on the minimal institutions and rights that are sufficient to ensure society's ability to co-ordinate for the realization of policy goals as expressed through such agencies as democratic elections" (ibid., 207). Furthermore, "Rule 10: Constitutional provisions, especially those pertaining to rights and guarantees, must be translatable into policy that can be feasibly implemented by the legislature" (ibid.).

31. *Literaturna Ukraina*, 31 December 1992. Consider the following statements: "The state is responsible before ... society for its activity" (article 2); "The people ... are the sole source of state power" (article 3); "The state guarantees the equal right of citizens ... to participate in state matters" (article 6); "The state defends the ethnic, cultural, linguistic, and religious selfhood of all national minorities" (article 13); and "State power is realized by the people in the person of citizens of Ukraine who have the right to vote" (article 114).

tangled in contradictions and obscurities in such a pioneering effort was perfectly understandable, considering that every constitution-making exercise has to be a political process and not a matter of crafting an ideal document based on perfectly working abstract models. Analysis of two areas of particular importance in this first draft of the new Constitution—human rights and institutions—shows that principles and politics have had to coexist. In its treatment of rights and freedoms the 1992 version of the Constitution moved considerably beyond the earlier “Concept.” That document started from the primacy of the individual, a liberal principle that Gorbachev had attempted to graft for the USSR onto Soviet socialism. In following the lead of the CPSU, it was thus fundamentally orthodox. It spoke of a “reciprocal responsibility” between the state and the individual, an idea positively alien to liberal democracy; it was simply an attempt to reconcile state socialism with liberalism. There were also echoes of the Soviet experience in the prominent place accorded to the notion that group-based rights, which were obviously designed to protect Russians from anticipated pro-Ukrainian policies, should not be curtailed. It was also reflected in the reference to loss or acquisition of citizenship, the provision for the equality of citizens from other republics, and the inclusion of simultaneous Soviet citizenship. The “Concept’s” statement on rights and freedoms was, of course, consistent with Gorbachev’s perestroika policy.³² The “Concept” concluded its outline of rights and freedoms for the new constitution by mentioning—without, however, spelling them out—the need to establish citizens’ basic obligations; this too was a carry-over from Soviet constitutionalism.

The July 1992 version offered a full catalogue of rights and freedoms, devoting five chapters to the subject and only one short chapter to the obligations and duties of citizens. It took a clearly more universalistic approach than ever before. The tone was set by article 10, which read: “All people are born free and equal in their dignity and rights. The natural rights of the individual are inalienable.” Redolent of Jean Jacques Rousseau, this sentiment was a noble one indeed. Chapter 2 offered single citizenship (no dual citizenship); no deportation of citizens or deprivation of citizenship; no extradition, except pursuant to a treaty; protection of citizens abroad; regulation by law of foreigners and others

32. “There are secured: personal (civil), political, economic, social, and cultural rights and freedoms of citizens.... Among them: ... the right to life, and the physical and moral inviolability of the person; the right to freedom of opinions and convictions; the right to information, ... prohibition ... of censorship; the right to freedom to change one’s place of residence; the right to leave one’s country and to return to it; the right to openness [*glasnost*]” (*Pravda Ukrainy*, 6 May 1991).

without citizenship; granting of asylum to foreigners; and conformity of all residents to the constitution and laws (articles 15–20). These rights were in harmony with the principles of article 10. Chapter 3 provided a formidable list of all possible and imaginable civil and political rights (articles 21–35). Included here were many explicit departures from Soviet experience, which may not have required explicit articulation if the rule of law had prevailed beforehand.

Carried away by idealism or wary of losing the paternalistic care of the socialist welfare state in the face of the challenge of the market economy, the drafters included a chapter on “Economic, Social, Ecological, and Cultural Rights.” If explicit reference to “socialist choice” was absent from this version, the sentiment was clearly still there in this chapter, in that while sanctioning a private enterprise economy, it qualified it by specifying that a full-fledged social security system should accompany it. This was a tall order for the new state of Ukraine, to be sure. Chapter 5, on guarantees of rights and freedoms, was quite straightforward.

In sum, this was a considerable departure from Soviet norms in the predominance of rights over obligations; the abandonment of dual citizenship; the explicit assertion of the freedoms of speech, assembly, and conscience; and the endorsement of universal notions of civil liberties. At the same time, some rights and freedoms were framed apparently with the Soviet experience very much in mind, either to escape it definitively or to enshrine it indefinitely. One might well consider the extensive catalogue of civil liberties as a victory for the former political prisoners who were on the commission, and the socio-economic guarantees as a triumph for the former Communist apparatchiki.

In terms of institutions, the 1992 draft Constitution established a presidential system of government with at least nominal checks and balances and a unitary structure territorially. The dominant institution would have been *the president*, with the following powers, among others (article 178): as head of the executive branch of government, he could initiate legislation and veto bills passed by the assembly; he would take an active role in forming and directing the Cabinet; he would have responsibility for foreign policy; he could cancel any unconstitutional ministerial or local instructions, and provide constitutional interpretations of his own decrees. The president would be elected directly for five years, be allowed to serve no more than two consecutive terms, could not be a member of the legislative assembly, and would have to suspend his political party affiliation while in office. The commission chairman himself, Leonid Kravchuk, apparently promoted the idea of a president

vested with these considerable decision-making powers as a means of effectively governing Ukraine during the transition.³³

The Cabinet of Ministers, or the government (*uriad*), as it would also be known, was to be subordinated and responsible to the president and guided by his program and decisions. Since the president would have to suspend his political affiliation, however, it was not clear how he could obtain from the assembly the necessary support for his program and government. Nor was it explained how the president would go about forming a government or even run for re-election for a second term without a party identification of some sort. This pattern was evidently decided on the basis of the current incumbent's (Kravchuk's) decision to be above parties, but its practical difficulties were not addressed.³⁴ The fact that in existing democracies government is party government seemed to have been overlooked by the drafters; how institutions would operate was apparently subordinated to the primary consideration of designing a presidential system with a powerful, unifying president.

The Cabinet of Ministers would consist of the prime minister as its head (and also as the president's [unelected] deputy or replacement), deputy prime ministers, ministers, and others designated by the president. The prime minister would exercise direct leadership of the Cabinet and its administrative apparatus, oversee and co-ordinate the activities of ministries, and answer to the president, to whom he would be responsible and accountable. It was to be very much a presidential Cabinet, along the lines of Fifth Republic France, rather than a parliamentary one. The government would retire with an outgoing president.

Ministers would be empowered to issue directives (*nakazy*), exercise leadership in their respective spheres of administration, and be responsible not to the prime minister, but the president. A minister whose work was declared unsatisfactory by the national assembly would be subject to dismissal from his post by presidential decree. Ministers could take part in the proceedings of the assembly and its commissions; if asked questions, they would be required to respond within twenty-five days. Like judges, ministers would not be members of parties and other

33. Apparently he, like everyone else, was oblivious to the fact that "democracies do not survive when they combine presidentialism with a fractured party system" (Przeworski et al., *Sustainable Democracy*, 45).

34. In particular, the drafters failed to anticipate the tendency for such a "non-partisan" presidency to grow over into "delegative democracy," a serious liability in a new democracy and which, if it lasts, is likely to be ineffective despite the issuance of numberless decrees. *Ibid.*, 63–4.

political groups; they could not hold elective office or occupy any remunerative post during their tenure.

The National Assembly (Natsionalni Zbory) would consist of two chambers, a Council of Deputies elected on the basis of population in 350 single-member districts (SMDs) and a Council of Delegates with five members from each oblast, Crimea, and Kyiv. Members would be elected for five years; assembly elections could not be held simultaneously with those for president. The National Assembly would have the normal powers of a legislature, plus exclusive jurisdiction over the treasury and the National Bank (power of the purse). The upper house would have the lesser powers; indeed, it was to have no specific subjects of legislation, but would be concerned with regional issues.

The legislative process would be initiated not by the government, but rather several other sources: the people of Ukraine; the deputies, chambers, committees, and presidiums³⁵ of the National Assembly; the president; and the Supreme Council of Crimea. After passage through both houses of the assembly a bill would go to the president, who would sign it within fifteen days or veto it and return the bill to the assembly for reconsideration. If it were passed again, the president would be obliged to sign and publish it within ten days, failing which he would be assumed to have agreed to it. A "pocket veto," therefore, would not be available to the president. Nor would a law (*zakon*, the highest-order statute of Ukraine) approved in a referendum require presidential approval. However, the president could refer any bill considered unconstitutional to the Constitutional Court. A referendum would be held to decide on (1) Ukraine's entry into a union of states and a military or political alliance, and (2) changes to Ukraine's territory. Approval would require a majority of the electorate, not merely of those voting. Certain matters would not be subject to decision by referendum. If a referendum were initiated by the assembly and would turn out to express confidence in the president (rather than lack of it) by being defeated, the president could then dissolve the assembly, but only in this circumstance.

In the matter of *the court system*, the draft followed the civil law tradition of continental Europe. The courts would have three separate hierarchies: (1) constitutional; (2) general, at the top of which would be the Supreme Court (but which would not itself be a constitutional court); and (3) economic. Many have questioned the wisdom of this tripartite

35. Like their Soviet counterparts, the Supreme Council of Ukraine and the Supreme Soviet of the USSR, each chamber of the National Assembly would have a presidium, or steering body, to act on the chamber's behalf between sessions and direct its work.

division, especially Western legal experts. An appeals-court system did not appear to have been provided for, unless it was included in each of the three. As was the case in the Soviet experience, the draft made provision for *the Procuracy*. As in the past, its tasks would include oversight of the legality of the activity of bodies of the executive branch and investigative organs, conduct of criminal investigations and prosecutions in court, and oversight of legality in places of detention, which would come under the aegis of the Procuracy. Retention of this institution would not, of course, conform to accepted notions of separation of powers. Perhaps this may be explained by the drafters' Soviet-style notions of justice or by the Procuracy's own political influence. The Procuracy acting as a law unto itself—a Soviet tradition with a long pedigree—was not the only instance where the principle of separation of powers was being broken.

Separation of powers was explicitly violated with respect to legislative and judicial functions. As mentioned earlier, the president, the Cabinet, ministers, and the assembly, in addition to the courts, would be authorized to pass laws or regulations of one kind or another. This would sanction a continuation of the blizzard of law making that has now become common practice in independent Ukraine, causing confusion and disorder in the legislative realm. In 1992, for instance, the Supreme Council of Ukraine issued 131 *zakony*, 261 *postanovy* (decisions), 14 *polozhennia* (regulations), 15 *zaiavy* (declarations), and 5 *zvernennia* (appeals). Its Presidium issued 209 *postanovy*, and its chairman, 8 *rozporiadzhennia* (commands).³⁶ In the same period the Council of Ministers issued 725 pieces of legislation, although only 273 actually appeared in its gazette.³⁷ The president also issued innumerable edicts. There appeared to be no strict delineation of subjects among these legislative authorities, and no such thing as delegated legislation. Thus, confusion was being designed into the Constitution even before its enactment, while a customary practice from the Soviet era was being confirmed instead of abandoned.

Evaluation

There were two major problems in the July 1992 draft of the Constitution: it could create difficulties in consolidating democracy in Ukraine and lead to chronically unstable government. If the objective in building democracy is to induce relevant actors (especially elites) to participate in the political game—accept the certainty of the rules of the game, but live

36. *Vidomosti Verkhovnoi Rady Ukrainy*, supplement to 1992, no. 52.

37. *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 12.

with the uncertainty of its outcomes—then this document was vulnerable to failure. It would provide an incentive not to play the game, or at least not to accept the game's uncertain results. For instance, the provisions for early recall of the president and parliamentary deputies, as well as for laws to be passed by referendum, which then would not require the chief executive's signature, are means of circumventing existing institutions, regular procedures, and properly made decisions. The absence of a presidential "silent" (or "pocket") veto on legislation could be considered similar. Such a situation is heaven for demagogues and a recipe for crises.³⁸ These provisions, unlike real checks and balances that require co-operation and function to promote accepted ways of resolving conflict, would fuel distrust and exacerbate conflict.

From a comparative perspective, the choice of a presidential system with a strong president was unfortunate. "In the transitional period to a market system Ukraine requires a strong executive power," stated an article otherwise critical of the July 1992 draft, giving voice to a sentiment prevailing at that time (expressed by Kravchuk among others).³⁹ But whether a powerful president would provide effective government was another question.

Unlike parliamentarism, where executive and legislature are fused and interdependent for their survival, in presidential systems these two branches originate and survive separately.⁴⁰ In terms of executive-legislative relations, four ideal types of presidential system may be distinguished. The first is pure presidential government in which the chief executive (a) is popularly elected, (b) has a fixed term, like the assembly, and this is not determined by mutual confidence, (c) names the government, and (d) "has some constitutionally granted law-making authority."⁴¹ Ukraine's draft constitution of 1992 might be in this category, with the addition of strong legislative power for the president. The second, premier-presidentialism, or semi-presidentialism, is one where a president (a) is elected popularly, and (b) possesses considerable powers, but at the same time "there also exists a premier and Cabinet, [c] subject to assembly confidence, [d] who perform executive functions."⁴²

38. *Literaturna Ukraina*, 31 December 1992.

39. *Ibid.*

40. Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge: Cambridge University Press, 1992), 18.

41. *Ibid.*, 19.

42. *Ibid.*, 23.

The Fifth Republic of France corresponds to this type, but Ukraine under the 1992 constitutional draft did not, the Gaullist aspirations of Leonid Kravchuk notwithstanding. A third type is exemplified by Weimar Germany and termed president-parliamentary to emphasize the polarization of powers. Here the president (a) is popularly elected and (b) appoints and dismisses cabinet ministers, but (c) ministers are subject to parliamentary confidence and (d) Parliament can be dissolved by the president. In this case, either the president or Parliament can dismiss ministers; in the premier-presidential (semi-presidential) type, only one of them can do so.⁴³ Except for item (d), this model also corresponds to the 1992 draft constitution of Ukraine. This would not augur well.⁴⁴ True enough, "Weimar ... broke down because extremists thrive on economic collapse and international indifference,"⁴⁵ but constitutional design had a great deal to do with it, too. "One post-Weimar was surely enough"⁴⁶ is a sentiment with which no one could disagree. Whether Ukraine's constitutional drafters were aware of the dangers is a pertinent question. The fourth type of presidential system would be assembly government in which the legislature is the dominant branch of government. Its survival is not connected to that of the government, and the president cannot dissolve it. France under the Third and Fourth Republics exemplified this, with all the familiar implications for stability and effectiveness.

Under the 1992 draft Constitution the president's exclusive powers would be clearly greater than those of the assembly. Insofar as the potential of such arrangements for survival of the political system, its stability, and the maintenance of democracy within it are concerned, the prognosis was not favourable. Among the various types of presidential systems in existence, the most long-lived democracies—Costa Rica, the

43. Ibid., 24–5.

44. In Weimar Germany, essentially "the principal problem ... was ... the constitutional dominance of the president ... [which] rendered the Reichstag helpless to control the government, and ... made the government ... instruments of the president." As Shugart and Carey emphasize, "the formal political rules ... encouraged polarization and political conflict ... rather than compromise.... The position of the Weimar president rendered the Reichstag ineffectual." This shows, they say, "that the formal characteristics of government responsibility to the assembly must not be rendered ineffectual by the dominance of the president" (ibid., 68 and 71).

45. Alexander Motyl, *Dilemmas of Independence: Ukraine after Totalitarianism* (New York: Council on Foreign Relations Press, 1993), 22.

46. Ibid., 197.

Dominican Republic, the United States, and Venezuela—have presidents with relatively weak legislative powers. Keeping the assembly the dominant branch in the legislative realm seems to be best.⁴⁷ Even though there is no direct cause-and-effect connection in their findings, Shugart and Carey demonstrate that the design and choice of institutions has consequences. Generally speaking, the most desirable forms of presidentialism are (1) pure presidentialism with provision for weak presidential powers; or (2) a premier-presidential system (semi-presidentialism). At the other extreme, the least desirable from the point of view of the reviewed historical experience are (3) pure presidentialism, with strong legislative powers in the hands of the president; or (4) presidential-parliamentarism. In general, democracy succeeds in systems characterized by (1) a high separation of survival of executive and legislature, but low presidential legislative powers; and (2) a low separation of survival, but also low presidential authority over the Cabinet.⁴⁸ Willy-nilly the draft Constitution for Ukraine of 1992 seemed to have opted for the worst of all possible worlds.

In anticipating how institutions may work in practice, we must consider another aspect—the system of political parties. Much of the variation in the way in which relations among the chief executive, government, and assembly actually work—for example, in Western Europe, where democracy is well-established—can be attributed to the party-political struggle within a given country, a variation not revealed or predictable by reading constitutions.⁴⁹ Two other studies using different methodologies have come to similar conclusions about the superior resilience of parliamentary democracies and the vulnerability of presidential democratic systems with a multiplicity of political parties. One of them concludes that (1) the combination of presidentialism and multipartism is a recipe for executive-legislative deadlock, general political instability, crisis, and, more often than not, collapse; and (2) the combination of presidentialism with a two-party system is more certain to produce stability.⁵⁰ The other shows that in existing consolidated democracies, parliamentary systems are associated with a plurality of

47. Shugart and Carey, *Presidents and Assemblies*, 158.

48. *Ibid.*, 148.

49. Yves Mény, *Government and Politics in Western Europe: Britain, France, Italy, Germany*, 2d ed., trans. Janet Lloyd, revised by Andrew Knapp (Oxford: Oxford University Press, 1993), chap. 6.

50. Scott Mainwaring, "Presidentialism, Multipartism, and Democracy: The Difficult Combination," *Comparative Political Studies* 26, no. 2 (July 1993): 198–228.

parties, whereas presidential ones have only two or three as a rule. Countries lacking the requisite socio-economic conditions are more likely to become democracies if they have parliamentary rather than presidential systems, and new parliamentary democracies are more likely to survive than presidential ones and are less susceptible to military coups.⁵¹ None of this could be considered good news for Ukraine, which was already awash in so-called political parties unlikely to coalesce into a two-party configuration in the very near future. Interestingly enough, one forecast (although without adducing any evidence) has characterized these “proto-parties” as existing in an “atomized party system,” which “is clearly developing into a ‘system of polarised pluralism’ similar to that of the French Fourth Republic of 1946–58.”⁵² The drafters of the 1992 version of Ukraine’s Constitution would have done well to keep one eye on the partisan-political environment within which their framework was intended to operate.

The Version Issued on 27 May 1993

A wide-ranging debate followed the release of the July 1992 version of the Constitution of Ukraine, and many criticisms were subsequently incorporated. A conference of Western and Ukrainian experts questioned the inclusion of what were seen as extraneous matters, such as the specification of deputies’ educational level and their being banned from entrepreneurial activity. Explanations were offered in defence of criticisms as to why the assembly had to monitor the courts and why the president must renounce his party affiliation (to prevent the reappearance of party rule as of old, apparently). The powers of the presidency were also queried.⁵³

Experts disagreed with Kravchuk that power was properly divided. The courts, not the president, should rule on constitutional violations by local governments. The danger of a presidential monarchy was signalled, and the lack of a tradition of local self-government noted. Whether the judicial power was in fact separated from the others was questioned.⁵⁴ The centralism of the proposed constitution was also

51. Alfred Stepan and Cindy Skach, “Constitutional Frameworks and Democratic Consolidation: Parliamentarism versus Presidentialism,” *World Politics* 46, no. 1 (October 1993): 1–22.

52. Andrew Wilson and Artur Bilous, “Political Parties in Ukraine,” *Europe-Asia Studies* 45, no. 4 (1993): 693, 695, and 701.

53. *Holos Ukrainy*, 8 August 1992.

54. *Ibid.*, 20 October 1992.

questioned, and the possibility of a unitary, but decentralized, system put forward.⁵⁵ Kravchuk acknowledged that some of the draft Constitution's rights might be simply declaratory, and he suggested that a unitary-decentralized pattern of territorial arrangement might be best for Ukraine. Local council heads, he said, could also be presidential representatives, like French prefects. In any case, local authorities would have to be strong and at the same time accountable to the centre. He expressed his opinions on checks and balances and the separation of powers. Kravchuk emphasized that for power to be used well, executive bodies would have to be strong and effective; a weak executive could only lead to crisis.⁵⁶

In opposition to Kravchuk, opinion was expressed to the effect that the presidential representatives were a violation of the Constitution and actually an agency for undermining the law-based state, a generally accepted objective.⁵⁷ Most of the public, it was pointed out, did not support the draft, because it effectively denied self-government. This was seen as a continuation of the policy of reducing self-government. The demand for strong government, especially those calls coming from the presidential structures, would also mean a weakening of other branches of government and of self-government. A strong presidency at the expense of weak representative bodies was criticized.⁵⁸

The commission's consultative and drafting work was summed up by one of its members, Anatolii Matsiuk.⁵⁹ A parliamentary-presidential system had been chosen, but not a copy of any existing model. Bicameralism had been retained, even though most proposals had favoured unicameralism. There had also been calls for decentralization and suggestions regarding executive-legislative relations, including the presidential power of dissolution. The Cabinet would be subordinated to the president, but accountable to the assembly; the powers of the prime minister had been strengthened. Territoriality was apparently the most discussed question, Matsiuk said. The discussion had resulted in

55. *Ibid.*, 31 October 1992.

56. *Ibid.*, 12 November 1992.

57. Presidential representatives, which were introduced by President Kravchuk in 1992, were to function as French-style prefects, i.e., as agents of the executive branch of government in the oblasts. This effectively placed local government under the control of the president. They were eliminated in June 1994. See D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 126–7.

58. *Holos Ukrainy*, 11 January 1993.

59. *Ibid.*, 5 March 1993 and 17 March 1993.

basic changes whereby decentralization and self-government became primary. These had to be dealt with in order to forestall a revolt from below or interference from outside. It was decided to provide autonomy without federalism for the oblasts and a different definition of the powers of the presidential representatives. Local councils had been revived. Overall, he noted, there had been much creative effort but also much destructive criticism. Work was continuing. As to the manner of adoption of the constitution, most proposals had favoured a referendum; Matsiuk's own preference was consideration by the Supreme Council and then a referendum. A meeting of the Constitutional Commission in early May 1993 failed to agree on the method of adoption or to resolve the debate over "the Ukrainian people" versus "the people of Ukraine," and referred these matters to the Supreme Council.⁶⁰

Ultimately, a revised draft was circulated in typescript in the spring of 1993.⁶¹ A sixteen-member committee, eight of whom were also members of the original commission, authored this draft. Others were academic and governmental legal experts (including a female professor of law from Kyiv State University); one of them had helped prepare the original "Concept" document. Out of the four people's deputies, three were from the Narodna Rada, one was from the "239" Communists. Continuity with the team that had prepared the preceding draft could not be established, since that was not identified at the time; the entire commission had presumably worked on the 1992 version.

Significantly, in the new document's preamble "the people of Ukraine" (*narod Ukrainy*) was replaced with the more nationalistic "the Ukrainian people" (*ukrainskyi narod*), which was declared to have willed the constitution into being. Important changes in the first chapter, establishing the general conditions of the constitutional order, were also made. The state's main obligation was said to be the defence of individual rights. Ukrainian was declared the state language. The state would assist the development of the Ukrainian nation and the cultures of all national minorities. The principles of the country's foreign policy were spelled out. This was apparently in response to criticism that a sense of Ukraine as a national state was lacking in the previous version.

60. *Uriadovyi kur'ier*, 6 May 1993.

61. *Konstytutsiia Ukrainy: Proekt (Vnesenyi Komisiieiu Verkhovnoi Rady Ukrainy po rozrobtsi novoi Konstytutsii Ukrainy)* (n.p., n.d.). I am grateful to Dominique Arel for providing me with a copy of this version of the draft constitution. For an extended commentary on it from a lawyer's point of view, see Hohol, "The Draft Constitution," 246–97.

Rights and Freedoms

The entire section of the constitution that dealt with rights, freedoms, and (once again) obligations was basically tidied up. Some of the changes were obviously sensible in light of the earlier criticism, while others appeared baffling and may have had a political explanation. Promotion of multiculturalism, implicit in the earlier formulation, was opposed by the Communists because of their view of Ukraine as a territorial rather than ethnic entity and because of their resistance to the treatment of Russians or Russian-speakers in Ukraine as a minority.⁶² Chapter 2, on citizenship, contained only very minor changes.

Most of the "economic, social, ecological, and cultural rights" included in chapter 4 were amended so as to be an entitlement of citizens rather than of everyone. Very few changes were made to the guarantees of rights and freedoms (chapter 5). In chapter 6, on citizens' obligations, the changes were minimal; the chapter itself was extremely short (four articles comprising six sentences).

Principal Institutions

The May 1993 version of the constitutional draft left in place the bicameral legislature but made some changes in terminology and other details, indicating the unsettled nature of opinion in the commission and its parent body. In the chapter dealing with the legislative process, the Cabinet was given the right of legislative initiative, and the override of the presidential veto was changed to require two-thirds of the votes in each chamber of the assembly. The new draft changed the powers of the president in small but significant ways. Most important was the designation of the president as head of state only. He would no longer also head the executive branch of government. His oath of office, now directed to the Ukrainian people rather than to the people of Ukraine, was consistent with similar changes elsewhere in the draft. Some of his powers were reduced. For example, he would designate the prime minister, on whose recommendation he would form the Cabinet; he would also present the Cabinet to the assembly for its approval. His appointment and dismissal of diplomatic representatives would be subject to prior agreement of the assembly. He would no longer be empowered to provide explanations of acts that he himself would adopt (acting as his own constitutional court, so to speak). The president would, however, have the right to call for a referendum on lack of confidence in the assembly.

62. Arel, "Federalism and the Language Factor in Ukraine," paper presented at the Annual Meeting of the American Association for the Advancement of Slavic Studies, Phoenix, Ariz., 19–22 November 1992, 19.

A greatly strengthened Cabinet of Ministers was foreseen in this version of the constitution. Its line of responsibility would be switched to the assembly from the president, thus underlining the much more ceremonial position of the latter. A vote of non-confidence by the assembly in the prime minister, individual ministers, or the Cabinet as a whole would mean their dismissal.

The Cabinet's powers were considerably enhanced. The prime minister would be directly responsible to the president and subordinated to him, but at the same time accountable to the assembly.

Other changes included the strengthening of the Procuracy and the rewriting of the entire section on local government. The Republic of Crimea would be given special status and autonomous powers, even though the term "federalism" was still taboo. Unlike the preceding version, there was no provision in this draft regarding an adoption process, which could be perceived as indicating a total breakdown of agreement within the commission on this vital question and increasing the uncertainty about the eventual adoption of a new Constitution in the near future.

Evaluation

The May 1993 version of the constitutional draft represented an important step away from pure presidentialism towards premier-presidentialism. The president became head of state only, and the function of head of government was given to the prime minister, now responsible to the president and Parliament. No longer the president's Cabinet but the prime minister's, the government would be responsible to the assembly. This rejection of strong presidentialism was probably due to disenchantment with Kravchuk's failure to provide effective leadership while accumulating more and more powers. Disenchantment with the continuously unproductive conflict between the president and various prime ministers and ministers, not to mention the deeply ingrained notion of the superior democratic legitimacy of Soviet power as compared to a president—even an elected one—may also have played a role.⁶³ At the same time, in reducing the president's power the draft also reduced his ability to overstep into the judicial realm, thus reinforcing the separation of powers.

63. "The supporters of 'soviet' power prevailed in the Constitutional Commission, restricting the power of the president and his influence on the entire internal life of the country very substantially" (*Golos Ukrainy*, 21 May 1993, trans. in FBIS-USR-93-072, 11 June 1993, 90).

The Version of 26 October 1993

Ivan Pliushch, the co-chairman of the Constitutional Commission, reported on the draft constitution to the Supreme Council on 24 September 1993.⁶⁴ Since the publication of the July 1992 version, he said, some 47,000 responses had been received, mostly favourable. About 7 percent of these gave an overall negative assessment of the Constitution, but this varied with the source. Out of 114 local councils' responses, for example, 51 (or 44.7 percent) were negative. Only 2,370 individual citizens out of 180,000 who took part in the discussions gave it a negative evaluation. Some branches of the Socialist Party (i.e., former Communists) also gave negative assessments, according to Pliushch. After the nationwide discussion, the draft had been amended, reviewed by the commission (on 17 March and 3 and 17 May), and presented to the Supreme Council on 27 May (in the form discussed above). In his overview of the current draft, Pliushch noted that the document had made an effort to ensure that the section on socio-economic rights should be practical rather than declaratory. The drafters had also decided to strengthen Parliament's control over the executive in response to "numerous proposals" that a parliamentary or parliamentary-presidential system, as he called it, should be established. Public opinion and organized interest groups had obviously had an effect on the constitution-writing exercise.

In its consideration of the constitutional draft, the Supreme Council managed only to agree on the name of the national assembly. It would remain the "Supreme Council" (*Verkhovna Rada*, or Supreme Soviet, to use Russian terminology), a regression that was quite symbolic of the entire constitution-making and independence-seeking process. Its size was fixed at 450 deputies (as hitherto), and its term was limited to four years. The next elections were set for 27 March 1994.⁶⁵ The deputies disagreed on practically all the fundamental issues as they discussed two drafts of the document. (Which two is not clear to me, but presumably one was the 27 May 1993 version.) As one newspaper report put it, "the discussion demonstrated all the colors and shades of the political spectrum."⁶⁶ The restorationist mood of the

64. *Holos Ukrainy*, 28 September 1993, trans. in FBIS-USR-93-137, 25 October 1993, 5–9.

65. ITAR-TASS, 1530 GMT, 7 October 1993, in FBIS-SOV-93-194, 8 October 1993, 62.

66. *Nezavisimaia gazeta*, 7 October 1993, trans. in FBIS-SOV-93-194, 8 October 1993, 62. See also *Krasnaia zvezda*, 8 October 1993, trans. in FBIS-SOV-93-196, 13 October

Socialist deputies, at least, and perhaps of the parliamentary majority, was conveyed by Volodymyr Marchenko, who “proposed that the institution of the presidency be excluded from the new Constitution. He described the proposed Constitution drafts as ‘leading to the establishment in Ukraine of a presidential monarchy.’”⁶⁷

A new draft dated 26 October 1993 was published shortly thereafter, and it contained what appeared at first glance to be mainly refinements.⁶⁸ In general, some minor changes were made to the preamble, Soviet terms were dropped throughout the document, some rights were amended, a unicameral assembly was chosen, and quite a few changes were offered in the way institutions were to operate and interact. The draft left the rights and freedoms of the people of Ukraine virtually untouched; in that regard it was almost a model of democracy. However, it also moved the country more definitely away from presidentialism and propelled the separation of powers towards a near-restoration of Soviet institutional forms—assembly government, in effect—but without the behind-the-scenes power of a single ruling party.

Rights and Freedoms

As in earlier versions, just before the section dealing with rights and freedoms was one setting out the general principles of the constitutional order in Ukraine. In the October 1993 draft this section declared Ukraine to be “a democratic, law-governed, social state,” its constitutional order grounded on the recognition of the individual as the highest value. Ukraine was to be a republic with power lodged in the people and governed by the principle of the supremacy of law. Ukraine would recognize the priority of universal human values.

In chapter 1, which dealt with general provisions, the section on rights and freedoms underwent very minor amendment. Chapter 2, on citizenship, declared that citizenship could not be revoked, nor could a citizen’s right to renounce it be withdrawn. Chapter 4, dealing with socio-economic rights, included a few interesting additions that were indicative of the ongoing controversial nature of this subject. Much of this seemed in line with the conservative agenda of the Communist

1993, 92–3.

67. *Nezavisimaia gazeta*, 7 October 1993, trans. in FBIS-SOV-93-194, 8 October 1993, 62.

68. “Konstytutsiia Ukrainy: Proekt. V redaktsii vid 26 zhovtnia 1993 r.,” *Pravda Ukrainy*, 5 November 1993. See also *Holos Ukrainy*, 30 October 1993, trans. in FBIS-USR-93-148, 22 November 1993, 10–34.

majority in the commission and Parliament and appeared to reflect the increasing concern with social security in an atmosphere of economic breakdown.

Principal Institutions

In Ukraine voting and referenda were to be the means by which the public voice could be heard and, according to the latest version of the Constitution, the basis for popular power. A referendum could be called at the request of two million voters or half of the parliamentary deputies. The president could also initiate a referendum as a vote of non-confidence in the assembly. Legislative initiative could be exercised by the public: petitions by 300,000 voters would be needed to introduce a bill, and by one million to amend the Constitution.

As mentioned earlier, the bicameral version of the national assembly was dropped in favour of a unicameral Supreme Council consisting of 450 deputies (rather than 350), who would be elected for four years (as opposed to five). Deputies would be prohibited from engaging in entrepreneurial activity or any kind of salaried work other than scientific research and teaching. This would effectively exclude from Parliament members of the middle class, who might have a stake in the development of a market economy, as well as lawyers in private practice, who could contribute their expertise to the writing of legislation. Deputies would have guaranteed parliamentary immunity. According to article 101, deputies would represent the Ukrainian people and be responsible to them. Presumably this would mean that constitutionally deputies would not ultimately or solely be the representatives of particular constituencies, parties, or interests. At the same time, deputies would be subject to recall by their constituents, which would undermine their independence and representative function.

As in previous versions, the Supreme Council would be Ukraine's sole and highest legislative body, whose legislative acts would be known as laws. Constitutional amendments passed by the council, however, would have to be submitted for confirmation by a national referendum. The Supreme Council's exclusive powers now included the authority to approve the fundamental principles of all branches of legislative activity—in other words, in all policy areas. The assembly was thus given the final say and was placed in a superior position over the executive and the administration insofar as legislation was concerned.

As for the powers of the Supreme Council (article 107), a new provision would allow it to announce the results of national referenda. Its power to veto presidential decrees, however, was dropped; its power

of impeachment was to be limited to the president (and not extended to the prime minister and other parliamentary appointees as before). The terminology for its structural subdivisions was changed from “commissions” (*komisii*), reminiscent of the Soviet era, to the more Western “committees” (*komitety*); its Presidium, another Soviet hold-over, was replaced in function and terminology by a Secretariat. The questions of how membership of committees would be determined and how chairmen were to be appointed remained unclear. A human-rights commissioner, appointed by and responsible to Parliament, was reinstated (having been dropped from the May 1993 version). Although the National Bank would be responsible to the assembly (article 127), the Supreme Council was no longer allowed to appoint its chairman, another matter left unclarified. References to a quorum for the Supreme Council and to parliamentary caucuses were deleted, a decision that undoubtedly reflected the utter lack of agreement among the drafters.

The new draft’s chapter on the presidency revealed changes that further weakened that institution to the benefit of the government and the assembly. These changes were small but critical. The president’s overall direction of the Cabinet and leadership of its executive operations was removed altogether, and his ability to name his own prime minister and form a Cabinet was also diluted. The phrase “names the prime minister” was changed to “submits to the Supreme Council for confirmation the prime ministerial candidacy.” Instead of submitting the makeup of the Cabinet to the assembly, the president would now do so according to a petition of the prime minister, which would in effect make it the prime minister’s Cabinet, not the president’s as it was before. Similarly, he would now dismiss ministers not on his own account but only on the suggestion of the prime minister. In conformity with the new provision banning deprivation of citizenship, the president’s power to decide such questions was deleted. The president would also no longer be allowed to create as needed “administrative” (*upravliniski*) structures within his office, only consultative and monitoring bodies; this would remove him from active administration entirely.

Other than by death or incapacity, the president would be subject to removal from office either as a result of a referendum or through impeachment. If the president were to initiate a referendum as a vote of non-confidence in the Supreme Council and lose that vote, then the Supreme Council could remove him from office (article 135). A referendum on ousting the president could also be initiated by a petition of two million voters or by the Supreme Council. If the assembly initiated such a process, and the question was defeated, the president could dissolve

the Supreme Council, thus clearing the way for new elections. An impeachment motion would need the sponsorship of no fewer than one-third of the deputies and would require three-quarters to pass. The president could relay an appeal of such a motion to the Constitutional Court. In the absence of a president and until the election of a new one, his functions would be carried out by the prime minister (with no requirement for confirmation by the Supreme Council, as in the preceding edition).

The Cabinet of Ministers was further removed from the president's influence. No longer "subordinated to the President," it would also not be guided "by his decisions," although it would remain under the guidance of the president's program. (The president, fortunately for him, would no longer be required to suspend his political party affiliation for the duration, as the 1992 draft had unrealistically stipulated.) The provision that the Cabinet would be "accountable" to the Supreme Council was added to its being responsible to it. The phrase "designated by the President," no longer applicable, was deleted from the paragraph dealing with the composition of the Cabinet below the ministerial level. The Cabinet would be comprised of the prime minister, deputy prime ministers, ministers, and heads of executive agencies. The prime minister would be obliged to present his government's program to the president and the Supreme Council; the assembly could pass a vote of non-confidence in the Cabinet or any of its members, which would necessitate their resignation. For such a motion to be passed, however, would require a majority of the assembly, not just of those deputies present. The president would no longer be permitted to initiate a motion of non-confidence in the government; he would just have to bear the burden, discomfort, and perhaps indignity of what the French call cohabitation.

The articles (159 and 160) stipulating the prime minister's direct leadership of the Cabinet and the governmental apparatus, as well as his direct responsibility to the president, were deleted, presumably as redundant, but some other ambiguities remained. Perhaps these remaining redundancies and overlappings were meant to serve as checks and balances; they could just as easily become built-in sources of conflict and deadlock.

In that portion of the draft dealing with the judiciary it was not entirely convincing to read that "appropriation of the functions of the justice system by anyone else, as well as the delegation of these functions, is disallowed" (article 147). This assertion, giving an impression of strict separation of judicial from other powers, was in fact difficult to reconcile with provisions throughout the document that gave judicial or

quasi-judicial functions to the president, the Supreme Council, and the Procuracy. Otherwise, the appointment of judges was amended to bring it into line with foreign practice: judges would be appointed (rather than elected) without term and selected on the basis of competition; justices of the peace would be elected for five-year terms.

In the portion dealing with territoriality and local government, changes were made in response to political pressures emanating from outside the Supreme Council. The very first sentence referring to Ukraine as a single and united state (*Ukraina ie iedynoiu, sobornoiu derzhavoiu*) was deleted, but the principle of the integrity of its territory remained. Perhaps it had been decided not to tempt fate. The provisions for any change of Crimea's status were also removed, apparently so as not to encourage the separatists. Similarly, in the chapter on oblasts references to rules governing changes of boundaries were dropped. No changes were introduced into the chapter on amending the constitution; no adoption provisions were added either, which was symptomatic of the lack of agreement on the matter.

Evaluation

In its penultimate (by this writer's admittedly inexact count) incarnation the draft Constitution of Ukraine set impossible targets for the state in assuring the rights of its inhabitants, and practically guaranteed unstable government. The rights portion, while commendable for its recognition of universal freedoms and liberties, further enshrined the Soviet social-security state of yore without giving any practical assurance that an independent Ukraine could provide such services as a matter of entitlement. Such a tendency is typical of other Eastern European countries: the poorer the country, the more socio-economic rights are guaranteed in its constitution.⁶⁹ Although all citizens would be assured of equal rights and freedoms, curiously no special provisions were made for women's rights or affirmative action on their behalf.

Fortunately⁷⁰ the draft confirmed Ukraine's move away from pure presidentialism towards premier-presidentialism, a more stable form of government for new democracies. Unfortunately even that form of diluted presidentialism could turn out to be less desirable than pure parliamentarism and could easily evolve into the type of assembly-dominant form of presidentialism that prevailed in France under the

69. Ulrich K. Preuss (lecture on constitution making in Eastern Europe presented at the Law Faculty, the University of Alberta, Edmonton, 8 March 1994).

70. For the reasons cited earlier in this chapter during the discussion of types of presidential systems.

Third and Fourth Republics. Typical of such a movement from the pure presidential model to a parliamentary one, the draft contained fewer checks and balances, and the separation of powers, though still officially subscribed to (article 3, paragraph 4), was considerably attenuated. Although the provisions for presidential non-confidence in the assembly and Parliament's ability to remove the president could be considered effective checks, the overall impression was that most checks were in the hands of a single institution, the assembly. The president's powers over local government authorities were passed to the assembly. Some powers of the Parliament were trimmed, of course, but its legislative authority was broadened so as to be all-inclusive. Instead of separation of powers, there appeared to be an overlapping and concentration of powers: judicial powers were conferred on the president and the Parliament; the latter would select the Supreme Court and Constitutional Court justices, as well as the Procurator General. The president, Cabinet, and Parliament could issue legislation independently of each another, while executive power would still be shared (in the foreign policy, defence, and national security areas, at least) between the president and the Cabinet.

Clearly the president would no longer be chief executive. He would have no responsibility for the government's program except in one exclusive area of policy—foreign relations. The prime minister and the Cabinet would now be accountable and responsible to the assembly, not the president, although they would still be guided by the presidential program or platform. The assembly could oust the government, but the prime minister could not dissolve Parliament, because it might produce governmental instability and parliamentary irresponsibility. In executive-legislative relations no provision was made for a constructive vote of non-confidence (as in Germany), thereby ameliorating the potential problem of assembly dominance.

The 1995 Constitutional Accord

Owing to the deadlock over the manner of its adoption—by the Parliament or popular referendum—the above version of the Constitution was sidelined during the campaigns for the national parliamentary and presidential elections in the spring and summer of 1994. This procrastination contrasted with Russia's voting on its Constitution in December 1993, after the violent and bloody clash between its president and Parliament in October. Having been put on hold, the process was not restarted until the autumn of 1994, when a new Constitutional Com-

mission was confirmed.⁷¹ At the first meeting of the new commission President Kuchma stressed the urgency of adopting the Constitution so as to avoid further contestation over powers and assure political stability.⁷² Unlike its predecessor, however, this was not a parliamentary commission but rather “an all-inclusive forum for political actors, ... and the contradictory objectives of its members soon came to the fore,” which slowed progress on producing a draft.⁷³

Therefore, pending the appearance of the next draft of the Constitution proper and its adoption, the president introduced a proposal for an interim agreement that would amend the existing 1978 Constitution and provide him with what he considered the requisite powers to govern effectively. The draft of the president’s “constitutional law” (a hitherto unknown category of legislation) was entitled “On State Power and Local Self-Government in Ukraine.” It provided for a strong presidency, a subordinate prime ministership, a relatively weak Parliament, and ostensibly elected local administrations that would be accountable at the same time to the president.⁷⁴ Considering its source, it was not surprising that this proposal reversed the trend within the four previous constitutional drafts of progressively weakening the president’s powers to the merely symbolic while increasing those of Parliament. It had several specific aims: to undercut the left-wing parliamentarians’ law on local

71. *Uriadovyi kur’ier*, 12 November 1994; and *The Ukrainian Weekly*, 27 November 1994. It consisted of the new president, Leonid Kuchma, and parliamentary speaker Oleksandr Moroz as co-chairmen, with Albert Kornieiev from the president’s office as secretary. Among its members were fifteen parliamentary deputies (four Communists; two deputies each from the Socialists, Agrarians, and Centre; and one each from Reforms, Unity, and the Interregional Bloc); fifteen presidential appointees (including his chief of staff, Dmytro Tabachnyk, and other notables); two each from the Supreme Court, the Higher Arbitration Court, and the Procuracy; and one each from the Parliament of Crimea and the Constitutional Court of Ukraine. For the full story of Kuchma’s political reforms in the crucial period of 1994–96, see Taras Kuzio, *Ukraine under Kuchma* (Houndmills and London: Macmillan, 1997), chap. 4.

72. *Holos Ukrainy*, 30 November 1994.

73. Wolczuk, “The Politics of Constitution Making,” 126.

74. “Pro derzhavnu vladu i mistseve samovriaduvannia v Ukraini: Konstytutsiinyi zakon Ukrainy. Proekt,” *Uriadovyi kur’ier*, 6 December 1994. A brief report on this law also appeared in *The Ukrainian Weekly*, 11 December 1994. See also D’Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 114–15. For a sample of commentaries in the Ukrainian press, some favourable and others critical, see *Uriadovyi kur’ier*, 8 and 13 December 1994; and *Holos Ukrainy*, 14 and 27 December 1994.

councils (itself an attempt to reinstate "soviet power"); allow the president to circumvent Parliament and the requirement for a two-thirds majority by disguising certain constitutional changes as ordinary laws; and set a precedent for the future Constitution.⁷⁵

The law on state power gave the Supreme Council the exclusive power to pass laws, but restored initiative and control of government to the president's hands. A vote of non-confidence in the Cabinet or its program, followed by its resignation, would be Parliament's only control over the government. The president, for his part, could dissolve Parliament if it failed on two successive occasions to pass the government's program and voted non-confidence in the Cabinet, or if it failed to approve the budget within a period of three months.

No longer an office of the parliamentary (Westminster) type, the prime ministership would be under the active direction of the president and would work for him. Furthermore, the president would not only appoint all Cabinet ministers and all other central administrators, he would also have responsibility for the organization and abolition of all executive departments and agencies. Even the budget would first be approved by the president and then be presented by the prime minister for adoption by Parliament. Likewise, despite the prominence given to "local self-government," the president would determine the competence of those bodies.

While ostensibly subscribing to the doctrine of separation of powers, this draft law blatantly violated it, as had previous versions of the Constitution. The right of legislative initiative was given, among other institutions, to the Constitutional, Supreme, and Arbitration Courts, as well as the Procurator General. On the other hand, legislative and executive bodies would be allowed to intrude on the judicial function, because the Supreme Council could veto presidential edicts considered unconstitutional; the president could do the same with acts of the Cabinet and the entire administrative hierarchy. As in earlier constitutional drafts, the president could suspend local councils' decisions if (he thought that) they contravened the Constitution.

After many months of debate and disagreement, the Power Law was passed by Parliament by a vote of 219 to 104, but in a compromise version.⁷⁶

75. Wolczuk, "The Politics of Constitution Making," 126–7.

76. *Uriadovyi kur'ier*, 20 May 1995; and *The Ukrainian Weekly*, 28 May 1995. Kataryna Wolczuk writes that "the quandary of the center and center-right fractions [in Parliament is] either to back the strengthening of the proreform president or to guard parliamentary prerogatives. At that point they opted to support the president for the sake of reform of the Soviet-type state structure" ("The Politics of Constitution Making," 127).

(Compromise is not a bad thing in a democracy; it is just a surprising commodity in a would-be democracy.) In an apparent tit-for-tat retreat, the two most contentious provisions were deleted: the impeachment of the president by Parliament and the president's dissolution of Parliament. Long delayed as this was, it was not yet the end of the Power Law's ordeal. Its implementation was held up because it violated at least 60 of 170 clauses of the extant Constitution; either the latter would have to be amended accordingly or the Power Law would have to be implemented in contravention of the Constitution—out of the frying pan and into the fire.

In relatively short order, on 8 June 1995, after the president threatened (in a constitutionally questionable move) to call a plebiscite on the issue, the major players—President Kuchma and Speaker Moroz—took the Power Law for their basis and signed a Constitutional Accord. This accord would govern the functioning of the executive and other branches of government and local administration until the adoption of the new Constitution.⁷⁷ By explicitly suspending the contravened sections of the existing Constitution, the accord managed to circumvent the problem of the contradictions. It was agreed that the new Constitution should be adopted within one year of the signing of the accord.

The Constitutional Accord differed from the draft Power Law in a number of important respects, particularly in regard to executive-legislative relations, a crucial factor in determining the type of constitutional framework—presidential or parliamentary—that was intended. One amendment removed a whole series of institutions from the list of those with the right of legislative initiative. These included the Presidium of the Supreme Council and its speaker, the Constitutional Court, the procurator general, the National Bank, the Supreme Council of the Autonomous Republic of Crimea, and the National Academy of Sciences of Ukraine. The pruned section (15) contained only the following: parliamentary deputies and standing committees, the president, the Cabinet, and the Supreme and Higher Arbitration Courts. The powers of the Supreme Council (article 17) remained much the same, with a few exceptions. The accord gave it the power to adopt the country's constitution, monitor its execution, hold referenda if initiated by at least three million voters, and set the rules for all

77. "Konstytutsiinyi dohovir mizh Verkhovnoiu Radoiu Ukrainy ta Prezydentom Ukrainy: Pro osnovni zasady orhanizatsii ta funktsionuvannia derzhavnoi vlady i mistsevoho samovriaduvannia v Ukraini na period do pryiniattia novoi Konstytutsii Ukrainy," *Holos Ukrainy* and *Uriadovyi kur'ier*, 10 June 1995. For an English-language version, see <www.std.com/sabre/UFPWWW-Etc/Law/ULF/const.agreement/ca-intro>. See also Wolczuk, "The Politics of Constitution Making," 127.

referenda. It affirmed the confidence convention that would result in the dismissal of any or all members of the Cabinet. Parliament's ability to initiate impeachment proceedings against the president was excised, but not its power to veto presidential edicts considered unconstitutional.

The president was affirmed not only as head of state but also as head of government, while the status of prime minister was downgraded. The president would appoint the prime minister without requiring Parliament's approval, but apparently he would not be able to dismiss his prime minister unless it were pursuant to loss of a parliamentary confidence vote. As head of the entire executive branch of government, the president would make all structural and personnel changes in the government without these being confirmed by Parliament. The accord struck the words "headed by the Prime Minister" from a reference to the Cabinet, and added as the first of its functions the phrase "assures the realization of domestic and foreign policy, and the execution of the Constitution and laws of Ukraine, decrees of the Supreme Council of Ukraine, and edicts and orders of the President" (article 31, paragraph 1). The president's power to dissolve Parliament was deleted, however, so the resemblance to the French semi-presidential system was incomplete in that important respect.

The 1996 Constitution

On 11 March 1996, well before the one-year deadline, the Constitutional Commission that had been created in November 1994 presented its draft to Parliament.⁷⁸ Moved out of committee by a less than overwhelming vote by twenty-six out of forty of its members, the draft immediately ran into opposition and controversy. It restored the idea of a bicameral legislature, a move favoured by President Kuchma but understandably opposed by most parliamentarians. Left-wing politicians criticized the draft because the committee had no legal status and because it enshrined the protection of private property. The Christian Democrats preferred a more balanced relationship between the branches of government, and they put forward their own constitutional draft. Within a month of its presentation there were five different constitutional drafts before Parliament.⁷⁹

78. *Holos Ukrainy*, 12 March 1996; and Wolczuk, "The Politics of Constitution Making," 128–9. For the text of the draft, "Konstytutsiia Ukrainy: Proekt, skhvalenyi Konstytutsiinoiu komisiieiu Ukrainy 11 bereznia 1996 roku. Kyiv—1996," see *Uriadovyi kur'ier*, 21 March 1996.

79. Ustina Markus, "The Constitutional Debate in Ukraine," *OMRI Analytical Brief* 1, no. 80 (24 April 1996), at <www.omri.cz/Publications/Analytical/Index.html>.

Parliament began its consideration of the official draft Constitution on 17 April.⁸⁰ While parliamentarians had by then agreed on two-thirds of the document, the remaining portion continued to cause discord. Not only was there disagreement on the manner of its ultimate adoption, but the procedure for its immediate consideration by Parliament — whether it required an ordinary or extraordinary majority for approval — was also in dispute. A conciliation commission, consisting of representatives of all ten parliamentary fractions, presented a refined version to the president on 20 May.⁸¹ By then the president had given up on the idea of a bicameral assembly and begged others involved in this issue to make similar compromises. In order to prevent further delay, President Kuchma issued an edict on 25 June (again, of questionable constitutionality) calling for a referendum on the constitution to be held on 25 September. So as not to have the decision taken out of their hands, on 28 June the parliamentarians at last passed the Constitution after a marathon twenty-three-hour session by a vote of 315 to 36.⁸²

The 1996 Constitution⁸³ combined elements of consensus, compromise, and closure into dyads wherein one of the other three was not possible. Its overall length was reduced from 211 articles (in the version of 28 October 1993) to 161. The chapters on general principles and human and civil rights and freedoms were virtually unchanged. Major modifications were introduced regarding the principal institutions: the Parliament, the presidency, and the Cabinet. There was a reversion to a unicameral Parliament instead of the bicameral arrangement preferred

80. OMRI Daily Digest, 18 April 1996; and *The Ukrainian Weekly*, 5 May 1996.

81. OMRI Daily Digest, 21 May 1996. For an insider's account of the parliamentary approval process, see V. P. Hetman, *Iak pryimalas Konstytutsiia Ukrainy: Notatky uchasnyka rozrobky Osnovnoho zakonu Ukrainy* (Kyiv, 1996). Half of the book is an addendum containing the minutes (from 11 April to 21 May 1996) of the ad hoc parliamentary committee on the Constitution. Hetman, a prominent banker and head of the National Bank of Ukraine in 1992, was elected to the Twelfth and Thirteenth Convocations of the Supreme Council, where he served on the Finance Committee and was leader of the "Nezalezhni" (Independents) fraction. His assassination in April 1998 was seen as political. See *Holos Ukrainy*, 15 April 1998.

82. OMRI Daily Digest, 27 and 28 June 1996; and Wolczuk, "The Politics of Constitution Making," 129–34. There were twelve abstentions, and thirty deputies did not vote. For background and a summary of the Constitution's contents, see Ustina Markus, "Rivals Compromise on Constitution," *Transition* (Prague), 26 July 1996, 36–7; and idem, "New Constitution Largely a Formality," *Transition*, 6 September 1996, 14–15.

83. "Konstytutsiia Ukrainy: Pryiniata na p'iatii sesii Verkhovnoi Rady Ukrainy 28 chervnia 1996 roku," *Uriadovi kur'ier*, 13 July 1996.

by the president, with greater powers given to the presidency. The prime ministership, too, was given more prominence, and the Cabinet's principal line of accountability was directed to Parliament. A distinctly weakened presidential system, by comparison with the preferences of both the incumbent and his predecessor, was established. The Procuracy's powers were finally reduced from their awesome Soviet scope, and a new chapter on the Constitutional Court was added. Many details remained to be settled by subsidiary laws.

Altogether the 1996 Constitution was a much less nationalistic document, and it reflected the waning influence of the Rukh independence movement in Parliament, the government, and the country at large. In the opening chapter on general principles, the sentence, "The Ukrainian people, to which citizens of all nationalities contribute, is the sole source of power," which appeared in the October 1993 version, was replaced by "The bearer of sovereignty and the sole source of power in Ukraine is the people" (article 5). While still declaring Ukrainian to be the state language, the constitution allowed for more of an accommodation with other languages (particularly Russian) than previously, and placed less stress on the primacy of the Ukrainian ethno-cultural entity.⁸⁴ New articles were added on natural resources and the environment, as well as ecological and territorial security. Ukraine was described as a sovereign, independent, and unitary republic with single (rather than dual) citizenship, in which power was divided among three branches (legislative, executive, and judicial), and the supremacy of the law was recognized and effective.

The chapter on rights and freedoms showed minimal changes from the October 1993 draft. A new section on women's rights was added, however, and the state's disengagement from religious life was reinforced.⁸⁵ As before, a very long article (36) dealt with political parties that citizens (but not merely residents) have the right to form, provided they

84. Compare articles 7 and 8 of the 1993 draft with articles 10 and 11 of the 1996 Constitution.

85. Article 24 contained this addition: "The equality of rights of women and men is assured by: giving women opportunities equal to men in civic-political and cultural activity, in obtaining an education and in professional training, and in employment and the rewards therefor; special provisions for the safeguarding of women's work and health and the establishment of pension privileges; creating conditions that give women the possibility of combining employment with motherhood; the legal safeguarding and material and moral support given to mothers and children, including granting paid vacations and other privileges to pregnant women and mothers." The article dealing with freedom of religion (35) added this sentence: "No religion can be acknowledged by the state as compulsory."

do not endanger “national security and social order or public health or the defence of the rights and freedoms of others.” The function of political parties was also specifically spelled out: they “assist in the formation and expression of the political will of citizens, and take part in elections.” Guarantees in the areas of health and education were scaled back, presumably owing to fiscal realities: the sentence, “Medical insurance is guaranteed,” was dropped altogether; access to education would no longer be free and guaranteed up to the post-secondary level, but merely “assured” by the state. The level of compulsory education, on the other hand, was set at full general secondary, as opposed to being left undetermined in the October 1993 draft. Consonant with the greater strength of the left in Parliament, provisions regarding private property and enterprise were weakened in the 1996 constitution, and a specific guarantee of the right to private property, which had found its way into the March 1996 draft,⁸⁶ was dropped altogether. Read together with article 85, section 36, which gave Parliament the power “to confirm the list of entities subject to the law on state property and not eligible for privatization,” as well as to deprivatize private property, this did not bode well for continued market reform. The Constitution remained burdened with entitlements that politicians from the Soviet era were loath to surrender.

Chapter 3, on elections and referenda, was simplified by the omission of provisions governing referenda below the national level and by the exclusion of the question of the electoral system, an issue then still in dispute. A nationwide referendum initiated by public demand would now require three (rather than two) million citizens’ signatures, and these would have to be collected in at least two-thirds of the oblasts with no fewer than 100,000 residents in each (article 72). Otherwise a referendum would have to be called either by Parliament to deal with territorial changes in Ukraine (article 73) or by the president to confirm a Constitutional amendment passed in certain cases by Parliament (article 156).

Contrary to President Kuchma’s wishes, the 1996 Constitution eliminated his commission’s provisions for a bicameral legislature (the National Assembly, consisting of a Chamber of Deputies and a Senate) and reinstated the unicameral Supreme Council (chapter 4). Perhaps in acknowledgement of the difficulties experienced with the dragged-out elections of 1994, the threshold for the empowerment of the Supreme Council was lowered from four-fifths to two-thirds of its elected 450 deputies. The parliamentarians also strengthened their control over the

86. For article 36 in that version, see *Uriadovyi kur'ier*, 21 March 1996.

constitutional amending process and the public purse. While the president might initiate constitutional changes, they would invariably have to be passed by Parliament. Parliament would now be empowered not only to "confirm" the budget, but also "to make changes to it." On the president's suggestion Parliament would also appoint and dismiss the head of the National Bank and half of the bank's governing council.

Parliament's powers to make or confirm other appointments, i.e., to check the president, were further strengthened. It could now appoint half the board of the National Broadcasting Council and confirm and dismiss the president's nominees to the Central Electoral Commission. It could confirm the president's appointment and dismissal of the heads of the Anti-Monopoly Committee, the State Property Fund, and the National Broadcasting Council and agree to the president's appointment of the Procurator General. Parliament could also force the latter out through a vote of non-confidence, thereby institutionalizing what had actually happened to an incumbent, Vladyslav Datsiuk, who was removed from office by Parliament in the summer of 1995. It would seem that Parliament, which was now empowered to "determine the functions of the Armed Forces of Ukraine, the Security Service of Ukraine, and other military formations created according to the laws of Ukraine, as well as the Ministry of Internal Affairs of Ukraine," and to confirm decisions to send units of the armed forces abroad or have foreign units in Ukraine, was also encroaching on the president's powers as commander-in-chief.

At the same time, the Constitution redirected the Cabinet's line of accountability away from the president and towards Parliament. Instead of being guided by a program drawn up by the president, the Cabinet would now draw up the government's program and present it to Parliament for examination and approval. Furthermore, the constitutionality of the Cabinet's activity would be monitored by Parliament. Parliamentary deputies' right of interpellation was affirmed, as was Parliament's right in restricted conditions to pass a vote of non-confidence in the Cabinet.⁸⁷ In addition, Parliament was given several new powers over its Crimean counterpart, the establishment of municipal boundaries, and setting dates for local elections.

In the hierarchy of types of legislation in Ukraine, laws occupy the highest place, and Parliament is, according to the Constitution, the sole body empowered to pass such legislation. Article 92, consonant with the above noted changes introduced into the final version, listed those mat-

87. Parliament cannot consider a vote of confidence more than once per session, nor within one year of the approval of Cabinet's program of activity (article 87).

ters that would be dealt with exclusively by laws, including forms and types of pensions; the legal regime governing property; the state budget; the taxation system; and financial, monetary, credit, and investment markets. In effect, Parliament would pose as the benefactor of the country's senior citizens, and parliamentarians, as their electoral beneficiaries. Parliament would regulate the privatization of the economy, and Parliament, not the president, would set budgetary and fiscal policy for the country. The power of the purse would be firmly in Parliament's hands. The right to initiate legislation in Parliament would be limited to the president, parliamentary deputies, the Cabinet, and the National Bank.⁸⁸

According to the 1996 Constitution, the president would still serve for a term of five years and be eligible for re-election once, but he would have even less power than that envisaged in the October 1993 draft. He would no longer direct foreign policy, since the formulation of the bases of both domestic and foreign policy would now be explicitly given to Parliament. As though in compensation for his removal from the foreign-policy arena, the president would head the National Security and Defence Council that would co-ordinate policy in that area (article 107). Its membership would be determined by the president, but it would also include ex officio the prime minister, the defence minister, the head of the Security Service of Ukraine (SBU: *Sluzhba Bezpeky Ukrainy*), and the interior and foreign ministers. He would no longer be able to create and disband ministries and government departments, but would merely appoint officials to such bodies on the prime minister's initiative. He would, however, be able to appoint one-half of the board members of the National Bank and the broadcasting authority, as well as one-third of the justices of the Constitutional Court. He would still have a veto over legislation, but this could be overridden by a two-thirds vote in Parliament. The manner of removing a president would now be limited to a straightforward impeachment procedure instead of a referendum, which was anticipated by the earlier provisions.⁸⁹

88. The October 1993 version had also included parliamentary committees, the Crimean Parliament, and "the people," but not the National Bank.

89. According to article 111 of the 1996 Constitution, Parliament may initiate impeachment proceedings against the president in case of treason or another crime committed by him. A two-thirds majority would be required to proceed, and a four-fifths majority for removal of the president by means of impeachment. Both the Constitutional and Supreme Courts would have to attest to the propriety of the whole matter. In the October 1993 version a decision to dismiss the president could be made by Parliament on its own initiative or else pursuant to a petition of no fewer than two million voters. This would be followed by a referendum, which, if

The president's powers of dissolution would be severely limited. He would only be authorized to dissolve Parliament if after thirty days it were unable to hold a plenary meeting (article 90). But the new Parliament could not then be dismissed for another year, and in any case, no dissolution would be allowed in the final six months of the president's term of office. In the March 1996 draft the president could, after consultation with the prime minister and the speaker, dissolve the lower house if, in the space of sixty days, it had twice rejected the Cabinet's program.⁹⁰

The provisions regarding the administrative branch of government in the 1996 Constitution raised the profile of both the prime minister and the Cabinet, bringing them out from under the president's thumb. The March 1996 draft had described the Cabinet as "subordinate" (*pidporiadkovanyi*) to the president and at the same time "responsible" (*vidpovidalnyi*) to Parliament. The final version retained the first of these chains of command and its modifier, but changed the other to "under the control of and accountable" (*pidkontrolnyi i pidzvitnyi*) to Parliament.⁹¹ Of course, the prime minister would still be nominated by the president, and his nomination would have to be confirmed by Parliament. But the rest of the Cabinet would be appointed by the president on the prime minister's suggestion rather than on the president's own initiative. Furthermore, the Cabinet would take its direction from its own legislative program, subject to parliamentary approval, not the president's. Indeed, the president would have nothing to do with fashioning the legislative program or reporting on its implementation either to Parliament or the people—his periodic reports would now deal only with the general political situation in Ukraine.

At the same time, the Cabinet's subordination to Parliament was loosened by a weaker and more ambiguous confidence provision. In the October 1993 draft a vote of non-confidence in the prime minister, individual ministers, or the Cabinet would, if carried, entail their resignation. But in the 1996 Constitution Parliament may broach the question of the Cabinet's "responsibility" (*vidpovidalnist*) and adopt a resolution of non-confidence, yet the consequences of this were not spelled out. By its silence the Constitution implied that the president may or may not act

favourable to the president, would allow him to dissolve Parliament. In addition to this complicated popularity contest, there was also a provision for an impeachment process.

90. Article 90. See *Uriadovyi kur'ier*, 21 March 1996.

91. This may have been a compromise over the wording in the October 1993 version, according to which Cabinet was "accountable and responsible" solely to Parliament (article 143). *Ibid.*

on such a resolution and that this matter would have to be decided by political considerations of the moment. Similarly, the president may presumably remove a prime minister on his own initiative without the approval of Parliament. The vote of confidence convention was further attenuated by being restricted in its use to no more than once per session, and then only after a year had elapsed since approval of the Cabinet's legislative program.

With respect to the Cabinet's powers, the parliamentarians working on the constitution in the spring of 1996 added two that would permanently enshrine their political preferences, both in terms of policy and the distribution of powers. According to the final version, the Cabinet "assures the equal conditions for the development of all forms of property." In effect, this meant no special status for private property and the preservation on an equal footing with it of state property and therefore of a significant role for the state in the economy. Furthermore, the Cabinet "effects the administration of entities of state property according to the law." The placing of responsibility for running state-owned enterprises on the Cabinet, which must answer to Parliament, could be a brake on privatization and marketization. The 1996 Constitution also took specific responsibility for the formulation of the budget out of the president's hands⁹² and placed it in those of the Cabinet, subject to confirmation and monitoring by Parliament.

Under the rubric of "local self-government," the 1996 Constitution retained effective control with the president and the central administration. Since all local heads of state administration were to be appointed by the president, the local councils would have no real powers or autonomy. Thus, "local self-government" in Ukraine means "local state administration," not an auspicious condition for the development of grassroots democracy.

More positive for the prospects for democracy were the changes introduced into the institution of the Procuracy (chapter 7). No longer would it be responsible for monitoring the legality and constitutionality of the operations of the administrative branch of government, overseeing the observance of citizens' rights and freedoms, investigating crimes, or even for guarding state treasures and interests. In the final version of the Constitution, the Procuracy's functions would be limited to acting as state prosecutor in the courts and representing the interests of citizens or the state in court, as required by law. It was also to oversee the legality of bodies engaged in pretrial investigations and ensure the legality of the

92. The October 1993 draft made the president responsible for preparing the budget and presenting it to Parliament every autumn, and for submitting a detailed report on its implementation (articles 125 and 126). *Ibid.*

implementation of court decisions in criminal cases. The term of office of the Procurator General was shortened from ten years to five. Now it would be more of an attorney general's office and less of a state within the state, as it was in Soviet times.

Confusion about the lines of separation of the three branches of government was also finally eliminated in the 1996 Constitution by the inclusion of a separate chapter (12) on the Constitutional Court and the assignment to it of exclusive jurisdiction in constitutional matters. Earlier there had been provisions enabling the president and the Parliament to strike down legislation they considered unconstitutional—a clear infringement of the separation of judicial functions from the executive and legislative ones, but an easy carry-over from Soviet principles and practice. Matters may be submitted for the court's consideration by the president, parliamentarians, the Supreme Court, the Human Rights Commissioner, and the Crimean Parliament. But when the court system will be fully functioning is still an open question.⁹³

Reflecting the political reality of its renewed subordination by then to the central authority, the status of the "Autonomous Republic of Crimea" in the 1996 Constitution (chapter 10) was somewhat reduced by comparison with earlier drafts. No longer described as having the undefined status of "autonomy," it was now defined from the outset as an "inseparable and constituent part of Ukraine" with jurisdiction over matters assigned to it by the Constitution of Ukraine. It would be allowed to have its own constitution, which would have to be confirmed by the national Parliament. Deleted from its regulatory powers were schools and police, a safeguard against separatism. Given the right to administer the peninsula's resources, the Crimean authorities were nevertheless denied financial independence.

Transitional provisions of the 1996 Constitution stipulated that all laws would remain in effect insofar as they did not conflict with it. The next parliamentary elections were set for March 1998 and every four years thereafter; presidential elections, for October 1999 and thereafter every five years. The president would be able to issue edicts on the economy for three years after the adoption of the Constitution, subject to Parliament's concurrence. A new Cabinet and Constitutional Court would be formed within three months, and heads of local administra-

93. "The 1996 Constitution should resolve some of the problems.... How this constitution will function in practice remains to be seen, but ... one considerable shortcoming persists—the lack of a functioning court system" (Paul D'Anieri, "The Impact of Domestic Divisions on Ukrainian Foreign Policy: Ukraine as a 'Weak State,'" in *State and Institution Building in Ukraine*, ed. Taras Kuzio, Robert S. Kravchuk, and Paul D'Anieri [New York: St. Martin's Press, 1999], 96).

tions were to hold office until local council heads were elected. As in the past, the Procuracy would function as an overseer of legality and preliminary investigatory body until the passage of appropriate legislation. Existing rules regarding arrest and detention would remain in effect for five years, and foreign military forces would be allowed to lease bases in Ukraine.

In 1996 Ukraine thus finally secured for itself a Constitution that mirrored the balance of political forces as much as it contained a distillation of the best of Western liberal democratic constitutionalism and six years of post-Communist constitution making.⁹⁴ What emerged was an institutional framework that could be characterized as “weak President, strong parliament, weak political parties.” President Kuchma certainly did not get his wish, if indeed he cherished one, to emulate President Boris Yeltsin of Russia, whose constitution enshrines the “strong President, weak parliament” arrangement. Ukraine is left with a premier-presidential system in terms of executive-legislative relations, but with a very weak president and a relatively strong Parliament. This is not the French model to which Ukrainian leaders have aspired, nor is it ideal. Yet it is undoubtedly better than a new democracy with a weak Parliament but a strong president.⁹⁵

Despite the passage of the Constitution in 1996, dissatisfaction with it remains. Whether all the major players feel bound by its rules and whether it will stand the test of time are still open questions. Dissatisfied with the slowness of Parliament, during his first term President Kuchma mused openly about dissolving it and holding a referendum to extend his economic decree-making powers beyond their 1999 expiration deadline. Parliament, on the other hand, tried to pass a motion to abolish the presidency or, failing that, to impeach the president.⁹⁶

In fact, after his re-election in 1999 President Kuchma promptly introduced and won a referendum on the extension of his powers over Parliament and on reinstating his preference for a smaller, bicameral assembly. On 16 April 2000 a controversial referendum was held, whose

94. “The constitution ... finally adopted in June 1996 ... was an outgrowth of the temporary configuration of forces at that time” (Wolczuk, “The Politics of Constitution Making,” 118).

95. “Quite unlike the French Fifth Republic, Ukraine has a system that is very prone to stalemate, and Italy is the more relevant analog for the functioning, if not the structure, of the Ukrainian government” (D’Anieri, “The Impact of Domestic Divisions,” 96).

96. RFE/RL Newline, 16 November and 16 December 1998 and 13 January and 17 March 1999, at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0118u.html>.

constitutionality was questionable. Citizens were asked four questions: (1) to give the president the additional power of dissolving Parliament should it fail to form a working majority within a month or approve the budget in three months' time (84.7 percent voted in favour); (2) to deprive deputies of their immunity from criminal prosecution (89.0 percent in favour); (3) to reduce the number of members of Parliament from 450 to 300 (89.9 percent in favour); and (4) to introduce a bicameral Parliament (81.7 percent in favour). The turnout in the referendum was 81.2 percent of the electorate.⁹⁷ Anticipating resistance from Parliament, President Kuchma gave the deputies a deadline of February 2001 to bring in appropriate constitutional amendments. For their part, left-wing parliamentarians launched initiatives for referenda at least to vote no confidence in the president, if not to excise the presidency from the constitution altogether.⁹⁸ Owing to the extraordinary events that unfolded in Parliament at the end of 2000, the resumption of any further consideration of implementing the questions asked in the April referendum was deferred to January 2001.⁹⁹ But the deferral itself was of questionable constitutionality in view of the court's ruling that the referendum was binding, not optional. Obviously, in Ukraine the rules of the democratic game are optional, not binding.

Conclusions

The Constitution of Ukraine as it has emerged represents a fundamental step away from Communist dictatorship towards democracy. For the first time it places the law above politics, allows an open contest for power, and limits that power in a manner consistent with practice in

97. *Holos Ukrainy*, 25 April 2000, gave the official results. Two further questions were ruled unconstitutional. They asked for a public vote of non-confidence in Parliament and approval of the principle of adopting the constitution by referendum. For the Constitutional Court's ruling, see *ibid.*, 30 March 2000; and "Constitutional Court of Ukraine Announces Its Decision on the All-Ukrainian Referendum," *Ukrainian Quarterly* 56, no. 2 (Summer 2000): 216–17. For the presidential edict ordering the referendum, see "Pro proholoshennia vseukrainskoho referendumu za narodnoiu initsiatyvoiu: Ukaz Prezydenta Ukrainy," 15 January 2000, at <alpha.rada.kiev.ua>, consulted on 5 March 2000. For the official ballots, see *Holos Ukrainy*, 28 March 2000. Further coverage of the referendum may be found in "Constitution Watch: Ukraine," *East European Constitutional Review* 9, nos. 1–2 (Winter/Spring 2000): 42–3; *ibid.*, 9, no. 3 (Summer 2000): 40–1; *The Ukrainian Weekly*, 23 April 2000; and RFE/RL Newswire, January–May 2000.

98. "Constitution Watch: Ukraine," *East European Constitutional Review* 9, no. 3 (Summer 2000): 41.

99. *Den*, 22 December 2000, consulted on 29 December 2000 at <www.day.kiev.ua/2000/236/panorama/pa3.htm>.

other democratic countries. However, it does not in and of itself assure the consolidation of democracy, its stability, or the rule of law.¹⁰⁰

A number of important problems was left unresolved even after those six years of constitution writing. The list provided by Robert Goldwin suggests some of them. These are the powers of the police; the selection of government officials; suspension of the constitution in emergencies; federalism; the educational system; the mass media; habeas corpus; group rights, especially those of ethnic groups; and the process of naturalization (acquisition of citizenship).¹⁰¹ Many of these problems will quickly become political issues and require political solutions, thereby taxing the government's agenda.

As concerns the basic rules of the game, the Constitution underwent an interesting evolution, starting with full parliamentarism or the assembly model of the Soviet era, proceeding to a modified version of this, then to presidentialism, and finally back to parliamentarism, but with a president and a prime minister. Throughout this evolution there has been an unspoken urge, or perhaps an inertial tendency, to follow the Russian example. The political prize from now on will be control of the Supreme Council, for power will unquestionably be concentrated there. (Note how President Kuchma manoeuvred and manipulated deputies and parties to get a compliant, supportive majority in Parliament in 2000.) At least it will no longer be housed behind the scenes in the Communist Party's apparatus, as in former times, nor in the president's office, as both Leonid Kravchuk and Leonid Kuchma have recently attempted to do. This result was secured by the ex-Communists' use of their majority in Parliament, thus assuring a carry-over of the Soviet legacy for Ukraine's politics in the post-Communist era.

The constitution-making process incorporated and was dominated by two major conflicts: between the political left and right and between parliamentarism and presidentialism. These fundamental disagreements have still not been resolved within or beyond, let alone by, the Constitution. Despite the formal adoption of the Constitution in 1996, the reconciliation of basic antagonisms and the acceptance of the compromise written into the constitution have not been achieved. The rules of the game are still tentative ones, subject to being revised or ignored, with obvious implications for stability and democratic consolidation.

100. Wolczuk, "The Politics of Constitution Making," 137.

101. These were selected from the checklist offered in Goldwin, "We the Peoples," 94–5. Some of these are covered already in other statutes, as in the case of naturalization in the citizenship law.

CHAPTER 3

President Kravchuk and the Philosophy of State Building

Introduction

State building is of considerable interest, especially nowadays, both to politicians and scholars, who view it as an urgent priority for newly democratizing and recently independent states, such as the former republics of the Soviet Union. It is not yet clear how it might be compatible with the consolidation of democracy and whether the building of democracy can proceed simultaneously or must wait until after the state that is to house that democracy has been constructed. Nevertheless, state building has been acknowledged as a significant process. Accordingly, such questions as was Ukraine's first president Leonid Kravchuk right in claiming that democracy had to take a back seat to state building, and was his strategy of developing a strong, independent Ukrainian state the appropriate one, have been either hotly disputed or uncritically accepted, but too little analyzed.

Ukraine is a fragment of a once powerful state, and the world is full of such states that are either decomposing or aborning. It is thus relevant to ask if the strategy of Ukraine's leaders has been appropriate for the goal of independent statehood, and indeed if the process of state formation has been at all amenable to strategic action and consolidation. The problem is especially acute for this particular former republic of the USSR, which is still living with the hulk of its branch of the Soviet state. In Ukraine no one had practical experience of the modern democratic state, and its very existence was not just being questioned, but undermined by an extremely intimidating, powerful neighbour.¹ In such circumstances, how could a new, supposedly different, state be built without the removal or at least the radical renovation of the existing one? How could ex-Soviet political leaders and bureaucrats create, operate, and legitimize a non-Soviet state structure, something they had neither seen nor experienced? Could the people of Ukraine transfer their loyalty

1. John P. Hannah, "The (Russian) Empire Strikes Back," *The New York Times*, 27 October 1993.

easily to this new state or even distinguish it from its predecessor? How could Ukraine possibly withstand the external pressure—coming from Russia in political and economic forms threatening the territorial dismemberment of Ukraine and its reintegration into a post-Soviet economic and strategic union, not to mention the denuclearization demands of the United States and its reluctance to provide significant economic assistance—and survive?

Such questions are subsidiary to the major problem of whether or not Leonid Kravchuk had an appropriate initial strategy of state building for Ukraine at the outset. They all deserve responses, or at least educated guesses about their probable resolution, if any exists. To answer them all requires a preliminary excursion into conceptual definitions of the state and state building and the development of some suitable theory before one can examine the process as it has been unfolding in Ukraine and speculate on whither it may tend to go in the foreseeable future.

Theory

Concept of the State

"The state," warns Michael Mann, "is undeniably a messy concept."² The messiness derives from a common confusion about the state's two essential aspects, structural and functional: how the state appears to us, and how it works. Most definitions refer to both these aspects, and most theories of the state connect the two as well. Following Max Weber, a bare-bones definition of the state would have to refer to four basic elements: its *differentiation*, its *centralization*, its *territoriality*, and the *authoritative nature of its rule-making*.³ Accordingly, Charles Tilly has defined the state as "an organization which controls the population occupying a defined territory *in so far as* (1) it is differentiated from other organizations operating on the same territory; (2) it is autonomous; (3) it is centralized; and (4) its divisions are formally co-ordinated with one another."⁴ Writing in the same volume with Tilly, the late Samuel E. Finer broadened the definition to include the subjects of the state.

According to Finer, the contemporary state is territorially defined, manned by specialists, and recognized by other states, and its population

2. Michael Mann, "The Autonomous Power of the State: Its Origins, Mechanisms and Results," *Archives européennes de sociologie* 25, no. 2 (1984): 187.

3. *Ibid.*, 188.

4. Charles Tilly, "Reflections on European State-Making," in *The Formation of National States in Western Europe*, ed. Charles Tilly (Princeton: Princeton University Press, 1975), 70. Tilly's emphasis.

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- Organization. "A set of purposefully contrived arrangements—a body of rules, a series of roles, a body of resources—seen as concerned with and committed to a distinctive and unifying set of interests and purposes."
- Differentiation. "The organisation in question performs *all* and *only* political activities." It is differentiated, for instance, from the church, and from civil society.
- Coercive control. This means that "the control a state exercises over a population typically involves coercion.... [That is, firstly,] the state specialises in last-resort control.... Second, the state claims the monopoly of such control."
- Sovereignty. "It owes to no other power its control over the population in question; ... it responds to no other organisation for the modalities and the outcomes of that control." Any challenge to that sovereignty ultimately has to come by force.
- Territory. "The state has exclusive control over a portion of the earth—*its* territory, over which it routinely exercises jurisdiction and law enforcement, and whose integrity it is committed to protecting against encroachment from any other political power."
- Centralization. This is the focus of political activity; only the state can exercise political power.
- Co-ordination of parts. The state is complex, but the parts are made to dovetail, are given distinct competencies, are not independent, but facilitate the extension of the state's power.
- The states system. "The political environment in which each state exists is by necessity one which it shares with a plurality of states similar in nature to itself." This external environment is law-less; the internal one, by contrast, is characterized by at least some semblance of law and order.
- "Modernity." The "modern" or contemporary state is characterized by an "intensity, continuity and purposefulness" not found in earlier formations or manifestations of the state; we see it performing not just "exclusively military and fiscal" activities, as did the absolutist state, but also "order[ing] social life with ... purposefulness and intensity."
- Nationhood. "The population of a given state ... is supposed to constitute a distinctive collective entity on grounds other than political—to be a people or a nation, not just a population." Thus we have the conceptually distinct yet interrelated processes of nation building and state building, one sometimes preceding the other, but for most of the time overlapping.

5. Gianfranco Poggi, *The State: Its Nature, Development and Prospects* (Cambridge: Polity Press, 1990), 19–30. Poggi's emphasis.

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- Democratic legitimation. "Most contemporary states have a democratic legitimation.... [That is,] the state not only claims to complement and uphold politically the other, pre- and non-political commonalities that bind its people together; it also claims to see in the people its own constituency, and thus the ultimate seat of all the powers that it exercises."
- Citizenship. In brief, this comprises "a set of ... entitlements and obligations vested in individuals with respect to the state."
- State and law. Law rather than coercion becomes the basis of rule and of the state. The state becomes identified with law and uses law to carry out its political tasks. Law becomes an instrument of rule (but also of control over the state, a point that Poggi does not make).
- Bureaucracy. Here reference is to the obvious but important feature of "the bureaucratic nature of the state's administrative apparatus," bureaucracy being understood in the Weberian sense.

constitutes a community and a nationality.⁶ The state is thus more than institutions and their operations, a conceptual unwieldiness that unfortunately makes theorizing difficult.

The historic states studied by Tilly and his colleagues were relatively simple. The complexity of the contemporary, evolved modern state has increased the difficulty of conceptualization and theory building, which may account for the paucity of state-building theories. Gianfranco Poggi has offered a rather more comprehensive list of the features of the modern state, which recommends itself for our consideration (see above). At the very least, Poggi's catalogue of traits can serve as a checklist against which the features of the Soviet-style state and its post-Communist transitional counterpart can be compared, and the points on which

6. Samuel Finer wrote: "Our contemporary states have ... acquired five salient characteristics. 1.... [T]hey are *territorially* defined populations each recognizing a common paramount organ of government. 2. This paramount organ of government is subserved by specialized personnel; one, the *civil* service, to carry out decisions, the other — the *military* service to back these by force where necessary and to protect the association from other similarly constituted associations. 3. This state ... is recognized by other similarly constituted states as independent in its action upon its territorially defined population, i.e., its subjects. This recognition constitutes its international 'sovereignty.' 4. Ideally ... the population of a state forms a community of feeling — a *Gemeinschaft* — based on self-consciousness of a common *nationality*. 5. Ideally ... the population forms a community in the sense that its members mutually distribute and share duties and benefits" ("State- and Nation-Building in Europe: The Role of the Military," in *The Formation of National States in Western Europe*, ed. Tilly, 85–6; Finer's emphasis).

relative progress is being made can be observed at least approximately. Even if one accepts this definition of the state, there is still a need to place it within a theoretical context in order better to understand how the state in Ukraine has been evolving and why.

Theory of the State

In scientific explanations a concept is useless unless it can be readily formulated as a theory. Most theories of the state have dealt with the relationship between society and the state, not with the building of the state. There have been theories of the autonomy of the state. Michael Mann's focus on two forms of state power—infrastructural and despotic—is an example.⁷ There has been a plethora of Marxist theories of the state; they attempt to square yesterday's ideological imperative of class rule with the more complicated reality of today.⁸ In reaction to that, democratic theories of the state have emphasized the pluralistic nature of society and the passive, arena-like nature of the state. Dissatisfied with both of these, a school of theorists called corporatists has put forward another conception of the state-society nexus.⁹ Ten years after the appearance of Tilly's pioneering volume on European state building, another conception was put forward by Theda Skocpol and her colleagues. Yet, despite their success in "bringing the state back in" (where had it been all these years?), these scholars conceded that there is in fact "No explicitly shared ... general theory" of "the state," and that "little is to be gained from more grand theorizing about the state in general."¹⁰ In view of the complexity of the concept and of the various ideological proclivities of the would-be theorists, it is no wonder that the search for a theory of the state has been less than satisfactory. Perhaps the best that can be done with the concept is to use the enumerated features to give an

7. Mann, "The Autonomous Power," 185–213.

8. A convenient and sympathetic review of such theories is found in Clyde W. Barrow, *Critical Theories of the State: Marxist, Neo-Marxist, Post-Marxist* (Madison and London: University of Wisconsin Press, 1993).

9. These are reviewed in David Held and Joel Krieger, "Theories of the State: Some Competing Claims," in Stephen Bornstein et al., eds., *The State in Capitalist Europe: A Casebook* (Boston: George Allen and Unwin, 1984), 1–20.

10. Theda Skocpol, "Bringing the State Back In: Strategies of Analysis in Current Research," in *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), ed. Peter B. Evans, Dietrich Rueschmeyer, and Theda Skocpol, 3; and Peter B. Evans et al., "On the Road toward a More Adequate Understanding of the State," in *ibid.*, 363.

overall characterization of a given state and then match it against known types. The Ukrainian politician Serhiy Holovaty did this implicitly when he stated: "The central question is what type of nation-state Ukraine should be: authoritarian, totalitarian, or democratic?"¹¹ A typology is never as satisfying as a theory, although it is better than nothing when it comes to explanation.

A slightly more fruitful line of theorizing has been the "strong state-weak state" school, which treats the degree of interpenetration of state and society as critical to the state's survival and stability. Of immediate relevance for present purposes is this theory's assertion that it is precisely strong states not deeply interconnected with their societies that are most susceptible to collapse.¹² Thus, the explanation for why otherwise apparently solidly constructed states with powerful bureaucracies and armies, such as the Prussian, Russian, Soviet, and so on, failed is that their strength was their weakness. They were, so to speak, muscle-bound.¹³ From this perspective it would be useful to ask whether a post-Communist, supposedly democratic state, such as Ukraine, could be built on the remains of its Soviet predecessor, and whether its interpenetration by society was much the same or different. One may also question whether it was susceptible to eventual collapse because it was too strong, too rigid, and in effect too weak to survive through adaptation.

The relative external strength of the state would also need to be estimated, although no ready theories about a state's survival have been developed. A parallel with the Third World might be helpful. Su-Hoon Lee has written that the Third World state is fundamentally "dependent—financially, technologically, institutionally, ideologically and militarily dependent on the international bourgeoisie and the metropole

11. Serhiy Holovaty, "Ukraine: A View from Within," *Journal of Democracy* 4, no. 3 (July 1993): 110.

12. Evelyn B. Davidheiser, "Strong States, Weak States: The Role of the State in Revolution," *Comparative Politics* 24, no. 4 (July 1992): 463–75; and Don Van Atta, "The USSR as a 'Weak State': Agrarian Origins of Perestroika. Review Article," *World Politics* 42, no. 1 (October 1989): 149.

13. It is interesting to note that in one of the few pre-perestroika volumes on the subject, Sovietologist Neil Harding and his British colleagues interpreted the might of the Soviet state as assuring its durability. But they noted its impaired ability to adapt to changing conditions in the society and the economy. See Neil Harding, ed., *The State in Socialist Society* (London and Basingstoke: Macmillan in association with St. Antony's College, Oxford, 1984), esp. 44–5, 86–8, 123, 204, and 305.

states.”¹⁴ It is weak externally but strong internally, Lee says. This means that such a “peripheral state has ... been ... and continues to be seriously influenced by transnational factors in its character and its form.”¹⁵ At any rate, this suggests that no complete assessment of state building in Ukraine since independence could ignore external influences, such as Russia, other neighbours, foreign capital, and the world’s remaining superpower, the United States.

State Building

For a more theoretically satisfying framework to study Ukraine’s relative progress towards independent statehood than the simple checklist introduced above, some exemplary studies of state building may be examined. Recapitulating the half-millennium of European historical experience, Tilly says that “the processes bringing states into being in Western Europe were consolidation of territorial control, differentiation of governments from other organizations, acquisition of autonomy (and mutual recognition thereof) by some governments, centralization and co-ordination.” The related process, however, of “the development of national consciousness, participation and commitment—‘nation-building’,” he writes in reference to himself and his co-authors, has been excluded “from the definition of the state.” The reason for this exclusion is that they “insist on the analytic separation of state-building from nation-building, and consider the nation-state only one of several possible outcomes of state-building.”¹⁶ Here again the people are being excluded from the state and need to be brought back in. From an historian’s viewpoint, of course, the separation of state building from nation building may be justified, but from the perspective of the analyst of political events at the beginning of the twenty-first century—when the nation-state is the norm for state-building elites—the two must be subsumed under one heading.

Authors of other recent studies of state building have included nation building as part of their concept. Ian Lustick, who subscribes to the view of state building “as the struggle of relatively large numbers of potential ‘conquering cores’ to survive and expand as larger and politically centralized states,” declares that

State building is divided into two kinds of processes:

14. Su-Hoon Lee, *State-Building in the Contemporary Third World* (Boulder, Colo.: Westview Press; Seoul: Kyungnam University, 1988), 22.

15. *Ibid.*, 24.

16. Tilly, “Reflections,” 70–1.

1. the acquisition, violent or otherwise, of new territory by a state-building core;
2. the elicitation within the new territory of loyalties and political commitments reflecting the ascription of legitimacy by the indigenous population to the authority structure emanating from the core.¹⁷

Looking at the experience of Third World countries since the end of the Second World War, Su-Hoon Lee focusses on extraction, coercion, and incorporation, the expansion of the capacities, i.e., what is meant by state building. Following Tilly, Lee writes "State-building refers to strengthening of the relative power of the state vis-à-vis the society or the expansion of organizational capacity of the state vis-à-vis society." In addition, it also means "neutralizing or lessening of potential or actual loci of contending power outside of the central political organization."¹⁸ This latter point must surely mean only that the state effectively monopolizes political power, not that it eradicates all centres of social power. Otherwise the existence of a democratic state would be impossible, a democracy being a system in which there have to be multiple autonomous centres of power. The Tilly definition as rendered by Lee would entail the destruction of civil society, which cannot be what building a democratic state means. At any rate, in the contemporary Third World, according to Lee, extraction means taxation or some similar method of acquiring financial resources; coercion is concentrated in the military; and incorporation is achieved through public education, described as being "crucial to the state's legitimation."¹⁹

Regardless of the number of variables used in studying the process of state building, it is worth keeping in mind a caveat originally voiced by David Bayley. "To speak of state-building is really an enormous oversimplification," he writes. "If the essence of the process is the establishment of coherent authority throughout a given territory, then it is clear that such a process does not occur across the board simultaneously." In other words, state building refers to "a process of penetration of a territory by a coherent set of institutions along any of several dimensions. There is no assumption that penetration proceeds along all dimensions simultaneously."²⁰ Of course, this makes it difficult to judge

17. Ian Lustick, *State-Building Failure in British Ireland and French Algeria* (Berkeley: Institute of International Studies, University of California, 1985), 2–3.

18. Lee, *State-Building*, 3 and 25.

19. *Ibid.*, 28–33.

20. David H. Bayley, "The Police and Political Development in Europe," in *The Formation of National States in Western Europe*, ed. Tilly, 361.

when state building has been completed, but no one has ever claimed that state theory was easy.

Assuming that the very *concept* of “statebuilding” is reasonably clear, consider how the *process* has been theorized. One example is Lee’s study of the Third World. He sets out to test three possible answers to the question of the “causes of the expansion of state capacities in dependent capitalist countries of our time.”²¹ Conventional wisdom, sometimes known as social science theory, would have it that these are industrialization, mobilization, and external stimulus through transnational linkages (the independent variables). Lee establishes measures of the three state capacities of extraction, coercion, and incorporation (dependent variables) and several measures of the independent variables, as well as a series of hypotheses connecting the two sets of variables. The measures are operationalized and correlated statistically, and the findings confirm some of the expectations.²² As for the relationships among the dependent variables, that is, the principal state-building activities of Third World states, Lee finds that they are not always complementary or mutually reinforcing, which raises questions about their having been selected as indicators in the first place. First of all, while extraction helps coercion, coercion does not help extraction. Second, incorporative activities are antithetical to coercive and extractive ones, which means that education, taxation, and militarism do not work together.²³ This suggests, going a step beyond Bayley’s warning, that not only might a state not be advancing uniformly on all fronts in its state-building efforts, but that there may be inherent conflicts among these efforts, an aspect of the process that deserves attention.

The findings in Lee’s study with regard to the relationships between the dependent and independent variables (as opposed to interrelationships among dependent variables or indicators of state building reviewed above) are not always significant. Among the more interesting ones are (1) “The state in the Third World has greatly expanded” in all three respects. (2) Industrialism, according to Lee’s index, was losing its

21. Lee, *State-Building*, 33.

22. *Ibid.*, chaps. 3–8.

23. *Ibid.*, 141. There Lee reaches the following conclusion: “In sum, findings above suggest the following: (1) that part of Tilly’s causal chain linking coercive activities of the state to its extractive activities is rendered empirical support but only in part—there is a significant causal linkage from extractive activities to coercive activities, but not in the opposite direction; (2) the relationship between the state’s incorporative capacity and its coercive activities as well as extractive activities is found to be contradictory to each other.”

close association with extractive capacity with the passage of time. (3) "The Index referencing domestic political conflicts was found to exert a consistently negative effect on the state's extractive capacity." (Naturally, it is quite hard to collect taxes from rioters in the streets.) (4) "A peripheral nation's involvement in an interstate war was found to exert a significant positive effect on its state's extractive capacity." (This means simply that it takes money to fight a war.) In the same vein, he writes, "involvement in an interstate war leads significantly to military expansion in the same nation." (When there is war, there are more soldiers.) (5) "The Industrialism Index was found to have a significant *negative* effect on the expansion of mass education enrollments, thus contradicting the industrialism hypothesis."²⁴ Despite the many quibbles that one might have with Lee's stubborn sociological defiance of common sense, the final chapter is of considerable interest for students of state building in Ukraine. Lee writes that state capacities in the Third World were positively influenced by these states' openness to the world system and global capitalism.²⁵ While Ukraine is not yet technically a Third World country, it is definitely not of the First World, and if it were ever to break free of Russia's embrace it could certainly expect its statehood to be affected by the global economy. In the meantime, the primary determinant of state building in Ukraine will surely be that country's dependence on Russia, and no study of the process would be complete if it were limited to domestic determinants alone.

Not all attempts at state building succeed, as Ukraine's present efforts may not succeed if Russia's policy of imperial restoration happens to work. Two notable failures in the past have taken place in Ireland and Algeria, the subjects of Ian Lustick's study. Lustick convincingly argues that the metropolitan governments' strategy of sending settlers to these overseas domains as a means of their integration backfired in both cases because the settlers, logically enough, became obstacles to the incorpora-

24. Ibid., 143–56. Lee's emphasis.

25. "The main conclusion of this study is that state-building in the Third World during the 1960 to 1980 period has taken place primarily due to transnational linkages of Third World states to the modern world-system.... The degree to which a peripheral economy is open to the capitalist world-economy through trade of commodities and the competitive linkage of a peripheral state to the international system were each found to be the principal and significant determinant of both the peripheral state's extractive capacity and its military activities. Also with regard to the expansion of the state's incorporative capacity, the degree to which the peripheral country is integrated in the capitalist world-economy through transnational investment capital originated from the core was found to be the most significant factor" (ibid., 159).

tion of the native populations instead of facilitators.²⁶ Monopolization of communications and political recruitment by the settlers, along with a high degree of activism and flexibility, were the keys to their home countries' failures to extend their states to Ireland and Algeria. Could factors similar to the Anglo-French failures now inhibit Russia's incorporation of Ukraine into the Russian empire? Could they have had some relevance to the collapse of the USSR and to Russia's present resort to force in order to reintegrate the former republics?

All this simply reminds us that state building is very much a contingent process. The European experience, if not today's manifestation of collapsing states, shows rather clearly, from a long-term perspective, that "as seen from 1600 or so, the development of the state was very contingent; many aspiring states crumpled and fell along the way."²⁷ Therefore, apart from broad socio-developmental factors accounting for the success or failure of state building, on the one hand, and more narrow political ones, on the other, the historical record tells us that "The most general conditions which appear, in the European experience, to predict survival and state making [are] (1) the availability of extractible resources; (2) a relatively protected position in time and space; (3) a continuous supply of political entrepreneurs; (4) success in war; (5) homogeneity (and homogenization) of the subject population; (6) strong coalitions of the central power with major segments of the landed elite."²⁸ An additional factor is (7) the international context.²⁹ Could the European experience be repeated? Apparently it cannot. "The European state-building experiences," Tilly says categorically, "will not repeat themselves in new states."³⁰

26. Lustick, *State-Building Failure*, 80–3. Israel's problems with Jewish settlers in the occupied territories could also be understood in this light. In particular, says Lustick, "four factors were involved. *First*, settlers served as the conduit for most of the information about the outlying territory available to the politically relevant public in the metropole.... *Second*, settlers were the natural recruitment pool for ... the local state bureaucracy and judiciary.... *Third*, settlers knew and cared much more about metropolitan policies toward Ireland and Algeria than about any other issues. They were more intensely concerned ... than any other group, ... and their understanding ... was more sophisticated.... Effective settler use of single-issue tactics meant that official reforms were often abandoned.... A *fourth* ... source of settler power ... was their ideological and polemical flexibility.... This ... provided ... for expedient adaptation to changing circumstances" (ibid., 81–2).

27. Tilly, "Reflections," 7.

28. Ibid., 40.

29. Ibid., 44.

30. Ibid., 81.

The most encompassing reason for the unreproduceability of the European path is the changed nature of the world, especially the very existence of the modern world system of states. This provides decision-makers of would-be states today with vivid examples.³¹ The states system also generates pressures on them, which were not evident in the past.³² Resources are different today, as are the tasks of states and their governments. Instead of relying on agrarian populations, there is military, technical, and financial help available from neighbouring states, there is a world market; instead of taxation and warfare, there is the concept of the modern national economy with its infrastructure, welfare, measures of national prestige, and patriotism. In deflating our hopes for any possibility of deriving empirical theory from the historical record, Tilly reaches the conclusion that "our ability to infer the probable events and sequences in contemporary states from an informed reading of European history is close to nil."³³

Stein Rokkan sketched out the differences between the challenges facing new or incipient states at the end of the twentieth century and those in Europe during the sixteenth through eighteenth centuries. Somewhat more helpfully, he identified the following principal differences, or rather contrasts: (1) greater external pressures on the formation of a core (contrast, for example, the Holy Roman Empire with today's great cities); (2) much more rapid communications and people's exposure to the mass media; (3) erosion of cultural and linguistic individuality owing to outside standards and less commitment by elites to a unified culture; (4) high demonstration effects of other regimes' policies and politics; (5) a low degree of institutional readiness; and (6) the problematical nature of community solidarity.³⁴ Rokkan was, of course,

31. "The manager of a contemporary state," writes Tilly, "is likely to assume the necessity of promoting an efficient and submissive civil service, a general and uniform system of taxation, a well-trained native military force, and a high level of industrial production" (ibid.).

32. As time goes on, "newcomers to the system have had less choice of positions they would occupy in it, even down to the exact territories they would control.... [And] that prior existence of a state system has fundamentally altered the role of the military forces in the smaller states, since their strength or weakness no longer makes the major difference in the territory controlled by the state or in its relations with other states" (ibid.).

33. Ibid.

34. Stein Rokkan, "Dimensions of State Formation and Nation-Building: A Possible Paradigm for Research on Variations within Europe," in *The Formation of National States in Western Europe*, ed. Tilly, 598–9.

thinking of the post-colonial (Third) world rather than the countries of the post-Communist Second World. But he was at least oriented towards the present instead of exclusively the past. Today this means that states and their leaders have less leeway. They are less insulated from outside influences, and strategies are more likely to succeed if they are in harmony with the various external and domestic pressures—or if they can be mobilized for the state-building venture—than if they are at odds with them. For Ukraine the pressure for colonial resubordination, from the one quarter, and for independent statehood in the company of other, normal states, from the other, increases the challenge and the odds.

Perhaps what all of this adds up to is that “state building” is only a metaphor, not a theory at all. Poggi suggests this when he speaks of “our contemporary image of state-building, with its connotations of purposive effort and conscious arrangement according to a design.”³⁵ In paraphrasing Max Weber, Poggi says: “The state is a purposefully constructed, functionally specific machine, but one appealing to and mobilising deeper and more demanding feelings and emotions to the extent that it serves a more inclusive and less artificial reality.”³⁶ This raises the question of whether conscious human activity can create or alter that other reality. Perhaps Poggi is right when he says that “the state is designed, and is intended to operate, as a machine whose parts all mesh.... This machine imagery is more plausible when applied to the state’s administrative apparatus.... The state is not *just* a contrivance....”³⁷ The intractability of that other reality may be the reason for the failure of political science to develop a theory of state building. It may be, therefore, that the measurable entity when dealing with “state building” is the administrative apparatus. The broader phenomenon can only be grasped in an imprecise and impressionistic way. That is what will have to be done here. Furthermore, the term “state building” should basically mean that as the state, i.e., its administrative apparatus, becomes bigger, more complex, more centralized, and more co-ordinated, it is being built and the process of state building is going on. It cannot refer to an end point, a target, because there is no end point until after the fact. Even then there can be controversy over whether the process has been achieved even in the most established nation-states. In the United States,

35. Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (Stanford: Stanford University Press, 1978), 95. Poggi’s emphasis.

36. *Ibid.*, 101.

37. *Ibid.*, 98. Poggi’s emphasis.

for example, does the state have an effective monopoly over the means of violence? If not, is it no longer to be considered a state, or is it a state in decay? Or does it matter? The literature on the state, insofar as it comprises a theory of state building at all, simply tells us that “state building” is a multifaceted, nonlinear process. Forces, not all of them amenable to deliberate management, drive this process, which is influenced in particular by external sources of power. Thus, with regard to Ukraine, what we should mean when we ask if the political leadership is pursuing a successful strategy of state building is whether a state along the lines of the characterization offered by Poggi was developing in response to the actions of President Kravchuk. We should also question whether external forces, principally those from Russia, but also from Europe and the United States, were facilitating this growth of the state. In particular, we want to know what kind of state was emerging in Ukraine—whether it was a modern democratic state, an authoritarian or neo-absolutist one, or a colonial quasi state.

The Philosophy of State Building in Ukraine

Kravchuk’s Starting Point: The Soviet Ukrainian State

On the eve of independence Soviet Ukraine lacked most of the features of a modern state, at least the contemporary Western European model to which so many of its leaders were saying they aspired. Unfortunately, until then neither the state as an amorphous, overarching entity nor its administrative apparatus was an object of study either by Western or Soviet scholars. The starting point, therefore, is not well mapped out. The features of the Soviet Ukrainian state can be guessed at by comparing it to its larger counterpart, the USSR, and taking into account the fact that Ukraine was then a province of the central government.

One Western scholar who has made an effort to characterize the Soviet state is Neil Harding.³⁸ According to him, it derived its particular features from Marx and Lenin and from the practical political choices of the Bolsheviks immediately after the Revolution. Its basic idea was control over society and total control over the economy, thus excluding any notions of civil society and democracy (especially in the workplace), as well as any notion of a distinction between society and state.³⁹

38. Harding, ed., *The State in Socialist Society*.

39. Harding, “Socialism, Society, and the Organic Labour State,” *ibid.*, 1–50, esp. 10–38.

TABLE 3.1
CHECKLIST OF FEATURES OF THE MODERN STATE
IN UKRAINE, END OF 1991

Aspect	Feature	Presence (+) or Absence (-)
Administrative Apparatus	1. Organization	-
	2. Co-ordination of parts	-
	3. "Modernity"	-
	4. Differentiation	-
	5. Centralization	-
	6. State and law	-
	7. Weberian bureaucracy	-
People	8. Coercive control	-
	9. Nationhood	-
	10. Democratic legitimation	-
	11. Citizenship	-
Territory	12. Sovereignty	-
	13. Territorial control	-
	14. States system	-

SOURCES: List of features in Poggi, *The State*, chap. 2.

Harding calls this model the Organic Labour State.⁴⁰ To see where Ukraine stood on the threshold of independence, I have compared these features with the list enumerated by Poggi in table 3.1. At the outset Ukraine had quite a long way to go in order to be characterized as a

40. According to Harding, the features of the Organic Labour State were
 1. comprehensive economic planning as the state's exclusive monopoly;
 2. ownership and control in the hands of the state;
 3. interests of society and state regarded as one; no separate political sphere;
 4. the state as arbiter of norms of labour and consumption;
 5. rewards related to labour; antipathy to egalitarianism;
 6. most people as employees of the state; all benefits flowing from the state;
 7. citizenship tied to productive labour; rights meant to strengthen the state;
 8. the single political party giving expression to socio-economic homogeneity;
 9. elections a ritual to drum up enthusiasm for production plans; and
 10. the administrative apparatus characterized by increasing complexity and by the growing technical qualifications of its staff. (Harding, "Conclusion," *ibid.*, 308–10).

modern state. At the end of 1991 it had practically none of the territorial attributes of statehood, almost none of those concerning its relationship to its people, and only a few of the ones referring to its administrative apparatus. It was, if anything, a “quasi-state.”⁴¹

With respect to the administrative apparatus of a modern state, even those attributes that Ukraine did possess in 1991 would have had to be qualified or treated as conditional or partial. Ukraine’s apparatus was indeed organized (item 1 in table 3.1). But its purpose having been the building of socialism, understood as administered industrialization, a reorganization of the apparatus would have to be part of the subsequent state building. This would be necessary in order to adjust it to a different purpose—that of public service in a democratic polity for an independent state—and at least in some measure within a market economy. This was related to item 10—the state apparatus would have to serve the public as its constituency and become the public service in a real sense. The military service would also have to be redirected to the defence of Ukraine rather than the Soviet Union. So, although Ukraine had this feature at the outset, its basic purpose would have to be altered. This alone would have been a formidable task. Furthermore, the Soviet-era apparatus could be said to have been co-ordinated (item 2); but new and different means of co-ordination were required, so this feature too would have had to be changed. As far as its “modernity” was concerned (item 3), it did indeed extend beyond “exclusively military and fiscal” activities and did engage in the purposeful and intense ordering of social life, as Poggi has characterized that term.⁴² But here again a reorientation rather than a continuation was needed. The state in Ukraine was a command mechanism and a branch of the overarching all-Union state. It had to become more cybernetic, self-contained, and able to deal with and regulate a market economy. It also had to operate in the midst of a civil society, carve out a place for Ukraine in the states system through foreign trade and diplomacy, and act as the major generator of policy through its own political sensitization. Operating a welfare state, which is a large part of what “modern” means, would certainly be something different from operating a Soviet state. It would entail design of policies, choice of policy instruments, and co-ordination of policies—an entirely different activity to that which prevailed under the Soviet command system of bureaucratic politics and Communist Party oversight. “Modern” would also mean the expression of departmental interests and

41. D’Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 41–2.

42. Poggi, *Development of the Modern State*, 25.

the administration of and responsibility for a national economy, something different from passing down orders from Moscow and passing back reports on fulfillment. It means something more than military-style transmission and execution of commands tempered by bureaucratic politics. Thus, the positive attributes of Ukraine as a state, which were embodied in its state apparatus, were few and weakly developed or in need of rearrangement.

As far as items 4 to 7 in table 3.1 are concerned, there is no doubt about their absence in Ukraine at the start of independence. A differentiation (item 4) between the state and other entities did not exist whereby the state would perform "*all and only* political activities."⁴³ The state was certainly not differentiated from the Communist Party, since it did not perform such activities exclusively. Similarly, political power was not centralized in the state (item 5)—the situation was certainly not one in which only the state could exercise political power, but rather it shared with or was overshadowed by the single ruling party in this respect. Of course, law was not the basis of rule, although it was an instrument of rule (item 6). Yet neither the state itself nor the Communist Party were under the law, even though the institution of the Procuracy was there to ensure lawful action by the state administration. Nor was the state administration patterned on the Weberian model of bureaucracy (item 7), an impartial civil service with hiring and promotion based on expertise, merit, and open competition. Recruitment and promotion in the nomenklatura patronage system was based on clientelism. These negative features had to be overcome by the Ukrainian state by wresting political power not only from the CPU but also from the CPSU, centralizing political power in the institutions of the state, introducing the rule of law, and transforming the Soviet bureaucracy into a proper civil service.

In his argument for the priority of state building (over the rule of law, civil society, market, and democracy), Alexander Motyl has assessed the weakness and underdevelopment of the Ukrainian state much more harshly. According to him, at the beginning of its independent existence Ukraine had an "undeveloped" state. "The Ukrainian bureaucratic apparatus is understaffed, inexperienced, and unstructured," he writes. "The underdeveloped, and dreadfully corrupt, Ukrainian pseudostate requires laws to become a genuine administrative apparatus."⁴⁴ Obviously, if state building is to produce anything

43. Ibid., 20. Poggi's emphasis.

44. Motyl, *Dilemmas of Independence*, 65. In particular, Motyl says that what ails the state administration in Ukraine is that (1) the apparatchiki are unsuited by training for the administration of a modern state. In the USSR, the "republican state

resembling a contemporary nation-state of the modern type, this process cannot result in or be equivalent to the rebuilding of the old Soviet state. There is, however, some rudimentary structure already in existence insofar as an administrative apparatus is concerned, which is more than could be said for the other two aspects.

The Soviet Ukrainian state's relationship to its population could only minimally be characterized as modern. Although in 1991 it did have a monopoly on the means of coercion on its territory and specialized in last-resort control through coercion (item 8), this had not been the case consistently throughout its history in the Soviet era. For much of Ukraine's existence the NKVD and later the KGB, as well as the Soviet army, not to mention the nuclear power-generating administration, operated without the sanction of the leaders of the quasi state of Ukraine. Since independence the challenge has been to obtain control of the means of coercion from the all-Union institutions—army, police, and security forces—and at the same time to assert a monopoly of that control against domestic private armies, gangs, and police forces.

The Soviet Ukrainian state, understood as comprising its population and administrative apparatus, did not constitute a distinctive nation (item 9), but was considered part of a larger entity, the Soviet people. Therefore the leaders of the new state would have to begin instilling a sense of nationhood in the people of Ukraine. As regards democratic legitimation (item 10), this existed in embryonic form in the Soviet system of elections, but was not put into actual practice until 1990, in a rather tentative and incomplete way during the elections of that year. Until then democratic legitimation coexisted as a formality, alongside the principle of Marxist-Leninist legitimation and the practice of one-party rule. The idea of the state's responsibility to the people rather than to the Party, history, or Lenin's vision of communism has to be institutionalized for Ukraine to have a modern state. Citizenship (item 11) was another feature absent from the Soviet Ukrainian state; the population was nominally comprised of citizens (in fact, they were not citizens at all, but serfs or subjects in terms of their actual political status) of the USSR, not of Ukraine. In an independent Ukraine the state has to emerge from its

bureaucracies ... were run by party bosses ruling by telephone." This was "anything but ... Weberian." Now we have "feeble state institutions ... suddenly on their own." (2) Recruitment favoured careerists, who are now unable to learn. (3) The "ministries are far too small and resource-poor." They were subordinated to the Communist Party. Finally, (4) "the state apparatus is thoroughly corrupt." As a consequence of all this, the "Ukrainian apparatus ... may be evolving into the type of parasitical bureaucracy that plagues so much of the third world" (ibid., 163–4).

provincial status and become a state that the people of Ukraine can identify with and hold responsible for their fate. From such a state they can claim certain entitlements at the same time as the state can impose certain obligations on them.

Of course, with regard to the territorial aspects of statehood, when Ukraine was part of the USSR it had neither sovereignty nor exclusive control over its territory (as illustrated by Gorbachev's handling of the Chernobyl nuclear disaster). But to a limited extent Ukraine, along with Belarus, owing to its membership in the United Nations, was part of the states system (items 12–14). In practical terms these features of the modern state have had to be acquired *de novo* by an independent Ukraine. For example, apart from its UN membership, Ukraine had no diplomatic representation abroad and no embassies. President Kravchuk's insistence on the priority of state building as the pre-eminent political task during these first few years of independence made sense if he had in mind specifically these external, territorial aspects of the process—as opposed to internal ones, pertaining to the state apparatus and the people of Ukraine. Perhaps it was appropriate to begin the state building there. Indeed, Motyl has commended the Ukrainian leadership for this, “because they view a strong state as the *sine qua non* of Ukrainian independence and the guarantee of Ukraine's survival in a post-Soviet order dominated by a seemingly threatening Russia.”⁴⁵ But this alone could never be enough.

Strategy

State Building as a Problem Viewed by Ukraine's Leaders

While the speeches of political leaders do not normally attract the interest of a large number of readers, for the purposes of the present work they need to be analyzed for indications of perceptions and dispositions to action, which may then provide some understanding of the politics of the process. Some attention has been paid to President Kravchuk's views in particular, and their implications emphasized.⁴⁶

At the outset Leonid Kravchuk seemed to have a reasonably accurate assessment of what Ukraine lacked and what it required to become a modern democratic state. In January 1992 he summed up his conception of “an independent, strong Ukraine” in the near future as one that “will

45. Ibid., 70. Motyl continues to endorse this position. See his essay “State, Nation, and Elites in Independent Ukraine,” in *Contemporary Ukraine*, ed. Kuzio, 3–16.

46. Abraham Brumberg, “Not So Free At Last,” *New York Review of Books*, 22 October 1992, 56–64.

have its own armed forces, institutions of authority, and laws to meet the people's needs."⁴⁷ In the meantime, he said, "we have no experience behind us. There are no great state structures because the Ukraine was in someone else's hands all the time. Our government and ministers worked within the bounds of their own jurisdiction,... carrying out the Kremlin's orders.... That is why we must learn state leadership of the new Ukraine and state thinking.... [W]e need ... committed, competent people."⁴⁸ He also emphasized the idea of independent Ukraine's democratic legitimation (or at least he paid lip service to it).⁴⁹ In terms of its relations with the rest of the world, Ukraine had "set itself the goal of integrating into European structures," but "while integrating, we do not consider it necessary to destroy our ties with the states of the former Union."⁵⁰ As for Ukraine's membership in the Commonwealth of Independent States, Kravchuk insisted on the necessity for friendliness and equality.⁵¹ He thus showed a basic awareness of the major attributes of the modern independent state, its democratic basis, and its inevitable interdependence with its closest neighbours.

Until the end of 1991 the institutions of government in Ukraine were the usual Soviet ones. These included an ostensibly all-powerful assembly (Supreme Soviet) and its executive body (Presidium); a Council of Ministers (appointed by and responsible to the Supreme Soviet), which headed the administrative branch; and a Supreme Court and Procuracy (also appointed by the Supreme Soviet). In July of that year, apparently in emulation of the USSR and Russian practice, a presidency was instituted (which took over most of the powers of the former Presidium), and the Council of Ministers became the Cabinet of Ministers under the president. The president was elected in December. Since then, with the displacement of the Communist Party as the power behind these structures and their emergence as institutions on their own, controversy has surrounded the definition and clarification of the powers of the three major institutions. The new arrangement is really not a presidential-parliamentary system, as

47. *Nezavisimaia gazeta*, 30 January 1992, trans. in FBIS-SOV-92-021, 31 January 1992, 60.

48. *Ibid.*

49. "The people's will today is to form an independent state. It is the most terrible thing imaginable for a man to betray a people who have agonized to secure this right throughout their history. That is why I will endeavor to do everything to defend their interests and their future" (*ibid.*).

50. *Ibid.*, 61.

51. *Ibid.*, 62.

it is often called, because the Supreme Council (no longer the Supreme Soviet) is not a Parliament (having no fusion or interdependence of executive and legislative powers). It is also not a strictly presidential one, but something that could more appropriately be called assembly-presidential, if there were such a type. President Kravchuk attempted to redefine and shape these institutions, particularly in order to enhance his own position vis-à-vis the other two.

Kravchuk subscribed to the notion that a strong state was essential to democracy and that a strong executive was needed by the Ukrainian state in its time of transition. In a formulation reminiscent of Stalin, Kravchuk stated: "The transition to higher forms of democratic society is not possible without the temporary strengthening of statehood."⁵² Thus the chain in Kravchuk's thinking was strong executive → strong state → democracy. This line of reasoning was called into play by the realization that the authority of the CPU was crumbling and that another institution—the presidency—was needed to replace it. In the Parliament of Ukraine in the late spring and summer of 1991 Kravchuk's position was supported by the Narodna Rada grouping because he was adopting their policies, and a strong presidency would overrule or outflank the CPU hardliners in Parliament.⁵³ In my opinion, this same line of reasoning to which Kravchuk continued to cling subsequently contributed to the institutional deadlock that developed, delaying the transition to democracy.

Consistently with his emphasis on a strong executive, President Kravchuk also followed the Russian example in instituting a network of presidential representatives in the localities. While this would seem to have negative implications for local government as an element of democracy, the motivation was primarily to rein in unruly Communist leaders in the oblasts.⁵⁴ He laid out the following distinction between the local councils and the presidential representatives: "The council assembles and adopts

52. *Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 84. In an interview given one year after independence he explained: "In these difficult times, the new Ukraine must not be built by the power of authoritarianism, but by the power of the authority of government. At present, such authority is lacking.... We are functioning in exceptional circumstances. Only a strong executive branch, acting on the basis of law, can overcome the crisis and gain authority. On the support of this authority by the people, by political structures, and by legislators depends the stabilization of the situation and the future development of the democratic process" (ibid., 83).

53. Kuzio, *Ukraine: Perestroika to Independence*, 174.

54. D'Anieri, Kravchuk, and Kuzio, *Politics and Society*, 126–7.

strategic decisions on the development of their region or rayon.... Meanwhile the presidential representative implements these decisions."⁵⁵ Later we shall see how these institutional arrangements have affected the development of local democracy in Ukraine's state-building experience.

Kravchuk's conception of democracy was quite unexceptional, but he simply did not want to see democracy running amok.⁵⁶ He spoke of having witnessed only the beginnings of a civil society in Ukraine and of "economic democracy," by which he supposedly meant the welfare state. But his commitment to a market economy was less clear. "Out of all the possible variants the government of Ukraine [headed at the time by Prime Minister Leonid Kuchma] has chosen the variant of state regulation of the economy," he said at one point. He went on to reach the conclusion that "these steps should contribute to a strengthening of the executive power and, in the end result, of the state as a whole."⁵⁷ It is difficult to say whether Kravchuk was as strongly committed to democracy as he was to a strong presidency.

He stated that "democracy must be taken to mean a system of organization of government in which the people are the source of power."⁵⁸ He was particularly emphatic about the fact of democratic legitimation at the beginning of the transition. "The policy we are pursuing is backed by the people," he said then. "We listen to our people," he repeated; "the main thing for us is the interests of the Ukrainian people."⁵⁹ This element of democracy was also linked to a strong presidency, according to Kravchuk. "I am convinced that by voting for Kravchuk, the people also supported the office of president as such."⁶⁰

55. *Holos Ukrainy*, 31 December 1992, trans. in FBIS-USR-93-007, 16 January 1993, 14.

56. "Genuine democracy is based on principles that define, as a rule, the principles of constitutional government. These include the priority of universally recognized rights and freedoms of the individual; the accountability of the state to the person and to society; the supremacy of law; the separation of legislative, executive, and judicial powers; support of the state of local self-rule; political, economic, and ideological pluralism, and such. In my view, these principles serve state policy as reliable guides in the building of a democratic system" (*Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 84).

57. *Holos Ukrainy*, 31 December 1992, trans. in FBIS-USR-93-007, 16 January 1993, 15.

58. *Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 83.

59. Moscow Teleradiokompaniia Ostankino Television First Program Network, 1220 GMT, 19 January 1992, trans. in FBIS-SOV-92-013, 21 January 1992, 73-4.

60. *Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 84.

The missing element in the president's thinking, of course, was accountability, which is the complement to legitimation; the relationship with the people is normally two-way, not one-way, except in pseudo-democracies, such as Mexico during the long rule of the Institutional Revolutionary Party (PRI).

Kravchuk mastered one precept of democracy, but his conceptualization of the rule of law, another of its fundamental components, was less secure. His understanding of the concept is reflected in his statement, "Just think what democracy is like in the United States. You are a free person; you have freedom of speech, religion, movement. But just step over the line, break the law, and you will feel the full force of its implacable arm. That is how things should be in a rule-of-law state, and that is precisely the kind of state we aspire to."⁶¹ Kravchuk's concept of the law-based state was thus probably closer to the *Rechtsstaat* than the "rule of law." For him, a law was simply an instruction (not embedded within a system of law), and the law was simply a collection of those directives or orders (not connected to broader principles or jurisprudence). Consequently the idea of the rule of law as meaning the subordination of the government itself to the law seemed to be missing from Kravchuk's outlook on the democratic state. He spoke of the refinement of laws as though they were to be manufactured on an assembly line: "There must be more precise and polished legislation."⁶² Indeed there must be, but laws alone do not comprise the rule of law, a point that Kravchuk seems not to have realized.

As far as administration is concerned, Kravchuk was well aware of the need for a definition of functions and for technical expertise.⁶³ He spoke of the recent opening of an institute for presidential representatives, "training for international-class managers," and Ukraine's need for "many specialists who think in modern terms."⁶⁴

While Kravchuk spoke of being a liberal democrat,⁶⁵ he opposed a

61. Ibid.

62. *Holos Ukrainy*, 31 July 1992, trans. in FBIS-SOV-92-157, 13 August 1992, 42.

63. In mid-1992 he was quoted as saying, "The government's functions will be specified, and new functions will emerge. This will be based on new legislation. Privatization and commercialization will proceed on a broad front, and new problems will appear. We will need new people to resolve them" (ibid.).

64. Ibid.

65. Although that was not quite his own self-characterization, he did say, "I am not for a depersonalized democracy per se, but for a liberal democracy in particular" (*Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 83).

federal form of government for Ukraine, preferring the unitary form, citing “pragmatic” reasons.⁶⁶ Thus, the ostensible reasons for the preference were not democratic principals, but pure convenience and a desire not to disturb those who may have become accustomed to their sinecures. The real reason was the fear of Crimean separatism and the potential unravelling of the Ukrainian state, but Kravchuk did not say so.⁶⁷

It was significant that at the end of his first year in office Leonid Kravchuk pointed to foreign recognition of Ukraine as the first major accomplishment of the country’s state-building efforts.⁶⁸ He also said that 1992 would “go down in the history of Ukraine as the year of the creation of the state.” “First and foremost,” he declared, “a new independent country at the European level appeared on the political map of the world, and it has been recognized by more than 140 states.”⁶⁹ This implied that the external aspect of state building had indeed been a priority for Kravchuk and that he reckoned he had largely succeeded. There was still the problem of dealing with Russia and the CIS: Kravchuk’s position was that the establishment of ties with other states should not entail breaking them with Russia, and that economic—but not

66. “Keep in mind that ... transforming Ukraine into a federal state would necessitate changing the entire form of our statehood. The introduction of a federative system would require making corresponding changes in the system of governing, in the system of regional and local self-rule. Not to mention that many millions of people would be forced to give up what they are accustomed to.... Imagine the costs of such reforms” (ibid., 85).

67. In May 1992, when the Crimean assembly declared the unilateral independence of Crimea and passed a corresponding constitution, President Kravchuk spoke out against these actions, expressing his determination to preserve Ukraine’s integrity. See *Uriadovyi kur’ier*, 15 May 1992. Around that time the newspapers were full of stories about Crimean separatism, e.g., *Zakhidna Ukraina*, *Narodna hazeta*, *Khreshchatyk*, *Holos Ukrainy*, and *Nezavisimost*.

68. In one interview he said, “I think that our greatest success has been that, despite all the pressure,... we have not veered off our charted course—continuing on to an independent, democratic law-based state. Even if in the West, where Ukraine is often accepted as a state rather than as a part of Russia only with great effort, declares that a new country has appeared on the political map,... this is perhaps the most significant argument in our favor” (ibid., 82).

69. *Holos Ukrainy*, 31 December 1992, trans. in FBIS-USR-93-007, 16 January 1993, 14. Similarly, in mid-1992 he said, “It is extremely important, before the world, to find our own identity, to strengthen the idea in the world public that such a state exists, and to register Ukraine as a state through signing agreements and through concluding bilateral and multilateral treaties” (*Holos Ukrainy*, 31 July 1992, trans. in FBIS-SOV-92-157, 13 August 1992, 40).

political—links with the CIS were liable to be beneficial.⁷⁰ Although he stressed the objective of Ukraine joining Europe, he also pointed out that he would not have Ukraine join any military blocs; thus, the new state's external ties were to be pursued in both directions rather than predominantly in one.⁷¹

Points Not Mentioned in Kravchuk's State-Building Plans

Although Kravchuk placed great importance on certain attributes of statehood, such as a national currency and an army,⁷² with regard to others he was silent, ambivalent, or simply indifferent. For example, his conception of administrative organization was outlined more in terms of power than purpose; the net result of such state building was liable to be the multiplication of structures rather than their purposeful design, much as Gorbachev had created structures that failed to perform their functions. Even though he made a point of emphasizing the state's democratic legitimation, Kravchuk spoke as though the state and the people were fused, as though there were no civil society separate from the state. His top-down approach to state-society relations was perhaps typically summed up in the statement: "The most pressing task facing the President, parliament, and the government is to find the economic levers that will awaken the sleeping energies of the people."⁷³ This bore a very distinct resemblance to Lenin's oft-repeated nonsense about mobilizing the masses, freeing their creative energies, while simultaneously demanding disciplined followership of and obedience to the vanguard party on its path to a predetermined future. Speaking of parties, there seemed to be no place in Kravchuk's thinking for political parties as autonomous centres of

70. *Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 85–6. See also *Rabochaia tribuna*, 7 March 1992, trans. in FBIS-SOV-92-048, 11 March 1992, 48–50; and *Argumenty i fakty*, February 1992, trans. in FBIS-SOV-92-041, 2 March 1992, 55.

71. *Nezavisimaia gazeta*, 30 January 1992, trans. in FBIS-SOV-92-021, 31 January 1992, 61–3; and *Holos Ukrainy*, 31 December 1992, trans. in FBIS-USR-93-007, 16 January 1993, 16.

72. *Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 83; Moscow Teleradiokompaniia Ostankino Television First Program Network, 1220 GMT, 19 January 1992, trans. in FBIS-SOV-92-013, 21 January 1992, 74; and *Argumenty i fakty*, February 1992, trans. in FBIS-SOV-92-041, 2 March 1992, 54. "An army is an attribute of statehood," he said in the latter source.

73. *Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 87.

power, a requisite of democracy, except that they should huddle in the centre of the ideological spectrum and support the president.⁷⁴ The role of such political forces apparently would be the defence of the homeland, the state, and the presidency. He certainly had no conception of what the “modern” state is like, in the sense of its complexity, involvement in and responsibility for the national economy, and connection to society. He demonstrated an indifference to the idea that frequent elections were needed to consolidate democracy: despite one year of public clamouring for new elections, he told a reporter in November 1992 that it was the Supreme Council’s duty, not his, to call parliamentary elections.⁷⁵ Finally he and the assembly acceded to the holding of new elections only after the violent confrontation between President Yeltsin and the Russian Supreme Soviet in the fall of 1993. Kravchuk’s notions of law and the rule of law have been noted above. While he seemed to appreciate the need for new people to staff the administrative apparatus, he believed that a change of personnel alone was sufficient to transform Ukraine’s Soviet-era bureaucracy. Kravchuk’s understanding of the bureaucracy was definitely Soviet, not Weberian; he never mentioned competitive examinations or impartiality, two important attributes of a public service in a democratic state. Nationhood was also missing from the elements he talked about in connection with state building. A nationalist he was not. Kravchuk’s conception of state building, therefore, envisaged the invigoration and reinforcement of existing structures, particularly the army and the presidency, recognition of Ukraine in the international arena, and centralization of power in Kyiv over the rest of the country. It was relatively undeveloped as far as the democratic and bureaucratic underpinnings of modern statehood were concerned. It paid lip service to local self-government and notions of a market or mixed economy, and drew a blank as far as directing any attention to the development of bonds of loyalty and of community as part of state building’s concerns.

After the resignation of Leonid Kuchma as prime minister and Kravchuk’s assumption of the powers, but not the office, of prime minister,⁷⁶

74. Radio Ukraine World Service, 0819 GMT, 21 October 1993, trans. in FBIS-SOV-93-204, 51.

75. *Literaturna Ukraina*, 26 November 1992, trans. in FBIS-USR-92-163, 23 December 1992, 90. He did, of course, call early presidential elections for the summer of 1994, even though his term would not have expired until December.

76. The relevant decree was promulgated by UNIA, 1228 GMT, 7 October 1993, trans. in FBIS-SOV-93-194, 8 October 1993, 59–60. It stipulated: “The president ... directs the activity of the Ukrainian Cabinet of Ministers.” “Meetings of the Ukrainian Cabinet of Ministers are held under the Ukrainian president’s leader-

the president articulated his and his government's thoughts on the issue of national security.⁷⁷ These principles and the timing of the speech suggested the possibility that Kravchuk's conception of state building was evolving in the direction of some form of "national security state," a significant departure from the ideal of the modern democratic state. He identified as the main threat the condition of the economy rather than any external source. He thus prescribed a policy of gradually reorienting the dominant state sector of the economy to market principles, modernizing the armed forces by reinvigorating the military-industrial complex, and urging the formation of a centrist electoral bloc to promote this state-security concept through the election and to implement it. This idea of economic "reform" would mean abandoning any radical liberalization, privatization, or even marketization of the economy. It would mean retaining the unreconstructed Soviet state and the notoriously unbalanced Soviet-style command economy with its preference for heavy and military industries, and retarding the development of the autonomous social base needed for politics in a democratic state. Kravchuk explained the imperative for this on grounds of pragmatism and avoidance of pain. "Ukraine's economy remains extremely monopolized." In these circumstances, "a socially oriented market economy model" recommends itself. "We favor the state regulating the state sector of the economy, but regulation in the direction of going over to a market, in the direction of transforming it on market principles, but not totally, not spontaneously, but consistently, being guided by the experience of other states."⁷⁸ To adopt the radical path of economic reform, he said, would be disaster.⁷⁹ Thus, radical economic reform, more so than any other

ship" to consider major issues. "Resolutions of the Ukrainian Cabinet of Ministers, adopted at these meetings, are signed by Ukraine's president." Minor issues are considered by cabinet meetings chaired by the acting prime minister. The president approves all agendas and schedules of meetings and "appoints and dismisses heads of Ukraine's state committees, deputy ministers of Ukraine's Cabinet of Ministers, and heads of the joint structural sub-divisions of the president and the Ukrainian Cabinet of Ministers' administration" (60). See also *Ukrainske Radio First Program Network*, 0600 GMT, 7 October 1993, trans. in FBIS-SOV-93-194, 8 October 1993, 60.

77. Radio Ukraine World Service, 0819 GMT, 21 October 1993, trans. in FBIS-SOV-93-204, 25 October 1993, 51-5.

78. *Ibid.*, 53.

79. According to Kravchuk, it would be "to plunge into market elements as if into an abyss, with our eyes shut, which in a way is a kind of liberal approach, total liberalization. It is rooted both in thoughtlessly following western models of development and traditions, to which we have already grown accustomed, which are either extreme right or extreme left and which for decades were characteristic

genuine reform of the economy regardless of its pace, would be a threat to national security and could not be considered as a possible strategy for stability and independence. A “resolution on the draft concept of the basis of Ukraine’s national security policy was adopted by 267 votes in favor,” according to a report of the parliamentary session. In summarizing this document, significantly it added “The main subject of national security is the state.”⁸⁰ If the subject of national security was not to be the people or the country, but the state, then there was reason for doubt about the first president’s commitment to democratic, modern statehood for Ukraine. That Russia at the time was pressuring Ukraine about energy, nuclear weapons, Crimea, the Black Sea Fleet, and Sevastopol, may offer an alternative explanation of President Kravchuk’s stand on national security.

Other Leaders’ Reactions to Kravchuk’s State-Building Plans

During Leonid Kravchuk’s term of office, considerable skepticism was expressed about his ideas and, in particular, his actions with regard to state building. Naturally, the criticism came from all sides of the political spectrum, and critics even adopted mutually contradictory postures, some saying that he had not done enough state building, others that he had concentrated too much on it. Many declared that his ideas had already resulted in an authoritarian state. It was a question of Kravchuk’s concept and its realization being either too little, too much, or the wrong kind of a state for Ukraine. From a conservative position, for example, Stepan Khmara stated: “Ukraine’s democracy and statehood are under threat.” He saw “a very grave threat for the Ukrainian state—both from within and from outside,” implying that the job of state building had not been very well done by then.⁸¹ A Moscow newspaper, declaring that “Ukraine is doomed to a new totalitarianism” under its

of our people and our approaches. Such a path, which I would call westernization, is equally destructive to us [as retaining the command-bureaucratic system], not to mention that even the west itself has rejected the extreme form of liberalism. The mentality of our people, who for several generations were brought up under the conditions of totalitarian collectivism, will not allow us to implement the idea successfully if we throw ourselves thoughtlessly ... into market elements. Supporters of radical liberalism sometimes say that in order to cure a society that is ill, no heed should be taken of the pain that is inflicted. There is a limit, however, beyond which a patient will simply not stand the pain. It is clear that there can be no talk of national security under these conditions” (ibid., 52).

80. UNIAR, 0905 GMT, 22 October 1993, trans. in FBIS-SOV-93-204, 25 October 1993, 56.

81. *Molod Ukrainy*, 7 May 1992, trans. in FBIS-SOV-92-096, 18 May 1992, 42.

first president, boiled the problem down thus: "The key question is this: how far can Leonid Kravchuk go in his authoritarian ambitions? The general opinion is that he is prepared to do anything in order to retain his power, although he will try to look like a civilized man."⁸²

Vladimir Grinev, a former Communist Party apparatchik, like Kravchuk but with more of an oppositionist bent, criticized the pursuit of the externalities of statehood at the expense of substantial economic reform. "A sovereign state is not an outer envelope," he said, "a shell endowed with the attributes of the kind of state emblem, flag, national anthem, army, and power structures that it has. For a state, sovereignty will remain unrealized until it possesses economic potential." After a year of independence, "What I really wanted to happen has not been accomplished, namely, movement along the path of reform."⁸³ For this he blamed Kravchuk.⁸⁴ "The passivity of the president"⁸⁵ was thus seen as a bad omen for the second year of Ukraine's independence, which contrasted sharply with Kravchuk's insistence on the crucial importance of a strong presidency and placed in doubt its possible justification.

By the end of year one Volodymyr Iavorivsky said, "The idea of Ukraine's independence has already lost momentum," this, despite Kravchuk's active promotion of it. "Quite frankly our President finds himself in a vacuum," he said, adding, "the old apparatus that currently surrounds the president is incapable of thinking in a new way."⁸⁶ In other words, there seemed to be some discrepancy between the intentions of the president and their realization, even in the office of the president himself.

82. *Moscow News*, no. 31, 2–9 August 1992, in FBIS-USR-92-109, 61–2.

83. *Nezavisimost*, 28 November 1992, trans. in FBIS-USR-92-163, 96.

84. "My main reproach against the president is that he did not use his former popularity as capital to carry out economic transformations quickly. Yes, he would have lost his high ratings in the process, but he would have brought benefit to Ukraine. After he had obtained special powers from the Parliament and an opportunity to issue edicts within the framework of a market economy that would give the force of law after approval by the parliament, the president could have accelerated the transition to the market. But he never once made use of his right. Obviously the fact is that those decisions would have been unpopular. But unfortunately there are no popular decisions that would lead to market transformations. They are all inevitably connected with things being broken and with 'sharp' mechanisms to implement them. The president made his choice" (*ibid.*, 97).

85. *Ibid.*, 100.

86. *Golos Ukrainy*, 18 December 1992, trans. in FBIS-USR-93-004, 7 January 1993, 34–5.

Another parliamentarian, Iakiv Zaiko, said: "Ukraine lost a year—a year of its independence."⁸⁷ On the other hand, the head of the National Guard, Volodymyr Kukhanets, was quoted as saying that "the building of the Ukrainian army is going by the right road, but one wishes that the process would go faster. The pace is slow."⁸⁸ Mykhailo Horyn, the head of the Ukrainian Republican Party, asserted to the contrary: "We have still got an army in preparation. We have still got troops, from whom the national Armed Forces of Ukraine must be created."⁸⁹

V'iacheslav Chornovil, co-leader of Rukh, was optimistic about the nature of the top government administration after Kuchma became prime minister.⁹⁰ Chornovil's favourable impression of the changes in the government that took place in the fall of 1992 was offset by his negative assessment of the presidency. "I think that we have to reject a purely presidential form of state power. It has not justified itself."⁹¹ Stepan Khmara, the leader of the Conservative Republican Party, faulted Kravchuk for not going far enough in his state-building efforts to assure independence.⁹² By contrast, Oleksandr Moroz, the president of the Socialist Party (formed out of a portion of the old Communist Party), praised Kravchuk's efforts.⁹³ By the end of the first year of independence,

87. *Narodna Armiia*, 1 December 1992, trans. in FBIS-USR-93-004, 7 January 1993, 37.

88. *Ibid.*, 38.

89. *Ibid.*, 42.

90. He said: "I treat the government of L. Kuchma with restrained optimism. Regardless, a new team has come. That criminal circle of the old nomenklatura, of that bureaucratic upper layer, which moved into the Central Committee, and then into the Cabinet of Ministers, and so on, which had old connections, moreover, often the character of a mafia, has been torn apart. New people have come, and I consider that this is already a government of pragmatic people and reformers" (*ibid.*, 38).

91. *Ibid.*

92. "We have only a declared independence. Moreover,... the crisis, which has deepened, is a crisis of the system. It has deepened not because we took a certain step towards independence, but because we did not make enough steps towards it. Above all, the greatest blame for this lies with the President of Ukraine, who instead of leading the process of state creation, actually held it back" (*ibid.*, 39).

93. "It seems to me that the steps taken on the 'external front' were for us logical and in general justified. And the efforts of the President in this direction may also be considered effective. The recognition of us as an independent country, and the establishment of some sort, perhaps not so effective, but already, nonetheless, diplomatic contacts, and the treaty process—all this speaks about the fact that as a state we have confirmed ourselves in the world community" (*ibid.*, 40).

then, there were as many assessments of Kravchuk and his state-building principles and strategies as there were assessors, like the proverbial blind men describing the elephant.

On the second anniversary of Ukraine's declaration of independence, Ivan Pliushch noted that, given the difficult economic conditions of the day, "an attitude favoring independence of the Ukrainian state itself has become dubious or critical among some people." He was implicitly critical of three crucial aspects of the Kravchuk state-building strategy. "Historic practice, world experience of state formation and social development were not studied properly and, most importantly, insufficiently co-ordinated with our national peculiarities. We paid too much attention to the development of the state as far as its attributes are concerned. This is necessary but this by no means exhausts the [meaning] of the state formation process." Having observed the workings of three governments, Pliushch also noted: "No long-term pattern of the national economy, oriented to satisfying people's needs, was worked out and, what is most important, no effective mechanism of its implementation was elaborated."⁹⁴ Indeed, that assessment was appropriate, for such was the legacy of Leonid Kravchuk's philosophy and practice of state building to his successors and to the country.

Conclusion

If political scientists cannot figure out the process of state building, we should hardly blame a particular politician, in this case Leonid Kravchuk, for not creating or at least laying the basis for a modern Ukrainian state out of its Soviet carcass. Nevertheless, we do know which are the main features of the modern state and can say approximately where Kravchuk did and did not set the building blocks in place. In any case, whatever he did conceive of as his task in this regard has remained a legacy to this day.

What is the nature of that legacy? State building is a multi-faceted, non-linear process, driven by many forces, not all of them amenable to human control. Like the modern state itself, it is complex. There are external and domestic aspects, and progress may not be uniform or consistent between various aspects. A strategy is therefore difficult to devise; in any event, it requires a clear conceptualization of both the starting point and end point. In the case of Ukraine, the starting point was the "quasi state" that existed at the close of the Soviet era. The end

94. Radio Ukraine World Service, 1300 GMT, 21 August 1993, trans. in FBIS-SOV-93-162, 37-8.

point is the modern state, by comparison with which Ukraine's "quasi state" had numerous discrepancies. Not the least of these was the nature of the civil service: it was insufficiently professionalized, with no clear role in the policy process, and too small and lacking in skills.⁹⁵ Leonid Kravchuk had some awareness of these deficiencies, and he was right to emphasize the striving for independence from Russian domination. New, weak states, as the experience of the Third World shows, are particularly vulnerable to external influences in the course of their state-building efforts. But Kravchuk also had numerous misconceptions or a certain lack of awareness concerning the modern state. He thought that a strong executive would translate into a strong state; in fact, what makes a state strong is flexibility and legitimacy, and these have to be designed and cultivated, not imposed. He misconceived administrative organization in terms of power instead of purpose and hence subscribed to the Soviet, rather than the Weberian, concept of bureaucracy. He would try to invigorate existing (Soviet-type) structures, not invent new ones. He misconceived civil society and its relation to the state, considering state and society to be fused, society requiring direction by the state. He saw no role for political parties and had no idea of generating loyalty and community in the people who were to be part of the new Ukrainian state. He opened up the possibility of a "national security state" for Ukraine. This mixed legacy, part-Soviet and part-modern, has been kept largely intact and carried on by his successor, Leonid Kuchma. No longer a "quasi state," Ukraine is now a "quasi-modern state."

95. Marc Norberg, "State and Institution Building in Ukraine," in *Contemporary Ukraine*, ed. Kuzio, 42–3.

CHAPTER 4

State Building in Ukraine: The Practice of State Organization

Here and in the next chapter we examine the practical side of state building in Ukraine, as opposed to the strategy pursued by its first elected president. In particular, we look at steps taken to build a post-Communist state and whether the result constitutes progress towards the goal of modern statehood as previously defined. Three aspects of the modern state against which Ukrainian experience can be measured are the institutions of the state, the state's relations with its people, and the state in its territorial aspect and external relations. This chapter deals with the first aspect; the other two are treated in subsequent chapters. In this chapter, therefore, the following features of the modern state will be examined in the Ukrainian context: organization (especially of the presidency, the Cabinet, and the governmental administrative apparatus); co-ordination; "modernity" in the sense of contemporary requirements; differentiation; centralization; state and law (and the development of the rule of law); and the emergence of a Weberian bureaucracy. Although no definitive or quantitative characterization of the new Ukrainian state can be formulated, some tendencies of development should be discernible. The key questions are few and reasonably straightforward. Are we seeing, since 1991, the creation of a new, modern, and democratic state or a refurbishment of the Soviet one? "Modern" and "democratic," of course, are not the same thing, and we must be careful to keep them distinct. It is not easy to do. What has determined the nature of this post-Communist state, what have been the politics of the process, and where does it seem to be heading in terms of the conventional standards proposed here? What are the implications of the trends seen thus far for the consolidation of democracy? The objective of this chapter, therefore, is to examine the available evidence regarding actions that have been taken or neglected by the regimes of the two Leonids, Kravchuk (1990–94) and his successor as president, Kuchma (1994–2004), for the practical realization of their state-building programs.

The Institutions of the State

The Presidency

Ukraine does not exist in a cocoon either in space or time, and thus it has naturally been influenced by contemporary events outside its borders. Indeed, in a kind of pattern of apostolic succession (or blind followership), Ukraine decided to introduce the office of the presidency after the Congress of People's Deputies elected Mikhail Gorbachev president of the USSR in Moscow in March 1990 and Boris Yeltsin was elected president of the Russian Federation on 21 June 1991.¹ Gorbachev's supporters justified the change as having been necessitated by the power vacuum arising from the collapse of the Communist Party. One year later the Ukrainian action was simply a matter of following suit, with the additional incentive of a rapid increase in institutional complexity requiring firmer control than existing arrangements could provide. In fact, on the very same day as the Russian presidential race, Ukraine's Supreme Council adopted a resolution on the necessity of introducing the post of president and instructed one of its commissions to draft the appropriate laws. Within days the Supreme Council passed a constitutional amendment instituting the presidency and a separate law on the presidency. It set 1 December as the date of the election, justifying this action as a requirement for stronger executive power. No one could accuse Ukrainian parliamentarians of excessive originality.

A constitutional amendment, passed on 5 July 1991, established the new post of president as head of state and of the executive.² It set certain limits on the incumbent. He would have to be a citizen no younger than thirty-five years of age; he could not be a parliamentary deputy or occupy any public or civic post. He could not serve more than two consecutive terms and was not permitted to engage in commercial activity. Citizens would elect the president for a term of five years. His duties were to guarantee citizens' rights, Ukraine's sovereignty, and compliance with the Constitution; represent the country in foreign relations; assure defence preparedness and security within its territory; head the bodies of state administration; report to the Supreme Council annually on the execution of policies and programs; propose to the

1. For background on the institution of these two offices, see Kiernan, *The End of Soviet Politics*, 136–40; and Alexander Rahr, "El'tsin Eclipses Gorbachev as Hard-line Coup Fails," *RFE/RL Research Report*, 3 January 1992, 9.

2. "Pro zasnuvannia posta Prezydenta Ukrainskoi RSR i vnesennia zmin ta dopovnen do Konstytutsii (Osnovnoho Zakonu) Ukrainskoi RSR: Zakon Ukrainskoi Radianskoi Sotsialistychnoi Respubliky vid 5 lypnia 1991 r.," *Radianske pravo*, 1991, no. 9: 3–5.

Supreme Council the appointment and dismissal of the prime minister and appoint the most important ministers with its concurrence; make other cabinet appointments as proposed by the prime minister; conduct international talks; present state awards and titles; decide matters of citizenship and exercise the right of pardon; and declare states of war or emergency. The president would be empowered to issue edicts (*ukazy*), cancel cabinet and local government decrees if contrary to law or the constitution, and sign acts of Parliament into law or return them to the Supreme Council for reconsideration.³ The president would benefit from parliamentary immunity; for an unconstitutional act on his part, he could be removed by a two-thirds vote in the Supreme Council or else by referendum. Basically the president would be taking over the functions of the Presidium of the Supreme Council, as in fact Mikhail Gorbachev had done on the all-Union level.

Separate from the constitutional amendment was a new law on the presidency itself.⁴ While it reiterated some of the same points, the statute contained additional provisions. The oath of office, beginning with the phrase "I solemnly swear to the people of Ukraine," and the manner of its administration was spelled out. The president would be permitted to take part in sessions of the Supreme Council. He would have to sign bills passed by Parliament into law within ten days of receipt. In those cases where he disagreed with a bill, he could send it back within a fortnight for reconsideration by the Supreme Council. But this could be overridden by a simple majority vote, and the president would then be required to sign it into law. While the president was forbidden to delegate his powers to others, he could set up administrative and consultative bodies for himself as required. The holder would retain the title of president in perpetuity.

The prototype for this office was clearly the Soviet presidency, which was introduced by Gorbachev in the spring of 1990.⁵ The differences were few and far between. In the USSR version there was an upper age limit of

3. The terms "edict" and "decree" (*ukaz*) are used interchangeably throughout.

4. "Pro Prezydenta Ukrainskoi RSR: Zakon Ukrainskoi Radianskoi Sotsialistychnoi Respubliky vid 5 lypnia 1991 r.," *Radianske pravo*, 1991, no. 9: 5 and 88. "The presidency was established as a symbol of Ukrainian statehood" (Charles R. Wise and Volodymyr Pigenko, "The Separation of Powers Puzzle in Ukraine: Sorting Out Responsibilities and Relationships between President, Parliament, and the Prime Minister," in *State and Institution Building in Ukraine*, ed. Kuzio, Kravchuk, and D'Anieri, 31).

5. See "Ob uchrezhdenii posta Prezidenta SSSR i vnesenii izmenenii i dopolnenii v Konstitutsiiu (Osnovnoi Zakon) SSSR: Zakon Soiuza Sovetskikh Sotsialisticheskikh Respublik," *Izvestiia*, 16 March 1990.

sixty-five years for the incumbent, and the post was described as head of state with a co-ordinating role vis-à-vis the government (not also head of the executive branch). It specified the establishment of the Council of the Federation (thus giving a nod to the growing power of the union republics) and a Presidential Council as the Soviet president's policy advisory bodies. In other respects the two presidencies were virtually identical. The Soviet variant evolved out of the post of chairman of the Supreme Soviet, to which Gorbachev had been elected in 1989. It distanced the incumbent from the post of general secretary of the CPSU, placing him outside the control of the Politburo, the Central Committee, and the Congress of People's Deputies, and introduced a distinct break from parliamentarism in favour of presidentialism.⁶ Having failed at the all-Union level, however, the institution's chances of survival in the USSR's constituent republics were uncertain.⁷

Regardless of the external and internal contexts of its introduction, the significance for Ukrainian political development of the office of president was threefold. In the first place, considering that it was introduced while Ukraine was still part of the USSR and before the declaration of independence, the oath of office and faithful service, which was directed to the people of Ukraine, was a clear endorsement of the principle of democratic legitimization. This meant the abandonment of Communist principles. Second, it thus paved the way to independence for the same reason, since no president who swore to serve the people of a Soviet republic could be expected to have any similar ties to other parts of the Soviet Union. This was a step towards both democracy and independence. Third, it introduced an amendment that survived the long constitutional process to become relatively firmly entrenched in the Ukrainian constitution, which was eventually adopted in 1996.

This initial, Soviet-era, version of the presidency was characterized by a rather minimal separation of powers, plausibly the result of the power struggle accompanying its introduction.⁸ In the version of the

6. On the evolution of the Soviet presidency, see Stephen White, Graeme Gill, and Darrell Slider, *The Politics of Transition: Shaping a Post-Soviet Future* (Cambridge: Cambridge University Press, 1993), chap. 4.

7. Speaking of the replication of the presidency in the post-Soviet successor states, White and his colleagues conclude on a note of uncertainty: "Only time will tell whether these attempts to establish a stable form of national leadership will be any more successful than the short-lived Soviet experiment in presidential government" (ibid., 78).

8. "Fearing, on the one hand, that the president could escape from the control of members of the communist nomenklatura, which were in the majority in

draft constitution published in 1992, the presidency was considerably strengthened (see above, chap. 2), particularly its control of the executive branch and the president's ability to dissolve the assembly in the event of a failed referendum on confidence in the president, which it would initiate. Earlier, shortly after independence, President Kravchuk made a successful request to the Supreme Council for constitutional changes that allowed for the institution of presidential representatives in the localities (see below) and a temporary increase in the president's powers, especially in issuing decrees on economic reform.⁹ The tension between the incumbent president and the assembly over presidential powers, as well as over their separation from legislative powers, has been a feature of post-Communist politics in Ukraine since then.

In East Central Europe, by contrast, regardless of considerable variations, the presidency, which has existed there since 1989, has been a relatively weak institution.¹⁰ In terms of symbolic powers the norm has been for most presidents (in descending frequency of constitutionally sanctioned powers) to grant pardons; promulgate laws; accredit foreign ambassadors; call elections; bestow decorations, titles, and honours; and act as head of state. Most presidents' appointive powers pertain to ministers (at the prime minister's suggestion), the prime minister, ambassadors, and senior military officers. Among political powers, the following is the norm: to serve as commander-in-chief; call special sessions of Parliament; chair the National Security Council; address Par-

liament, and, on the other hand, trying to prevent presidential power from evolving into a one-man authoritarian dictatorship (this concern was raised by deputies from the democratic opposition), the parliament adopted various measures allowing for direct intervention by the lawmakers in the president's prerogatives and the weakening of the executive branch's influence on the activities of the parliament. These included the parliament's right to veto presidential legislative decrees and the elimination of the post of vice president. A simple rather than a parliamentary majority was sufficient to override a presidential veto of draft legislation approved by the parliament. And the initiative in overcoming a possible political crisis in the country was the exclusive prerogative of the legislature. The government continued to be politically responsible to the parliament, having, among others, the responsibility to resign in case of a vote of no confidence by the parliament, whereas the president was not given the power to dissolve the parliament and call new elections if the government resigned" (Ihor Markov, "The Role of the President in the Ukrainian Political System," *RFE/RL Research Report*, 3 December 1993, 32).

9. Solchanyk, "Ukraine: Political Reform and Political Change," 1–5; and *The Ukrainian Weekly*, 31 May 1992.

10. James McGregor, "The Presidency in East Central Europe," *RFE/RL Research Report*, 14 January 1994, 23–31.

liament; and refer laws for reconsideration. Since the adoption of the constitution in 1996, the Ukrainian presidency now resembles this model, a departure from its original incarnation (see again chap. 2).

One of the very first decisions taken by the newly independent Supreme Council of Ukraine was a resolution on the pay and perquisites of the president.¹¹ Such conditions of employment, given the economic climate in Ukraine, could conceivably motivate the incumbent to hold onto office and defend the country's independence, but not necessarily to implement radical political and economic reforms. The perquisites of office are extremely valued in Ukraine.

For Ukraine, as for any Soviet successor state, the institution of the presidency is characterized by inherent ambiguities. Originating in an attempt to break free of the Soviet tradition of Communist Party rule and replace it with a "law-governed" state, it risks falling into another well known Soviet pattern—arbitrary rule by an individual despot. It institutionalizes political leadership (instead of personalizing it), but also challenges the assembly's exclusive claim to legitimacy. Without a resolution of these ambiguities, democracy cannot be consolidated.

Some ambiguity remains, however, even after the adoption of the 1996 constitution, and this promises continuing conflict between the president and the assembly. It arises out of the design of these institutions and their interrelationship. As Matthew Shugart has explained, there are four configurations of executive-legislative relations: pure presidentialism, pure parliamentarism, premier-presidentialism, and the president-parliamentary system. The last of these is least likely to be stable (as illustrated most infamously by the Weimar Republic of inter-war Germany); the second and third, the most stable.¹² The 1996 constitution restricted the president's power of dissolution to the single circumstance of a legislative session not beginning within thirty days, and made the Cabinet of Ministers "responsible" to him but "accountable" to the assembly. In doing so it effectively took Ukraine away from

11. "The president's salary is set at a level of 22 times the minimum wage.... While he remains in office, he is to be provided with an out-of-town residence, an apartment in Kiev, a specially equipped aircraft and helicopter, and motor transport. Protection of the Ukrainian president and his family is provided by the presidential security service. There are provisions for the medical care of the head of state and his wife. After retirement his official salary and most of his other privileges will be retained for life" (Radio Rossii Network, 0900 GMT, 5 January 1992, trans. in FBIS-SOV-92-003, 6 January 1992, 52).

12. Matthew Soberg Shugart, "Executive-Legislative Relations in Post-Communist Europe," *Transition* (Prague), 13 December 1996, 6–11.

the French model of semi-presidentialism (or premier-presidentialism, in Shugart's terms) and moved it more towards pure presidentialism with a tinge of president-parliamentary colour (articles 90 and 113). Besides, the requirement that a vote of non-confidence in the Cabinet entails its resignation (article 115), but carries no implications for the life of the Parliament, opens the door to exactly the kind of permanently conflictive situation described by Shugart as characteristic of a president-parliamentary regime.¹³

The Presidential Office

Soon after his election President Kravchuk created a policy-advisory Council of State (*Derzhavna Duma*) in order to support the combined functions of head of state and head of government in the presidency.¹⁴

13. As he says, "a full presidential-parliamentary regime gives the president discretion to dissolve parliament at any time as well as the right to appoint and dismiss cabinets freely. That form of regime is probably inherently unstable because the president cannot keep in office a cabinet of his liking against the wishes of the parliamentary majority, but he can always respond to a vote of no confidence by appointing another cabinet of his own choosing or by dissolving parliament" (ibid., 8). Ukraine, of course, does not have a full president-parliamentary regime, because the president cannot "dissolve parliament at any time." Nor can he appoint cabinets freely; he can appoint only the prime minister with parliamentary approval, but can dismiss the latter unilaterally, which entails the resignation of the Cabinet. He also approves ministerial appointments on the nomination of the prime minister.

14. According to its statute, the Council of State was to have sixty-two members in addition to the president, prime minister, and the four councillors. Appointed by the president, they were to be distributed among the collegia as follows: economic policy, twenty-one members; science and technology, fifteen; humanitarian affairs, thirteen; and legal policy, thirteen. The tasks of the council were to develop policy strategies; create mechanisms for realizing these strategies; establish the basic orientation of foreign policy; provide expertise for drafting legislation; set out a means for perfecting executive bodies of government and co-ordinate their activities; develop legal policy; co-ordinate policy-relevant research; and bring leading scientists into the council's work. The councillors were expected to provide leadership of their respective collegia, present proposals for policies to the president and the Cabinet, and co-ordinate the work of the collegium members. In carrying out these duties, they were to assign council members or government officials the task of preparing materials for the council's scrutiny; plan the work of each collegium; take part in Cabinet meetings; strike expert committees to prepare drafts; prepare draft bills for the resident; sponsor conferences; establish ties with other institutions; talk to foreign representatives as authorized by the resident; commission scientific studies; and send experts for study abroad. Each councillor was to have his own administrative staff, to be created on a contract basis. The council's decisions were to be compulsory for state administrative bodies to examine, meaning that they should not be ignored. See "Pro Derzhavnu Dumu Ukrainy: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 26 February

Headed by the president himself, it consisted of four collegia—for problems of the economy, science and technology, humanitarian affairs, and legal policy, respectively—each of which was led by a state councillor (*derzhavnyi radnyk*). The prime minister was to be deputy head of the council.

The impulse for creating the Council of State was both practical and political. The traditional Soviet-era bureaucracy was designed for the execution of commands; it was not fit for policy development. This new structure would presumably rationalize and modernize policy-making; it would make presidential leadership possible. Its effectiveness, however, depended on the care with which it was designed so as to harmonize with other structures. It faced the problems of all central agencies: competition and bureaucratic jealousy.

Discussing the work of the Council of State, the president's adviser on legal policy and head of one of the council's four collegia, Oleksandr Iemets, adopted a rather defensive tone. Speaking of its problems, he said: "Before the *Duma* had even begun to function, mistakes were committed in the determination of its status. Now they have been corrected.... In addition, the *Duma* is extremely lavishly financed. And not everyone ... is pleased by the element of competition." He had this to say about the parallelism between the Council of State and the Cabinet of Ministers with regard to the drafting of legislation: "Drafts of governmental decrees may be prepared by any organization or any citizen. We do not adopt decrees; we only prepare drafts.... In addition, we have the opportunity to enlist in the drafting of documents on a contract basis highly qualified experts.... So I do not see this as undermining the authority of the executive power." Commenting on the requirement that Cabinet drafts had to be passed to the Council of State for its perusal, which suggested a subordination of the one body to the other and was perceived thus within the government, he said: "Such a procedure does not deprive the Cabinet of Ministers of legislative initiative." He also referred to a similar practice in France, where the Council of State vets presidential or cabinet drafts before they go to the assembly.¹⁵ Evidently the practical side of the council's operation needed refinement.

1992; and "Pro Derzhavnu Dumu Ukrainy: Polozhennia," *ibid.*, 12 March 1992. The membership of the Economic Collegium of the council was also published in *ibid.* See also *Uriadovyi kur'ier*, no. 12 (58), March 1992, trans. in FBIS-SOV-92-062, 31 March 1992, 50.

15. *Uriadovyi kur'ier*, no. 20, May 1992, trans. in FBIS-USR-92-099, 5 August 1992, 88.

On the political side, the creation of the council was viewed as a shrewd move on Kravchuk's part for support and recruitment. He appointed the following councillors: Aleksandr Sergeevich Emelianov (economic policy); Mykola Hryhorovych Zhulynsky (humanitarian affairs); Oleksandr Ivanovych Iemets (legal policy); and Ihor Rafailovych Iukhnovsky (science and technology).¹⁶ As Roman Solchanyk commented at the time, "These appointments were a clear indication of Kravchuk's determination to secure the cooperation of the former democratic opposition. With the exception of Yemel'yanov [Emelianov], who is a corresponding member of the Ukrainian Academy of Sciences, the state counselors are prominent figures in Rukh who played important roles in the democratic opposition in Ukraine before the attempted coup."¹⁷ Indeed, of the twelve people's deputies (parliamentarians) in the Council of State, only one belonged to the Communists' bloc of "239"; four were uncommitted, and seven were under the Narodna Rada's umbrella of democrats, reformers, Rukh activists, and nationalists.¹⁸ Quite a number of the original members of the council were subsequently appointed to (and sometimes fired from) important positions in the government.¹⁹

16. *Holos Ukrainy*, 27 February 1992. See also *Uriadovyi kur'ier*, 1992, no. 9 (February), trans. in FBIS-SOV-92-050, 13 March 1992, 40. Many individuals are named in this book. Their names are provided partly for the sake of a complete historical record of office-holders and partly to illustrate the career patterns and elite networks characteristic of post-Communist Ukraine. The reader's forbearance is appreciated.

17. Solchanyk, "Ukraine: Political Reform and Political Change," 3.

18. *Holos Ukrainy*, 12 March and 10 April 1992; and Arel, "The Parliamentary Blocs," 144–9. Volodymyr Cherniak, a member of the Socio-Economic Collegium, was not identified as a deputy in the official listing, but in the summer of 1990 he was a parliamentary deputy and the unsuccessful Rukh candidate for the post of prime minister, running against Vitalii Masol. See LD2806120190 TASS International Service, 1130 GMT 28 June 1990, trans. in FBIS 039 28 June 1990.

19. The most prominent of these (and their later positions) were in the Socio-Economic Policy Collegium: Aleksandr S. Emelianov (head of the Union of Independent Entrepreneurs and presidential adviser), Valerii Mykhailovych Heiets (member of the president's Higher Economic Council), Ivan Ivanovych Herts (minister for foreign economic ties), Viktor Mykhailovych Pynzenyk (vice-prime minister), and Iukhym Leonidovych Zviahilsky (acting prime minister); in the Legal Policy Collegium, Oleksandr Iemets (presidential adviser and leading figure in the pro-presidential Popular Democratic Party [PDP]), Petro Fedorovych Martynenko (justice of the Constitutional Court), and Vasyl Iakovych Tatsii (member of numerous presidential advisory bodies and rector of the National Juridical Academy). The following were in the Humanitarian Policy Collegium: Mykola

Early in March 1992 President Kravchuk ordered the transformation of the existing Institute of Strategic Research, attached to the Academy of Sciences, into a National Institute of Strategic Research, which would now be directly subordinated to him. Its tasks were the creation of global strategies and prognoses of Ukraine's development, as well as the co-ordination of such studies by other agencies. Serhii Ivanovych Pirozhkov was designated as its director.²⁰ Together with the Council of State, the creation of this think-tank appeared to be a logical and necessary step in the direction of modern government with appropriate structures of policy advice and co-ordination.

In October 1992, however, Kravchuk decided to dissolve (or "liquidate," as the edict picturesquely put it) the Council of State (Duma), along with a co-ordinating council on economic reform that had just been set up in August.²¹ Instead, the following advisory bodies were to be created within the presidential administration (*Administratsiia Prezydenta*): (1) the Socio-Economic Council of the President of Ukraine; (2) the President's Commission on Ties with International Financial Establishments and Monitoring of External Economic Activity; and (3) the President's Commission on Political and Legal Questions. The heads of each of these would be directly subordinated to the president. Valentyn Kostiantynovych Symonenko was designated as the head of the Socio-Economic Council and instructed to draw up proposals for its charter and personnel. Symonenko, who was appointed presidential representative in Odesa oblast in March, had replaced the reformer Volodymyr Tymofiiiovych Lanovy as first deputy prime minister in July. Like the heads of the other two advisory bodies, he was given the title of presidential adviser (*radnyk Prezydenta*). Officially, the reorganization's aim was, in the phraseology so beloved of Soviet bureaucrats and partocrats, "the perfecting of the organization of the work and structure of the Administration of the President of Ukraine, and the elimination of duplication in the activity of organs of state executive power." It appeared to be a move for greater presidential control of policy and

Zhulynsky (vice-prime minister), Ivan Mykhailovych Dziuba (minister of culture), and Ivan Fedorovych Drach (chairman of the State Committee for Information Policy, Television, and Radio, and a leading figure in the PDP). The most prominent member of the Science and Technology Collegium was Leonid Danylovych Kuchma (prime minister, 1992–93, and president, 1994–2004). These names will reappear at various points in this book.

20. *Holos Ukrainy*, 10 March 1992.

21. "Pro reorhanizatsiiu Administratsiia Prezydenta Ukrainy: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 30 October 1992.

policy-advising bodies and for more presidential power: instead of dispensing their advice to the government, they would serve the president exclusively.

By the end of November a presidential decree confirmed the functions and composition of the Socio-Economic Council.²² Its purpose was "the development of scientifically grounded proposals for the President of Ukraine with regard to the basic orientation of social and economic policy as well as the means for its realization." Its tasks were to analyze the situation in Ukraine by offering its conclusions to the president; prepare materials for the president's annual address to the assembly; assure the proper preparation of draft laws introduced in Parliament by the president; draft presidential decrees; provide expertise on pertinent international agreements; develop methods of co-ordinating government operations in the socio-economic sphere; and monitor the execution of presidential directives. The head of the council was to be appointed by and subordinated to the president; its eleven other members were to be named by the president on the suggestion of the head. Only two members were carry-overs from the corresponding collegium of the former Council of State.²³

The new Socio-Economic Council held its first meeting on 2 December. Symonenko, its head, explained that its existence was required because of the weakness of the government's executive power. The reasons for its establishment were the inadequacy of presidential influence on socio-economic development, increasingly contradictory laws, and the need to forecast the future, especially the consequences of reform. When he was asked whether the council might not become an alternative or parallel government, Symonenko replied that it was a think-tank rather than a governmental structure, and that it would only be performing analytical and monitoring functions. Organizational support for the council was being provided by four structural subdivisions of the presidential administration, which were responsible for questions of financial policy and economic analysis; property,

22. *Holos Ukrainy*, 2 December 1992.

23. Among its members were Serhii Pirozhkov, director of the National Institute of Strategic Research, and a Canadian, Bohdan Krawchenko, co-director of the Institute of Public Administration and Self-Government and at the time director *in absentia* of the University of Alberta's Canadian Institute of Ukrainian Studies. The carry-overs were Valerii Heiets, head of the Academy of Sciences' Institute of Economics, and Volodymyr Mykhailovych Borodiuk, director of the Institute of National Economic Programs. Altogether the new body included seven academicians and three other doctors of economic sciences.

investments, and entrepreneurship; social questions; and territorial problems.

The Presidential Commission on International Financial Ties was similarly designed for “the development of scientifically and economically well-grounded propositions for the President of Ukraine regarding the basic orientation of external economic policy and the means of its realization.”²⁴ Its tasks were to analyze existing policy and inform the president of its conclusions; assure the proper drafting of legislation; monitor the implementation of presidential directives; and analyze international financial and trade processes, making appropriate recommendations. Oleh Ivanovych Sliepichev, who began his career in the trade ministry in 1967 and by 1989 had become minister for foreign trade, was appointed by the president to head the commission.²⁵

A fourth advisory body, dealing with science and technology policy, was also created in December.²⁶ Its purpose was similar to its already existing analogs. Its tasks were to carry out assignments and prepare proposals for the president on the direction of science policy in conditions of market development, Ukraine’s national priorities in the development of science, and mechanisms for the release of the country’s science potential; bring science to bear on the structural dislocations of the Ukrainian economy; find means of bringing resources to bear on the most important problems of scientific development; study the impact of science policy; and prepare drafts of presidential directives. Presidential Adviser Emelianov, the former head of the Council of State’s Socio-Economic Policy Collegium, was appointed head of this new commission.

The reappointment of Emelianov as top economic adviser to the president seemed symptomatic of Kravchuk’s ambivalence towards economic reform. A former official of the State Planning Committee of Soviet Ukraine, Emelianov was responsible for the preparation, at the request of the president, of a policy document entitled “Fundamentals of National Economic Policy.” Approved by Parliament in March 1992, it “envisaged Ukraine’s introducing its own separate currency and preparing to leave the ruble zone immediately. This was to be followed

24. *Holos Ukrainy*, 30 December 1992.

25. In December 1991 Kravchuk appointed Sliepichev as vice-prime minister in the Fokin government. See Radio Kyiv Network, 0600 GMT, 27 December 1991, trans. in FBIS-SOV-92-001, 2 January 1992, 92.

26. *Holos Ukrainy*, 19 December 1992.

by a number of other measures, such as restructuring heavy industry and increasing exports to the West, that were meant to be implemented in a short time." In fact, as one Kyiv scholar put it, "the Yemelyanov program was a hasty response to Russia's decision to free the prices of major products rather than a well considered and thoroughly reasoned plan."²⁷ The plan was reportedly criticized by Vice-Prime Minister and Minister of the Economy Volodymyr Lanovy, who said that it was "aimed primarily at building a new command economy and that it would hamper market reforms." Kravchuk dismissed Lanovy in July, an action "widely viewed as jeopardizing Ukraine's economic reform program," and named Symonenko to replace him.²⁸

By the end of 1992 the presidential administration was said to have 180 officials (not counting technical staff), including V. Symonenko and O. Sliepichev as presidential advisers.²⁹ The administration was advisory to the president and basically performed two tasks—analysis and communications.³⁰ The articulation of this structure, some of it relatively new at that time, with the presidential advisory bodies was not altogether clear.

This question of the articulation of the presidential administration with the central policy advisory structures became progressively more academic as the struggle for power between the president and the prime minister gathered momentum in the first half of 1993. In June the four advisory bodies—the Socio-Economic Council and the three commissions—were abolished, and the respective presidential advisers' apparatuses along with them.³¹ This time the reorganization was justified as being aimed at the "removal of parallelism in the work of the Administration of the President

27. Sekarev, "Ukraine's Policy Structure," 60–1.

28. Ibid., 61–2.

29. *Holos Ukrainy*, 25 December 1992, trans. in FBIS-SOV-93-002, 5 January 1993, 41.

30. According to Mykola Hryhorovych Khomenko, its secretary, "the first is analytical. It is mainly taken care of by the juridical, economic, and information and analytical services, presidential services for international and political questions and questions of territories, and also by a group of assistants and assessors. Officials in these subdivisions analyze and generalize problems of socioeconomic development and the international situation of Ukraine, state development, and many others. As a rule, all this work ends in submitting conclusions, proposals, and legislative acts to the president. Another section of our apparatus is constituted by functional subdivisions that ensure organizational activity of the administration. These are departments that deal with letters, citizenship, granting pardons, and giving awards" (ibid.).

31. *Uriadovyi kur'ier*, 26 June 1993.

of Ukraine and the Cabinet of Ministers," but there may well have been a much more directly political reason. There was speculation in the Russian press, for example, that Symonenko's council authored the edict on the Special Economic Committee that subordinated the prime minister to the president. Prime Minister Kuchma's willingness to continue in office may have been conditional on the withdrawal of the edict and the disbandment of the Socio-Economic Council, requests that President Kravchuk evidently satisfied.³² In retrospect, it could also be seen as part of the process of conflating the two institutions of presidency and prime ministership, which was finally accomplished in the fall of 1993.

In 1993 the president turned his attention from seeking policy advice to creating co-ordinating structures for key governmental activities. On 18 June he issued an edict setting up the Co-ordinating Committee on Problems in the Struggle with Crime, which he himself would head.³³ Its aim was "to concentrate the forces of law and order and other state bodies on the decisive strengthening of the struggle against crime and on the safeguarding of the real defence of constitutional rights, freedoms, and lawful interests of citizens as well as of juridical persons." Its basic tasks were to co-ordinate the institutions of law and order in the fight against crime; organize the oversight of their work; combine state and societal forces to remove the causes of crime; and prepare appropriate legislative proposals. It would have the right to hear reports of government officials on the topic; issue binding recommendations; authorize inspections as to institutions' financial discipline; transmit inspection results to the Procuracy for action; demand information; raise questions as to the suitability of officials; visit enterprises regardless of ownership; and create working groups for the elaboration of propositions in this field. Its decisions and recommendations were to be obligatory for the bodies to which they were addressed. Besides Kravchuk, its fifteen members included the top officials of the police, border defence, security, justice, customs, the Procuracy, and tax inspection services and ministries.³⁴ In the best Soviet tradition, whereby proclamations always replaced actions, the same committee published a decision on 5 July

32. *Nezavisimaia gazeta*, 29 June 1993, trans. in FBIS-USR-93-090, 19 July 1993, 51.

33. "Pro Koordynatsiinyi komitet z pytan borotby zi zlochynnistiu: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 22 June 1993.

34. The sole hold-over from the Legal Policy Collegium of the old Council of State was Tatsii, rector of the National Juridical Academy. Also included was Iaroslav Iuriiiovych Kondratiev, head of the Supreme Council's Commission for Problems of Law and Order and the Struggle with Crime and a member of the "239" grouping.

directing various bodies to take action to curb crime and ensure citizens' safety, thereby justifying its existence.³⁵

In September the Co-ordinating Committee on Problems of Effecting Market Reforms and Overcoming the Economic Crisis was formed and headed by President Kravchuk himself. The committee's purpose was to effect "the harmonization of the activities of the central and local organs of state executive power, the banks and entrepreneurial structures of Ukraine, and the organs of local and regional self-government, and the unification of their efforts in the matter of realizing market reforms and overcoming the economic crisis." It included ten other individuals, most of whom had something to do with economics, finance, or banking, except for Supreme Council Chairman Ivan Pliushch. Two had served in the Socio-Economic Policy Collegium of the Council of State (Acting Prime Minister Iukhym Zviahtsky and the director of the Academy of Sciences' Institute of Economics, Valerii Heiets).³⁶ Roman Vasylovych Shpek, the minister of the economy, served on both committees.

After the final and successful resignation of Prime Minister Kuchma and the assumption of direct management over the executive branch of government (but not the position of head of government) by President Kravchuk, a reorganization of the presidential administration and the Cabinet was ordered by the president.³⁷ Two new units were to be opened in the apparatus of the Cabinet. One would be a Department of Economics (*Upravlinnia ekonomiky*), formed on the basis of a combination of the Consultative-Analytical Centre for Socio-Economic Problems of the presidential administration and the Economics Department of the Cabinet of Ministers. The other would be a department dealing with problems of external economic ties, combining the Consultative-Analytical Centre for External Economic Problems of the presidential administration with the Cabinet's Department for Problems of External Ties and Department for Ties with International Financial Organizations. A joint Juridical Department for the presidential administration and the Cabinet would be set up, based on the president's Juridical Service and the Cabinet's Juridical Department. A new subdivision for relations with the Supreme Council and local

35. Koordynatsiinyi komitet z pytan borotby zi zlochynnistiu, "Rishennia: Prostan zabezpechennia okhorony hromadskoho poriadku, bezpeky hromadian ta zakhody shchodo zmitsnennia pravoporiadku v tsii sferi," *Holos Ukrainy*, 21 July 1993.

36. *Holos Ukrainy*, 29 September 1993.

37. "Pro reorhanizatsiiu strukturnykh pidrozdiliv administratsii Prezydenta Ukrainy ta Kabinetu Ministriv Ukrainy: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 8 October 1993.

councils was to be established within the Presidential Service on Territorial Problems. It would be based on the Cabinet's Department for Co-operation with Commissions of the Supreme Council and Local Councils in order to facilitate direction of the Cabinet from the president's office.

The Business Office (*Upravlinnia spravamy*) of the presidential administration was also closed down. Its functions were transferred to the minister of the Cabinet of Ministers (i.e., chief clerk of the Cabinet, co-ordinating other ministries in the manner of a central agency), who would co-ordinate the president's and the Cabinet's administrative needs.³⁸ A sector for accounting services would be created in the presidential administration, apparently to handle bookkeeping. Around this time the president appointed several new presidential advisers: Valerii Oleksandrovych Kravchenko (external economic issues); Ihor Romanovych Markulov (market economy issues); Ihor Valentynovych Podoliev (credit and finance); and Zenovii Iuriiiovych Tkachuk (the agro-industrial complex).³⁹ He also appointed a new press service head for the combined presidential-Cabinet administration, Viktor Stelmakh, who evidently replaced Zenovii Tkachuk.⁴⁰

On 22 November the new composition of the National Security Council ("attached to the President of Ukraine") was promulgated. Presumably it reflected changes in the Cabinet after Prime Minister Kuchma's resignation.⁴¹ Headed by the president, it contained six other

38. "Pro reorhanizatsiiu upravlinnia finansovo-hospodarskoiiu diialnistiu Administratsii Prezydenta Ukrainy i aparatu Kabinetu ministriv Ukrainy: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 2 October 1993.

39. *Holos Ukrainy*, 13 October 1993, trans. in FBIS-SOV-93-198, 15 October 1993, 38. By December, however, Markulov had quit his post as adviser to head the Liberal Party of Ukraine in the parliamentary elections. See *Demokratychna Ukraina*, 8 December 1993. Tkachuk was appointed as the minister of agriculture in Kuchma's Cabinet in October 1992. In November, however, he was named to head the agricultural department in the Cabinet of Ministers administration. In December he was replaced as agriculture minister by Iurii M. Karasyk, hitherto first deputy minister in the same government department. See *Holos Ukrainy*, 28 October 1992, and FBIS-SOV-92-094, 48.

40. Radio Ukraine World Service, 2000 GMT, 6 October 1993, trans. in FBIS-SOV-93-193, 7 October 1993, 55; and *Holos Ukrainy*, 9 October 1993. A presidential edict on 28 September liquidated the Cabinet of Ministers' Main Administration of Information and Ties with the Press and Citizenry and created a joint press service of the president and Cabinet. See *Holos Ukrainy*, 30 September 1993.

41. "Pro zminy personalnoho skladu Rady natsionalnoi bezpeky Ukrainy: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 9 December 1993. The permanent members

permanent members and an equal number of ordinary (probably non-permanent) members. (See chap. 10 on this council and its successor, the National Security and Defence Council).

At the end of November the Co-ordinating Committee on Crime had its mandate broadened to include corruption. Its status was also clarified by being brought directly under President Kravchuk.⁴² Now known as the Co-ordinating Committee for Combatting Corruption and Organized Crime, it would be "attached to the President of Ukraine." It contained a subcommittee charged specifically with responsibility for co-ordinating the operations of relevant enforcement bodies in the maintenance of law and order. Four new members were added to the committee, four committee members were placed on the subcommittee, and four new members were added to the subcommittee. Three members were dropped. Assignment to the committee and the subcommittee appeared to be *ex officio*. Kravchuk and four others were simultaneously members of this co-ordinating committee and the National Security Council.⁴³ (For more on this committee, see chap. 5.)

At the same time Kravchuk ordered the creation of an International Centre of Forecasting Research.⁴⁴ While its subordination was not clearly stated, its tasks revealed that it was another part of the presidential support structure. Its mandate was to draft, analyze, and assess bills on economic reform for the president and the Cabinet; disseminate economic enlightenment throughout the country; participate in formulating economic policy and bring global experience to bear; train experts in market economics; and encourage market processes as part of Ukraine's

included President Kravchuk; Acting Prime Minister Zviatkovsky; Minister of Internal Affairs Andrii Volodymyrovych Vasylyshyn; Minister of Foreign Affairs Anatolii Maksymovych Zlenko; the head of the Security Service of Ukraine, Ievhen Kyrylovych Marchuk; the new minister of defence, Vitalii Hryhorovych Radetsky; and Deputy Prime Minister Valerii Mykolaiovych Shmarov. The others were the head of the State Committee on Border Defence, Valerii Oleksandrovych Hubenko; Minister of the Environment Iurii Ivanovych Kostenko; Minister of Justice Vasyl Vasylovych Onopenko; the president of the Academy of Sciences, Borys Ievhenovych Paton; Minister of Finance Hryhorii Oleksandrovych P'iatachenko; and Minister of Health Iurii Prokopovych Spizhenko.

42. "Pro Koordynatsiinyi komitet po borotbi z koruptsiieiu i orhanizovanoiu zlochynnistiu: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 2 December 1993.

43. The other four were Vasylyshyn, Hubenko, Marchuk, and Onopenko (identified in n. 41 above).

44. "Pro Mizhnarodnyi tsentr perspektyvnykh doslidzhen: Ukaz Prezydenta Ukrainy," *Holos Ukrainy*, 2 December 1993.

international obligations. A seven-member oversight council, including Minister of the Economy Roman Shpek, would presumably act as a board of governors.⁴⁵ The centre would encourage the implementation of Ukraine's as yet non-existent economic reform and prepare personnel for the equally non-existent market economy.

The many changes of structure and personnel in the bodies advising the president during Ukraine's first two years of independence suggested discontinuity. This has a deservedly negative connotation. Organizational change in a period of transition is to be expected. But the changes need to be refinements in pursuit of a clear objective, not permanent upheavals such as were witnessed here. Otherwise no effective structures for managing the transition could survive. This discontinuity surrounding the president's office did not augur well for the consolidation of modern statehood, nor did the shift from policy-advisory to coordinating bodies. Rather this suggested a revival of the Soviet command system, a resurrection of the Politburo as an interlocking directorate of institutional interests, instead of the inauguration of a cybernetic system of rational decision making. Behind the rhetoric of modern state building were the same old Soviet bricklayers.

Leonid Kuchma, Ukraine's second president, has contributed to its state building, beginning with the president's office. While he has neither significantly reduced nor expanded the administrative staff that supports him, he has somewhat rationalized and refined it. President Kravchuk's presidential office mainly consisted of four major units (each under one of the aforementioned principal advisers) and then a series of apparently ad hoc components, with no overall structure.⁴⁶ However, in an edict issued in December 1996, which was followed by another in February 1997, President Kuchma promulgated a more specific set of functions for the president's office and an elaborate structure that differentiated the principal units from the housekeeping one. It also specified exactly what the chief officers do

45. Besides Shpek, the oversight council included Bohdan Hawrylyshyn, chairman; Bohdan Budzan, director of the Renaissance Foundation; Bohdan Krawchenko, co-director of the Institute of Public Administration; Oleksandr Savchenko, Ukraine's director at the European Bank for Reconstruction and Development; Ivan Tymchenko, head of the Juridical Department of the presidency and the Cabinet; and V'iacheslav Shmelov, director of the New Generation Foundation. Tymchenko had served on the Legal Policy Collegium of the defunct Council of State (Duma).

46. Serhii Bilokin et al, *Khto ie khto v ukrainskii politytsi: Dovidnyk: Informatsiia stanom na 1 veresnia 1993 r.* (Kyiv: Kyivske Naukove tovarystvo imeni Petra Mohyly, 1993), 224–6.

and who reports directly to the president.⁴⁷ By 16 April 1999, therefore, the president's office consisted of the head of the office (equivalent to a chief of staff) and his deputies; and various presidential advisers, assistants, consultants, and resource people. Also included were six "main administrations" (*upravlinnia*, that exalted term so beloved of such great Soviet administrators as Malenkov, Kaganovich, and Beria) dealing with organization and personnel, tracking the implementation of presidential acts, domestic political analysis and forecasting, socio-economic analysis, foreign affairs, and questions of state and law. There were also four lesser "administrations" and four "departments" (*viddily*); and several other elements and staffs, including the president's Press Office.⁴⁸ This institutionalization seemed to be a step in the right direction as far as the transition to normal statehood is concerned, with the president's office being structured around clearly defined functions rather than built around particular incumbents within it.

Another reorganization took place at the end of 1999.⁴⁹ This time various positions of hangers-on were eliminated, i.e., the "first assistant to the president," as well as the entire contingent of advisers, assistants, scientific and other consultants, and assorted resource people (*referenty*), the chief of staff's own service, the presidential "chancellery," and something called the "first department." The "main administrations" were redesignated to deal with internal, external, and foreign policy, respectively. Thus, they took on the appearance more of policy-formulating rather than intelligence-gathering bodies. The several "departments" dealing with awards, citizenship, citizens' petitions, and pardons were upgraded to "administrations," indicating bureaucratic growth and rationalization. Similarly, new units such as the Presidential Service and the Secretariat of the President's Office probably indicated further expansion and differentiation. At the end of 2000 two additional units were created —

47. "Pro Administratsiiu Prezydenta Ukrainy," *Uriadovyi kur'ier*, 19 December 1996; and "Polozhennia pro Administratsiiu Prezydenta Ukrainy," *ibid.*, 27 February 1997.

48. "Pytannia Administratsii Prezydenta Ukrainy," no. 2/99, 4 January 1999, at <alpha.rada.kiev.ua>, consulted on 29 April 1999. It is surprising to note, however, that "after Kuchma came to power Viktor Nebozhenko, head of the Information-Analytical Service of the Presidential Administration, complained that this directorate had to be built from scratch *after* Kuchma came to power [in 1994]. One wonders how Kravchuk's Presidential Administration could have effectively functioned without it for nearly three years" (Kuzio, *Ukraine: State and Nation Building*, 41; Kuzio's emphasis).

49. "Pytannia Administratsii Prezydenta Ukrainy: Ukaz Prezydenta Ukrainy," no. 1625/99, 29 December 1999, at <alpha.rada.kiev.ua>.

a secretariat for co-ordinating central and local government, and an administration overseeing law enforcement agencies.⁵⁰

President Kuchma appointed Dmytro V. Tabachnyk as his first chief of staff. Tabachnyk had served as his press secretary in 1992–93 and, more importantly, had orchestrated Kuchma's victory in the presidential campaign in 1994. However, Tabachnyk's aggressiveness and ambition alienated others at the apex of power in Ukraine, and Kuchma was forced to fire Tabachnyk in December 1996 after he came under a cloud of suspicion that he had illegally acquired a second apartment in Kyiv. Tabachnyk's indispensability (for the next presidential elections on 31 October 1999) proved itself again in October 1997, when, with little fanfare, he was appointed as adviser to the president within the president's office.⁵¹

Evgenii Kushnarev, a man with an altogether different style, replaced Tabachnyk. Two years later this former Soviet Communist Party apparatchik, who had been elected to the no. two position in the People's Democratic Party (PDP), resigned. Like Tabachnyk, Kushnarev was immediately appointed as adviser to the president.⁵² Mykola P. Biloblotsky, until then vice-prime minister for social-policy matters, replaced Kushnarev in November 1998.⁵³ After President Kuchma's re-election, Volodymyr M. Lytvyn replaced Biloblotsky on 22 November 1999.⁵⁴

50. "Pro vnesennia zmin do Ukazu Prezydenta Ukrainy vid 29 hrudnia 1999 roku N 1625: Ukaz Prezydenta Ukrainy," no. 1370/2000, of 25 December 2000.

51. This paragraph is pieced together from *The Ukrainian Weekly*, 31 July 1994; *Ukrainian News / Ukrainski visti* (Edmonton), 23 October–5 November 1996, and 18 December 1996–1 January 1997; *Uriadovyi kur'ier*, 2 October 1997; and *Ukrainskyi holos* (Winnipeg), 13 October 1997.

52. *Ukrainian News / Ukrainski visti*, 12–25 March 1997 and 2–15 December 1998; and *Uriadovyi kur'ier*, 24 November 1998. On 27 October 2000 Kushnarev was appointed head (i.e., governor) of Kharkiv oblast's state administration, replacing Oleg A. Domin, the former deputy parliamentary speaker and member of President Kuchma's Higher Economic Council. To complete the chain, Domin was appointed deputy head of the State Customs Service on 14 November 2000. Both Kushnarev and Domin were members of the People's Democratic Party.

53. Biloblotsky, formerly a Komsomol and CPSU apparatchik, had been a deputy in the 1990–94 parliament. See *Uriadovyi kur'ier*, 26 and 28 November 1998; and *Khto ie khto v ukrainskii politytsi: Vypusk 4. Informatsiia stanom na liutyi 1998 roku*, comp. Hryhorii Andrushchak, Iurii Marchenko, and Oleksandr Telemko (Kyiv: K.I.S, 1998), 33.

54. Biloblotsky was then appointed ambassador to the Russian Federation. Lytvyn, an historian and holder of a doctoral degree, was born in 1956. He joined the team of presidential advisers in August 1994, immediately after Kuchma's

President Kuchma has also contributed to the creation of committees, commissions, and other co-ordinating and advisory bodies subordinated to him—even more so than his predecessor. A listing for 1994–99, which has no pretensions to completeness, appears in table 4.1.⁵⁵ In addition to these bodies, which report directly to the president, he has also signed into being innumerable structures that are part of the administrative arm of government (e.g., state committees) or co-ordinating mechanisms among government departments. How well any of these bodies has worked in policy deliberation and formulation or co-ordination is unknown. At the very least their creation provides evidence of increasing complexity and perhaps of persistent decision-making problems further down the chain of command from the president's office.

A few words must be said about the Council of Regions, which was established in the fall of 1994. Headed by the president himself, with the prime minister as deputy head, the council consisted of all of the elected heads of oblast councils plus the two cities of Kyiv and Sevastopol. A member of the president's staff was included as secretary.⁵⁶ It might well be the prototype for a second chamber of Parliament, which Kuchma favours; it has continued to function even after the adoption of the Constitution in 1996, which set in place a unicameral legislature.⁵⁷ Out of its original members, one became prime minister (Pavlo Lazarenko), another an ambassador, eight were appointed to presidential committees,

victory over Kravchuk, and served as deputy to Dmytro Tabachnyk from November 1995 to September 1996, when he became the president's principal adviser. A low-profile bureaucrat and a non-partisan, he was Kuchma's speechwriter for quite a long time. See *Research Update*, 22 November 1999; and *Khto ie khto* (1998), 222. A thorough housecleaning of the presidential administration followed immediately after Lytvyn's appointment. Some consultative bodies were abolished; all unpaid advisers were fired; the office was reorganized; the presidential adviser Iurii Shcherbak was dispatched to Canada as ambassador; the president's information management system was revamped; and countless numbers of the president's army of bureaucratic assistants, advisers, and servants were reassigned.

55. When this book was being written, the latest of these advisory bodies to be created was a presidential Political Council. Valerii Pustovoitenko, the ex-prime minister and PDP leader, was appointed its secretary (see below). See *Research Update*, 9 January 2001.

56. *Holos Ukrainy*, 23 September 1994.

57. See, for example, its two decisions, "Pro stan vyryshennia sotsialno-pobutovykh, materialnykh ta kulturnykh problem viiskovykh moriakiv u poriadku shefskoi dopomohy" and "Pro sotsialno-ekonomichne stanovyshche v misti Sevastopoli ta zakhody shchodo ioho stabilizatsii," *Uriadovyi kur'ier*, 20 May 1997.

TABLE 4.1
PRESIDENTIAL ADVISORY AND CO-ORDINATING BODIES CREATED BY
PRESIDENT LEONID KUCHMA, 1994–99

Date	Name
20 September 1994	Council of Regions
30 December 1994	Co-ordinating Committee for Combatting Corruption and Organized Crime
30 December 1994	Council on Economic Reform
8 April 1995	Committee on Matters of Women, Motherhood, and Childhood
27 May 1995	National Agency for Information Technology
31 May 1995	Central Commission for the Conduct of an Inquiry into Public Opinion on the Question of Citizens' Trust in the President of Ukraine and the Supreme Council of Ukraine (not formed)
24 July 1995	Council for Work with Personnel
12 October 1995	Oversight Council of the Ukrainian State Credit and Investment Company
18 December 1995	Commission on Questions of Maritime Policy
25 March 1996	Council on Questions of Science and Scientific-Technical Policy
5 April 1996	National Council on Questions of Statistics
19 February 1997	Political Council
24 February 1997	Council on Questions of Language Policy
13 May 1997	Co-ordinating Council on Questions of Local Self-Government. Membership of Council amended on 11 September 1998
7 July 1997	Higher Economic Council
25 September 1998	Co-ordinating Council on Questions of Domestic Politics
17 February 1999	Commission on Problems of Agrarian Policy
22 April 1999	Commission on Questions of Housing Policy

SOURCES: *Holos Ukrainy*, 23 September 1994; *Uriadovyi kur'ier*, 5 and 12 January 1995, 11 April 1995, 6 and 22 June 1995, 27 July 1995, 19 October 1995, 4 January 1996, 28 March 1996, 25 April 1996, 25 February 1997, 4 March 1997, 6 March 1997, 20 May 1997, 17 July 1997, 26 September 1998, 1 October 1998, 24 March 1999, and 29 April 1999.

and fourteen became heads (governors) of oblast administrations. In other words, it was a veritable patronage pool. Continuing its work, the council met on 24 December 1999, for example, to discuss the energy crisis, agrarian reform, and regional policy.⁵⁸

The Cabinet

The first cabinet of independent Ukraine was not radically different from its Soviet predecessor either in structure or personnel. In June 1990, after the semi-free elections that spring, the Supreme Council reappointed Vitalii Andriiovych Masol as chairman of what was then called the Council of Ministers.⁵⁹ He had already held that post since July 1987, together with full membership in the Politburo, so he was no bright-eyed and bushy-tailed new reformer carried forward by the democratic wave of the perestroika era. Masol presented his nominees for the Cabinet in July, and these were accepted.⁶⁰ With few exceptions, the first govern-

58. Ibid., 28 December 1999.

59. He served as deputy chairman of the State Planning Committee (*Derzhplan*) for Ukraine (1972–9) and its chairman and simultaneously deputy premier of Ukraine (1979–87). See *Pravda Ukrainy*, 29 June 1990. In October 1990, in the face of vociferous student-led protests, he resigned as premier and was replaced by Vitold Fokin. In April 1994 he was elected to Parliament as an “independent” from one of the Kyiv ridings, the voters being in a forgiving mood. See *Ukrainskyi holos*, 18 April 1994. For more on the indispensability of Mr. Masol, see below.

60. Among them were Oleksandr Mykolaiovych Tkachenko (minister of agriculture, 1985–9) and Anatolii Serhiovych Statinov (minister of trade 1987–9) as first deputy chairmen; Volodymyr Zakharovych Borysovsky, Vitold Pavlovych Fokin, Kostiantyn Ivanovych Masyk, and Viktor Dmytrovych Hladush as deputy chairmen; Anatolii Maksymovych Zlenko as minister of foreign affairs; and Oleh I. Sliepichev as minister of trade. In 1989 Sliepichev took over his portfolio from Statinov, who in turn replaced Ievhen Viktorovych Kachalovsky (retired) as first deputy chairman. All these appointments followed the familiar *Seilschaften* pattern of clientelistic recruitment. Zlenko, hitherto the first deputy minister of foreign affairs, was a product of the governmental bureaucracy, like all but one of the six new appointees to the Cabinet. He remained in the portfolio until August 1994. See *Pravda Ukrainy*, 15 December 1989. Kachalovsky had served as one of two first deputy chairmen since 1982. See Central Intelligence Agency, Directorate of Intelligence, *Directory of Soviet Officials: Republic Organizations. A Reference Aid* (January 1985), 227. Hladush, Viktor G. Urchukin, Fokin, and Borysovsky had been deputy chairmen since 1987; Masyk, a Communist Party apparatchik and the former first secretary in Kyiv, since 1989. Zlenko next served as Ukraine’s representative to the UN in New York; in September 1997 he was appointed as the ambassador to France and as permanent representative to UNESCO. See *Khto ie khto* (1998), 144–5. In April 1998 he was appointed as ambassador also to Portugal. See *Uriadovyi kur’ier*, 23 April 1998. After the dismissal of Borys Tarasiuk, Zlenko resumed the post of foreign minister on 2 October 2000.

ment after the 1990 elections was composed of incumbents (or the previous incumbents' bureaucratic subordinates), thus illustrating the uninterrupted regularity of the Soviet Communist Party's nomenklatura system of political recruitment and advancement.

In the spring of 1991 Fokin, the chairman of the Council of Ministers, presented a detailed proposal to the Supreme Council for reform of the structure of governmental administration.⁶¹ The aim of the reorganization was to facilitate Ukraine's development as a sovereign, law-governed democratic state with a market economy. He proposed changing the name of the Council of Ministers to the Cabinet of Ministers, in line with practice in the rest of the world, and the basis of its organization to functional rather than command-administrative principles. State committees, which would be outside the Cabinet, should facilitate the creation of non-governmental organizations to carry out economic functions. As for structure, Fokin proposed having two deputy premiers (one of them the first deputy premier) with responsibility for overall leadership rather than specific spheres, and the institution of ministers of state to solve comprehensive problems without regard to the department into which they might fall. (This would be a means of reducing the influence of individual government departments on decision making.) There would also be created two policy-advisory state councils, one on the economy (headed by the prime minister) and the other on science and technology (headed by the first vice-premier). One of the new ministries to be created would deal with state property and demonopolization. From forty-five persons the Cabinet would be reduced to thirty-two: the prime minister (premier); two vice-premiers; a state secretary; eight ministers of state; and twenty ministers. With the exception of some contentious points, the Supreme Council approved the Fokin proposal.⁶²

After it was ratified, Fokin was reappointed as prime minister, and he presented his new Cabinet for approval.⁶³ Altogether, of the twenty-four appointments confirmed by Parliament in early June 1991, fourteen (or 58.3 percent) were hold-overs from the previous administration.

61. *Pravda Ukrainy* and *Radianska Ukraina*, 23 April 1991.

62. The main issues of contention were governmental (versus parliamentary) direction of the National Bank; the creation of the Ministries of Trade, Information, and Foreign Economic Ties; the division of the Ministry of Education; and the subordination of the Ministry of Internal Affairs and the Security Service of Ukraine. See *Pravda Ukrainy*, 23 April 1991.

63. *Pravda Ukrainy*, 8 June 1991. In the list of Cabinet appointees, Masyk was retained as first vice-premier, Volodymyr Iu. Piekhotia as state secretary, and Tkachenko, Borysovsky, and Hladush as ministers of state.

Seven out of thirteen (53.8 percent) ministers were carried over.⁶⁴ On Ukraine's road to independence this was a high point of structural and personnel change in the Cabinet.

The 1991 reorganization was, at least in principle, a step in the right direction as far as the country's transformation into a modern state was concerned, despite the fact that it was initiated before independence and was undertaken by Communist apparatchiki. Based on the idea of guiding the transition to democracy and the market, it provided the beginnings of modern government: policy-advisory structures, ministries of state concerned with strategy, and a new department for demonopolizing the economy and reducing the state's involvement in it. A reduction was foreseen in the number of state committees involved in the management of industry (they would either be abolished or consolidated into a single ministry of industry), and a committee for foreign economic ties and tourism, important for securing hard currency, was to have been established.⁶⁵ Oddly enough, most of this initiative was undone *after* independence.

In February 1992 a presidential edict ordered another governmental reorganization.⁶⁶ At the same time, the Council of State Advisory to the president was established, and four state advisers were appointed. This seemed to move the strategic function to the president's office, leaving the Cabinet to serve as a purely administrative body, like the Council of

64. Including Anatolii Zlenko (Foreign Affairs), Vitalii F. Boiko (Justice), Andrii V. Vasylyshyn (Internal Affairs), Oleh Sliepichev (Trade), Iurii Spizhenko (Health), Vitalii F. Skliarov (Energy, a post he had held since 1982), and Ivan A. Ziazun (Education). The four newcomers as ministers of state were Anatolii K. Minchenko (the Economy); Viktor I. Antonov (the Defence Industry and Conversion); Volodymyr T. Lanovy, the economic reformer (Property and Entrepreneurship); and Ievhen K. Marchuk (Defence and Emergencies). In November 1991 Marchuk was appointed the head of the Security Service of Ukraine (SBU). From that point it was independent of the Committee for State Security (KGB: *Komitet gosudarstvennoi bezopasnosti*) of the USSR.

65. *Pravda Ukrainy*, 23 April 1991.

66. *Holos Ukrainy*, 26 February 1992. The position of minister of state was abolished, and the following persons were immediately reassigned. Lanovy became a vice-prime minister; Minchenko was installed as minister of state resources (newly created out of units of the Ministry of the Economy). The aptly-named Antonov was named head of the Ministry of Machine Building, the Military-Industrial Complex, and Conversion (a department created out of a state committee, signifying an upgrading of the importance of that function). Borysovsky was appointed as the new minister of investment policy and construction (another department created out of a state committee, together with units of the Ministry of the Economy). (Marchuk was already the head of the Security Service of Ukraine).

Ministers of Soviet times. That indeed was confirmed in April, when the advisory bodies on economic, scientific, and technical policy of the Cabinet of Ministers were abolished.⁶⁷ State Secretary Volodymyr Piekhota became minister of the Cabinet of Ministers. None of this was a radical change from Soviet-style government organization in the direction of modern democratic government. If anything, it weakened the Ministry of the Economy and at the same time emphasized state control of heavy industry and foreign trade, which would facilitate control of the economy by members of the old nomenklatura.

By May 1992, when the dust had settled in the wake of this inaugural presidential reorganization, the personnel changes were as prosaic as the structural ones. Out of thirty-two positions, twenty (62.5 percent) were hold-overs from the previous cabinet. This was a higher percentage of continuity than recorded a year earlier, *before* independence. Among them were Prime Minister Fokin and First Deputy Prime Minister Masyk, two of three deputy prime ministers (Lanovy and Sliepichev), and the three ex-ministers of state already mentioned. The twelve newcomers included two (Petro M. Talanchuk, education, and Iurii N. Shcherbak, the environment) who had been turned down for similar ministerial appointments by Parliament in June 1991 and were thus not entirely new faces. It gave the impression of a game of musical chairs rather than the instauration of a new regime.⁶⁸

Fokin, as noted earlier, was forced to resign in October 1992. The technocrat Leonid Kuchma, who was the president's choice, replaced him. Kuchma's "new" cabinet of thirty-one men (including him) contained seventeen hold-overs from the previous administration (54.8 percent). Six of the newcomers, however, were vice-prime ministers, each of whom was responsible for overseeing a broad area of policy, somewhat like the defunct ministers of state. They were: Ihor R. Iukhnovsky as first vice-prime minister; Vasyl I. Ievtukhov (industry and construction); Volodymyr V. Dem'ianov (the agro-industrial complex); Viktor M.

67. *Uriadovyi kur'ier*, no. 16, April 1992, trans. in FBIS-SOV-92-083, 29 April 1992, 50; and *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 4, article 107, 57. A few other ministries were cobbled together: Communications and Industry (both formed out of state committees); Foreign Economic Ties and Ministry of Trade (a marriage of the Ministry for Foreign Economic Ties and Ministry of Trade); and Agriculture and Food (combining the Ministry of Agriculture with several state committees).

68. In a similar fashion, when Volodymyr M. Kampo replaced Vitlaii Boiko as minister of justice in March 1992, the latter was installed as head of a department in the Secretariat of the Cabinet of Ministers. Incidentally, Talanchuk was a candidate in the 1994 presidential election. Shcherbak was appointed ambassador to Canada on 9 March 2000.

Pynzenyk (economic reform and minister of the economy); Iulii Ia. Ioffe (energy and fuels); and Mykola H. Zhulynsky (the humanities). At that time Iukhnovsky and Zhulynsky were state advisers (on science and technology and on humanities matters, respectively) to the president in the soon-to-be-defunct Council of State. Zhulynsky had been turned down by Parliament for a cabinet post in June 1991. Iukhnovsky was an adherent of the Narodna Rada bloc active in Parliament before October 1992, and Pynzenyk was an economic reformer. Ievtukhov and Dem'ianov, on the other hand, were identified with the Communists' "239" bloc.⁶⁹ (Lanovy, it will be remembered, had been fired in July 1992.) Below this level, the rate of continuity among ministers was 70.8 percent, noticeably higher than in the spring shuffle. Seven new ministers were appointed, including Anatolii K. Lobov as minister of the Cabinet.

A small but significant reorganization took place the following month.⁷⁰ The de-statization portfolio was abolished, and its functions were passed to the Ministry of the Economy. The Ministry of State Resources was abolished and downgraded to a State Committee (no longer on State Resources, but Material Resources), a move indicative perhaps of a weakened resolve to preserve the country's economic sovereignty. The Ministry of External Economic Ties and Trade was also abolished. It was reformed as the Ministry of External Economic Ties (without responsibility for foreign trade, again apparently suggestive of the abandonment of an independent economic strategy for the country). The Ministry of Social Security was abolished, but was resurrected as the Ministry for the Social Defence of the Population, a seemingly neo-Communist designation. The Ministry of Investment and Construction was transformed into the Ministry of Building and Architecture, thus signalling a further deceleration of the government's marketization policy. Nineteen ministries were unaffected by the reorganization.

After Prime Minister Kuchma's resignation in September 1993, President Kravchuk put together another cabinet.⁷¹ Led by Acting Prime Minister Zviahilsky, who had joined the government as first vice-prime minister in June, it contained nine new faces out of thirty-four. Zviahilsky himself belonged to the uncommitted bloc of deputies in Parliament,

69. Arel, "The Parliamentary Blocs," 144–9.

70. *Holos Ukrainy*, 18 November 1992.

71. Ibid., 30 September and 8 October 1993; *Uriadovyi kur'ier*, 5 October 1993, trans. in FBIS-SOV-93-194, 8 October 1993, 61; UNIAN, 1329 GMT, 11 October 1993, trans. in FBIS-SOV-93-196, 13 October 1993, 90; and *Holos Ukrainy*, 8 October 1993, trans. in FBIS-SOV-93-198, 15 October 1993, 38.

between the Communists and the national-democrats.⁷² This cabinet's proportion of personnel that was carried over from the previous administration was therefore 73.5 percent, or the highest level since 1990, which was remarkable in view of the critical situation that seemed to demand much more radical change. Three vice-prime ministers—Ievtukhov, Dem'ianov, and Zhulynsky—remained at their posts; they were joined by Valentyn I. Landyk (foreign economic ties and investment) and Valerii M. Shmarov (military-industrial complex). Pynzenyk had resigned in August; Ioffe followed shortly after. Out of twenty-eight ministers, twenty-one (75 percent) remained in place. Among the more notable hold-overs (with portfolio and year of appointment to the Cabinet) were: Andrii Vasylyshyn (Internal Affairs, 1990); Anatolii Zlenko (Foreign Affairs, 1990); Oleh Sliepichev (Foreign Economic Ties, 1989); Valerii Samoplavsky (Forestry, 1987); Iurii Spizhenko (Health, 1989); Heorhii Hotovchyts (Chornobyl, 1990); and Ievhen Marchuk (Security Service, 1991). Except for the addition of the Ministry for Nationalities and Migration, the structure of the Cabinet remained unchanged.

On the eve of the 1994 elections, therefore, the continuity between the post-independence cabinet and its predecessors was striking. Between February 1992, when there were twenty-seven ministries, and October 1993, after three had been abolished and two added, the net change was just one less ministry and a handful of cosmetic changes of nomenclature. Such a government was surely not suited to the pursuit of modern, independent statehood. Ihor Iukhnovsky once said as much of the last Fokin government in its dying days.⁷³ Fokin, however, at least introduced some principles of government operation and organization appropriate for the transition; they were among the first casualties of Kravchuk's presidency. In terms of structure, recruitment, and ministerial leadership, the Cabinets overseen by Kravchuk seemed to be recycled from the Soviet era.

A rash of resignations and appointments took place just before the presidential elections, as Kravchuk attempted to bolster his chances.⁷⁴ Zviahtsky resigned and fled to Israel to escape corruption charges. He was replaced as prime minister by Masol, the old standby. Among the

72. Arel, "The Parliamentary Blocs," 147.

73. Ihor Iukhnovsky, "Tsei uriad na samostiinist ne rozrakhovanyi," *Literaturna Ukraina*, 3 October 1991.

74. This paragraph is based on my article, "Ukraine's Political Elite and the Transition to Post-Communism," *Journal of Ukrainian Studies* 21, nos. 1–2 (Summer–Winter 1996): 132–6, where further details can be found.

changes, Ievhen Marchuk, the head of the Security Service of Ukraine, was promoted to vice-prime minister. Kuchma, the new president, did make some changes immediately on taking office, but only one of those nine last-minute placements of his predecessor was undone. Otherwise, Ivan Dotsenko was replaced as minister of the Cabinet of Ministers by Valerii Pustovoitenko; Vasylyshyn of Internal Affairs was replaced by Volodymyr Radchenko; Zhulynsky, by the academic Ivan Kuras; Gen. Vitalii Radetsky, by the civilian Valerii Shmarov; Kravchuk's old crony, Oleh Sliepichev, by another academic, Serhii Osyka; and Zlenko of Foreign Affairs, by Hennadii Udovenko.

By the end of May 1995 twenty-two out of thirty-three cabinet members had served under Kravchuk, and twenty-three had held positions in the old Soviet Party-state patronage network, the *nomenklatura*. As of the end of January 1996 some degree of weaning from the "old boy" norms was in evidence: out of thirty-five cabinet members, there remained only thirteen (37.1 percent) who had served in the Kravchuk presidency and twenty (57.1 percent) of those who had held office in the *nomenklatura*. By the end of August 1997, however, a slackening of the rate of renewal was in evidence, as eighteen ministers of the Lazarenko team remained in Pustovoitenko's cabinet of twenty-six (69.2 percent). Sixteen ministers (61.5 percent) had had positions in the *nomenklatura*, and half (thirteen) retained their previous portfolios. On the other hand, by that time only three out of twenty-six had served under President Kravchuk.⁷⁵

President Kuchma has gone through a series of prime ministers.⁷⁶ He appointed Marchuk as Masol's replacement, but only because Masol retired with a pension in 1995.⁷⁷ Marchuk had received a promotion to first vice-prime minister in October 1994. He was initially named acting prime minister on 3 March 1995 before being confirmed on 8 June 1995. Marchuk was dismissed as prime minister on 27 May 1996 owing to the technicality that he had been elected a deputy to Parliament. In reality his dismissal was due to his political popularity; on the following day Pavlo Lazarenko was named his successor.⁷⁸ Lazarenko resigned osten-

75. *Uriadovyi kur'ier*, 30 August 1997.

76. This paragraph is based on *Uriadovyi kur'ier*, 7 March 1995; *Holos Ukrainy*, 10 June 1995; *Uriadovyi kur'ier*, 10 June 1995, 28 May 1996, 30 May 1996, 3 July 1997, 19 July 1997, and 4 November 1997; and *Ukrainian News / Ukrainski visti*, 2–15 July 1997.

77. See the interesting interview with Masol on the occasion of his seventieth birthday in *Uriadovyi kur'ier*, 14 November 1998. See also below for the further recycling of Masol.

78. D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 199–200.

sibly for health reasons; the real reason was that his legendary corruption had become a political liability, and his popularity a challenge to Kuchma's re-election plans (see more about Lazarenko in chap. 5). Vasyl Durdynets was named acting prime minister until the appointment on 16 July 1997 of Valerii Pustovoitenko, a pillar of continuity with the Soviet past. President Kuchma pledged, however, that Pustovoitenko, a leader of the PDP and an adherent of the Dnipropetrovsk clan, would serve until the next presidential elections in 1999. In 1998–99 a slow-motion purge of the Cabinet was again underway. Fully one-half of the new appointments were promotions from the state bureaucracy (usually the first deputy minister or an unranked deputy minister was elevated to minister) rather than outsiders with political, academic, or business experience. The new appointees thus ensured a continuation of bureaucratic rather than political leadership in government.⁷⁹ The reasons for this merry-go-round of prime ministerial and cabinet appointments may be explained partly by the unresolved question of the respective powers of the president and the prime minister and partly by the politics of attributing blame. Another reason is the fact that in his first term as president, Leonid Kuchma "could appoint prime ministers, but he could not control their policy actions or their political ambitions."⁸⁰

At the start of his second term, after the presidential elections of 1999, Kuchma again proposed Pustovoitenko as prime minister. When this nomination was turned down by Parliament, the not unhappy president succeeded in having the former head of the National Bank of Ukraine, Viktor A. Iushchenko, appointed on 22 December 1999 to the post of prime minister. Iushchenko's appointment was seen as an attempt at indicating Ukraine's earnestness in pursuing economic reform to foreign investors and the International Monetary Fund. Iushchenko, born in 1954, has an accounting degree and began working in banking in the 1980s. He thus brought a more businesslike background to the office than any of his predecessors.⁸¹

79. Between August 1998 and April 1999 I counted nineteen appointments made by President Kuchma to the position of minister or head of a committee or state committee. Of these, eleven came from within the government and one from the presidential administration. Two each came from the academic and private sectors. Altogether only four had a party affiliation (two Agrarians, one Socialist, and one Green), and just two out of the nineteen had been members of Parliament (1990–94). *Uriadovyi kur'ier*, August 1998–April 1999; and *Khto ie khto* (1998).

80. Wise and Brown, "The Separation of Powers in Ukraine," 35.

81. "Viktor Yushchenko, Ukraine's Faint Hope," *The Economist*, 6 May 2000, 56. A year later Pustovoitenko was appointed secretary to the president's Political

In structural terms, President Kuchma has contributed considerably to the architecture of the Cabinet, but it seems to be a job that is never finished. One of the first acts of his administration was the opening of a press office for the Cabinet, a move that obviously undid President Kravchuk's merger of his and the government's press services.⁸² Other actions included the creation of an interdepartmental Committee on the Reform of the Electrical Energy System and an edict clarifying that certain questions must be decided by the entire Cabinet, others by its Presidium.⁸³ In those early days at least, President Kuchma himself chaired meetings of the Cabinet of Ministers—a very hands-on approach.⁸⁴ A new unit was created within the Cabinet to maintain and develop ties to social organizations in general and political parties and movements in particular.⁸⁵ In 1995 the Ministry of Culture was abolished, and in its stead a Ministry of Culture and the Arts was established, hardly a dramatic move.⁸⁶

In 1996 a presidential edict authorized the creation of several "new" ministries. Each was based on some existing structure: (1) the Ministry of Family and Youth (formerly the Ministry of Youth and Sports plus two committees hitherto attached to the Council of Ministers and the presidency); (2) the Ministry for Emergency Situations (formerly the ministry dealing with Chornobyl and the civil defence staff); (3) the Ministry of Information (formerly the Ministry of Press and Information and the Cabinet's National Information Agency); and (4) the Ministry of Science and Technology (created out of a state committee, a Cabinet agency, and a state service). The displaced bodies would all be abolished.⁸⁷ An edict issued at the end of 1996 enumerated precisely the composition of the Cabinet—the prime minister, first vice-prime minister, three vice-prime ministers, and twenty-nine ministers—a total of thirty-four positions.⁸⁸ In 1997 a Ministry of Energy, carved out of the old Ministry of Energy and

Council. See "Pro Politychnu radu pry Prezydentovi Ukrainy: Ukaz Prezydenta Ukrainy," no. 1371/2000, 25 December 2000, at <alpha.rada.kiev.ua>, consulted on 5 January 2001. On Iushchenko, see Kost Bondarenko, *Atlanty i kariatydy z-pid "dakhu" Prezydenta* (Lviv: Kalvariia, 2000), 75–94.

82. *Uriadovyi kur'ier*, 13 August 1994.

83. *Ibid.*, 6 and 13 December 1994.

84. *Holos Ukrainy*, 14 December 1994.

85. *Uriadovyi kur'ier*, 27 December 1994.

86. *Ibid.*, 30 September 1995.

87. *Holos Ukrainy*, 31 July 1996.

88. *Uriadovyi kur'ier*, 21 December 1996.

Electrification together with the State Committee for Exploiting Nuclear Energy, was also established.⁸⁹ Late in 1997 a listing of ministries contained only twenty-one, which indicated some reduction in the meantime, despite the recent addition. At the beginning of 1999 the twenty-one became eighteen as three of the “new” ministries (Information, Science and Technology, and Family and Youth Affairs) were relegated to the status of state committees. At that time this move was interpreted “as a bid to appease the IMF [International Monetary Fund], which has demanded radical administrative reform before it resumes releasing its U.S.\$2.2 billion loan to Ukraine.”⁹⁰

Newly re-elected to the presidency and still under pressure from the IMF, Leonid Kuchma continued to streamline the Cabinet in December 1999. In one of his edicts five ministries were created out of various and sundry existing ministries and lesser units, as were seven state committees. At the same time, twenty-one assorted state committees, agencies, and other bodies (including the National Guard) were eliminated, and their functions in most cases were ordered subsumed within existing ministries. Fifteen ministries were named as part of the Cabinet. Twenty state committees and their equivalents were also named, and twelve other bodies were given special status (including the Security Service of Ukraine and several regulatory agencies). Ten other organizations were specifically subordinated to particular ministries.⁹¹ A second edict delineated the responsibilities of ministers and heads of state committees, their method of appointment, and guidelines regarding sizes of staff and structural subdivisions.⁹² This earnest presidential effort to satisfy the IMF’s requirements for administrative rationalization stimulated, naturally and quickly enough, a rearguard action from the bureaucracy: any displaced employees of the

89. Ibid., 15 May 1997.

90. RFE/RL Newslines, 15 March 1999. The list of ministries is contained in the presidential edict “Pro zminy v systemi tsentralnykh orhaniv vykonavchoi vlady Ukrainy,” *Uriadovi kur’ier*, 16 March 1999.

91. “Pro zminy u strukturi tsentralnykh orhaniv vykonavchoi vlady: Ukaz Prezydenta Ukrainy,” no. 1573/99, 15 December 1999, consulted on 13 November 2000 at <www.rada.kiev.ua>; and *Ukraine Today*, 20 December 1999, at <www.ukrainet.lviv.ua/infobank/1999/1220e.html>, consulted on 2 December 2000. See also “Pro sklad Kabinetu Ministriv Ukrainy: Ukaz Prezydenta Ukrainy,” no. 1574/99, 15 December 1999, at <www.rada.kiev.ua>, consulted on 13 November 2000. A summary of the administrative changes is also available in *Economic Reform Update*, no. 7, December 1999.

92. “Pro systemu tsentralnykh orhaniv vykonavchoi vlady: Ukaz Prezydenta Ukrainy,” no. 1572/99, 15 December 1999, consulted as per n. 91 on 13 November 2000.

Cabinet would have their salaries and special privileges guaranteed in perpetuity, and reform be damned.⁹³

At the beginning of President Kuchma's second term the exact make-up of the Cabinet was as shown in table 4.2. The new cabinet, consisting of the newly decreed twenty members, contained only seven hold-overs from the previous administration, or 35 percent. The rate of turnover was refreshing. Among the thirteen newcomers, only three came from the post of first vice-minister (deputy minister) in the very same department, the traditionally bureaucratic pattern of advancement into Cabinet during the Soviet period. No fewer than six were identified in the Ukrainian version of *Who's Who* as members of political parties; five had had parliamentary experience; four had served as presidential advisers; and an equal number had been oblast leaders.⁹⁴ This new cabinet seemed set for political leadership of the government, as opposed to occupying bureaucratic sinecures as in the past, if it could only survive President Kuchma's scapegoating for its every failing in a government of which he was chief executive. The Cabinet's action program that was presented to Parliament on 13 March 2000 was criticized for being declaratory and vague, more a forlorn hope than a plan of action, but perhaps better than nothing at all.⁹⁵

Control over the Cabinet of Ministers between the president and Parliament has not been clarified, since both Kuchma and the parliamentarians have made contradictory claims. These have still not been resolved.⁹⁶ Nor, at last report, does the Cabinet of Ministers function as a true cabinet with collective responsibility, policy-making capability, and effective direction of the bureaucracy (instead of being directed by it).⁹⁷

The Administrative Apparatus

In addition to the old Council of Ministers there had always been a series of state committees charged with the administration of a variety of activities (some highly specialized, others interdepartmental) and accorded

93. *Economic Reform Update*, no. 9, February 2000.

94. *Khto ie khto* (1998).

95. "Action Plan for Government: Action? Plan? For Government?" *Research Update*, 27 March 2000.

96. Wise and Brown, "The Separation of Powers," 39–40. In fact, the common belief is that "the government is not the central executive body, as all decisions are made in the Presidential Administration" (*Research Update*, 19 July 1999).

97. D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 109–10.

TABLE 4.2
THE CABINET OF MINISTERS OF UKRAINE AS OF 31 JANUARY 2000

Title	Portfolio	Name
Prime Minister		V. Iushchenko
First Vice-Prime Minister		Iu. Iekhanurov
Vice-Prime Ministers	Economy and Energy Resources	Iu. Tymoshenko
	Agro-Industrial Complex	M. Hladii
	Humanitarian Questions	M. Zhulynsky
Secretary of the Cabinet		V. Lysytsky
Ministers	Internal Affairs	Iu. Kravchenko
	Economy	S. Tyhypko*
	Fuel and Energy	S. Tulub*
	Foreign Affairs	B. Tarasiuk*
	Culture and Arts	B. Stupka
	Defence	O. Kuzmuk
	Education and Science	V. Kremen
	Labour and Social Policy	I. Sakhan
	Transportation	L. Kostiuhenko
	Finance	I. Mitiukov
	Justice	S. Stanik
	Agrarian Policy	I. Kyrylenko
	Ecology and Natural Resources	I. Zaiets
	Health	V. Moskalenko
	Emergency Situations and the Chornobyl Catastrophe	V. Durdynets

SOURCES: "Pro sklad Kabinetu Ministriv Ukrainy: Ukaz Prezydenta," no. 1574/99, dated 15 December 1999, at <www.rada.kiev.ua/cgi-bin/putfile.cgi>, consulted on 13 November 2000, and "Kabinet Ministriv Ukrainy," at <www.kmu.gov.ua/ur.htm>, consulted on 5 March 2000.

* Tyhypko resigned on 5 July 2000 after being elected a member of Parliament; he was replaced on 9 August by V. Rohovy, formerly the minister of the economy in 1998–99 in the Pustovoitenko government. Tulub resigned on 26 June 2000 and was replaced by S. Iermilov on 13 July. Tarasiuk was dismissed on 29 September 2000 and replaced by A. Zlenko on 17 October.

lesser importance than ministries, their chiefs ranking below ministerial level. Besides these there were ordinary committees and assorted agencies. In April 1992, at the same time as the two policy-advisory committees of the Council of Ministers were abolished, the number of these state committees was reduced, a welcome move away from the Soviet model of governmental administration.⁹⁸ Retention of the category of State Committee was symptomatic of the hold of Soviet tradition over the architects of the institutions of the new, independent Ukraine.

The reduction did not last long.⁹⁹ The habit of striking a state committee for every new problem has obviously been hard to overcome and would likely continue during the transition period were it not for IMF scrutiny and pressure.

Concurrently with the establishment of the National Institute for Strategic Research referred to above, President Kravchuk ordered the creation of an Institute of Public Administration and Self-Government to be attached to the Council of Ministers.¹⁰⁰ The institute was to replace the

98. *Uriadovyi kur'ier*, no. 16, April 1992, trans. in FBIS-SOV-92-083, 29 April 1992, 50; and *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 4, article 107, 57. The Cabinet resolution stipulated eighteen committees, down from twenty-five at the beginning of the year. See *Holos Ukrainy*, 14 January 1992. The State Committee for Nationalities was downgraded to an ordinary committee (although later it was apparently elevated to ministerial status). The State Committee on the Defence Industry and Machine Building became a ministry. Two new State Committees were established: for the Protection of the State Border and for Questions of Science and Technology, the latter having been upgraded from a committee. Seven other committees were probably absorbed into various ministries. One change that may have been significant was the renaming of the State Committee on Land Reform as Land Resources.

99. In November 1992, for example, a Cabinet order established three new State Committees: Oil and Gas, Exploitation of Atomic Energy, and Tourism. It also transformed the Main Administration of State Secrets into a state committee and abolished the State Committee on the Press. See *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 11, article 280, 86.

100. *Holos Ukrainy*, 10 March 1992. The institute (now an academy) was patterned after the École Nationale d'Administration (ENA), France's premier institution for the training of civil servants. See Bohdan Krawchenko, "The Law on the Civil Service: A Case Study of Administrative Reform in Ukraine," in *State and Institution Building*, ed. Kuzio, Kravchuk, and D'Anieri, 137–8. Three relevant presidential edicts, "Pro systemu pidhotovky, perepidhotovky ta pidvyshchennia kvalifikatsii derzhavnykh sluzhbovtiv" (30 May 1995), "Pro zatverdzhennia Polozhennia pro Ukrainsku Akademiiu derzhavnoho upravlinnia ta ii zahalnoi struktury" (2 August 1995), and "Pro stvorennia Lvivskoho, Odeskoho i Kharkivskoho filialiv Ukrainskoi Akademii derzhavnoho upravlinnia" (11 September 1995), are available at <alpha.rada.kiev.ua>, consulted on 30 May 2000.

council's Management Training Institute. Its mandate was to conduct research on questions of public-administration theory, train personnel for the executive branch and local government, and train managers for the state sector of the economy. The new institute's charter broadened the mandate somewhat by including the training of personnel for the legislative branch, and it reordered its priorities by listing research last.¹⁰¹ Admission to this post-graduate institution was to take place by competition. Students would be drawn from among parliamentary deputies, employees of the Secretariat of Parliament, the Office of the President, administrative apparatuses of the Cabinet of Ministers and the Council of State, ministries and state bodies, and "leading workers" in local administration.¹⁰² While the institute would be autonomous of the government, its operations would be overseen by a board of governors appointed by the Cabinet and drawn from the Supreme Council, the Office of the President, the Cabinet of Ministers, the collegia of the Council of State, and foreign specialists. Graduates would receive a Master of Public Administration degree. The question at the outset was whether this institute, headed by Bohdan Krawchenko, a Western-trained Canadian citizen, would operate any differently than its predecessor.

By mid-1998 the institute's successor, the Academy of Public Administration of the President of Ukraine, had managed to produce over 800 graduates in public administration and enabled some 19,000 public servants to improve their qualifications. It had branches in Dnipropetrovsk, Kharkiv, Lviv, and Odesa, which produced a total of 108 graduates in 1998, while the main campus in Kyiv had graduated 115. A mark of its success in the government's eyes was the fact that the graduating class of 31 August 1998 was addressed by the president's chief of staff, Evgenii Kushnarev.¹⁰³ It was part of a broader network of facilities operating throughout the country, instilling the norms of democracy and the rule of law in public servants—a welcome development in terms of Ukraine's political transition scorecard.¹⁰⁴

At the same time that the president was developing advisory and co-ordinating bodies within his office to serve as central agencies, a similar trend was overtaking the Cabinet. In November 1992, for instance, several people had been appointed as policy advisers to the

101. *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 8, article 193, 26–32.

102. For the rules of admission, see *ibid.*, article 194, 32–4.

103. *Uriadovyi kur'ier*, 3 September 1998.

104. *Ibid.*, 3 April 1999.

prime minister.¹⁰⁵ This development merely confirmed the universal necessity of using bureaucracy to control bureaucracy. Whether it was a move in the direction of more rationality in policy making or part of the jockeying for power between the president and prime minister was a moot point.¹⁰⁶

In December 1992 the Cabinet of Ministers created the Advisory Body for Elaborating the Draft Program for the Future Activities of Ukraine's Newly Formed Cabinet of Ministers.¹⁰⁷ This twenty-seven-man committee—a virtual cabinet in itself—contained parliamentarians, academics,

105. These (together with their area of responsibility) were Oleh I. Soskin and Vladimir L. Ryzhov (macro-economic affairs); Petro V. Lebedyk (political matters); Zenovii Iu. Tkachuk (agro-industrial complex); Serhii H. Osyka (foreign economic matters); and Anatolii V. Korzh (auditing matters). Simultaneously a series of other appointments indicated a highly differentiated departmental structure servicing the Cabinet of Ministers. The heads of the listed departments were Hennadii I. Myroniuk (scientific affairs); Bohdan P. Budzan (ties with international finance organizations); Ie. M. Mykolaiovych (property and enterprise); Viktor V. Pidlisniuk (market affairs, trade, and services); Ihor P. Kharchenko (labour relations); Iaroslav P. Fedorchuk (co-operation in delivery of manufactured products); Ie. S. Iurkov (fuel and energy); Mykhailo V. Fomenko (education, culture, health, and social security); and Serhii H. Shydlovsky (ecology and environment). See *Uriadovyi kur'ier*, 27 November 1992, trans. in FBIS-USR-92-166, 30 December 1992, 77. In June 1993 Ryzhov was appointed "first deputy to the chief adviser of the prime minister of Ukraine" and replaced by Oleksandr V. Turchynov. See *Uriadovyi kur'ier*, 8 June 1993, trans. in FBIS-USR-93-079, 25 June 1993, 69.

106. Illustrative of the problems plaguing the government during Ukraine's first year of independence was an editorial report of a Cabinet meeting in April 1992, which essentially considered the question: "What should Ukraine's ministries do, and what should they be like in the conditions of the transition to market relations? The agenda included reports from eight ministers. However, the 'plan' could only be fulfilled by half: Draft regulations for ministries and their structure were submitted by V. T. Lanovy (Ministry of the Economy), A. K. Minchenko (Ministry of State Resources), V. D. Hladush (Ministry of Industry), and V. Z. Borysovsky (Ministry of Investment Policy and Construction). The discussion of the drafts showed that their shortcomings and omissions are generally similar (duplication of functions of other ministries, relapses of the command administrative system of management, the vagueness of some formulations, and insufficient justification of the numerical strength of the apparatus)... [I]t was decided to return the drafts for further elaboration.... [Commented the editor:] It is quite difficult for all of us to learn the alphabet of the market, even at the level of formulating laws and normative documents, not to mention their practical implementation" (*Uriadovyi kur'ier*, 1992, no. 16 (April), trans. in FBIS-SOV-92-081, 52–3). Remedial action was called for in the light of the recognized shortcomings.

107. *Uriadovyi kur'ier*, 4 December 1992, trans. in FBIS-SOV-92-247, 23 December 1992, 60–1.

bankers, presidential and prime ministerial advisers, and government bureaucrats.¹⁰⁸ Six had been members of the short-lived Council of State.¹⁰⁹ Whether this advisory body actually achieved anything or merely served as a springboard for political careers is not known.¹¹⁰

In May 1993 Valerii Pustovoitenko, the minister of the Cabinet of Ministers, was asked whether the state administrative apparatus was too large and hence inefficient or “not large enough to carry out its administrative functions”; he replied that it was not too large.¹¹¹ He acknowledged the necessity of renewal, but was cautious and stressed the need for training of such new personnel. The entire state apparatus, he said, “must be constantly renewed with fresh, responsible, and competent persons.”¹¹² A harsher assessment of the state bureaucracy was provided

108. One of the parliamentarians was identified with the Communist bloc of “239” (Mykola P. Biloblotsky), two were Narodna Rada adherents (Oleksandr L. Barabash and Volodymyr M. Pylypchuk), and three were uncommitted (Presidential Adviser Aleksandr S. Emelianov, the future acting prime minister Iukhym L. Zviahilsky, and Andrii V. Pecherov).

109. Besides Emelianov and Zviahilsky, they were: Vladimir F. Byzov, Valerii M. Heiets, Mykhailo V. Zubets, and Volodymyr K. Cherniak.

110. In mid-1993 it was reported, perhaps along the same lines, that “A directive issued by the Cabinet of Ministers has created a commission to improve the structure of the Ukrainian Cabinet of Ministers.” The Cabinet’s chief of staff at the time, Valerii Pavlovych Pustovoitenko, was reported to have said *inter alia* that thereby “the government defined its own powers more clearly. In accordance with this, we are working out a structure for the government. For example, it was necessary to appoint two new deputy prime ministers—one for foreign economic affairs and the other for affairs involving the military-industrial complex. Moreover, the range of problems to be handled by each administration and section of the apparatus under the Cabinet of Ministers has been precisely defined and specified. Nowadays we are recruiting and selecting personnel who will be capable of skillfully and effectively evaluating the situation, preparing proposals, and making decisions. Because, of course, the widespread opinion to the effect that the Cabinet of Ministers has an inflated staff is erroneous.” He also said that “the draft law ‘On the Cabinet of Ministers’ was worked out and developed under a presidential-parliamentary republic” (*Golos Ukrainy*, 28 July 1993, trans. in FBIS-USR-93-110, 23 August 1993, 18).

111. “For a young country that is just beginning to build its own state system ... the state structure of the executive branch must be strong and ramified. When we have set up market relations, and when privatization and destatization are proceeding at ‘full speed ahead,’ Ukraine will, obviously, be able to abandon such a large state administrative apparatus” (*Uriadovyi kur’ier*, 25 May 1993, trans. in FBIS-USR-93-074, 16 June 1993, 77).

112. At the same time he said, “we must introduce ... a precise system for training state service personnel. This is needed so that the government—and responsible posts in the state administration as a whole will not be filled with casual persons,

by a journalist, who summed up the first half year of the Kuchma government by asking, "What kind of state are we building?" The journalist observed that in this period of time the degree of bureaucratic duplication, obstruction, and inertia was remarkable.¹¹³

State committees and other formations have mushroomed under President Kuchma as well. A new State Committee on Problems of Fruit-growing, Viticulture, and Winemaking was established in December 1994.¹¹⁴ During 1995 at least six more state committees or their equivalent were brought into being.¹¹⁵ By 1 January 1996 the government of Ukraine consisted of twenty-seven ministries, twenty-one state committees, and fifty-six other assorted institutions.¹¹⁶ In mid-1996, however, at the same time as a certain number of state committees and the like were consolidated into the previously mentioned four "new" ministries, other committees were combined into fewer units or folded into existing bodies. Lines of responsibility were also clarified.¹¹⁷

or even those who might harm matters.... [T]he Cabinet of Ministers has sometimes taken on staffers who lack experience in working within a well-developed executive system. This may even weaken the government. Therefore ... they have to be trained ... they have to learn on the job... [T]he problem of personnel ... will be helped when the Cabinet of Ministers Law 'On State Service' is developed and goes into effect; a draft of it has already been worked out" (ibid.).

113. "It was not possible to break the bureaucratic structure of the government itself. Anyone who has collided with it at least once knows how ossified it is and how many superfluous departments, people, and duplications there are. There are, for example, branch ministries and similar departments in the Cabinet of Ministers. And the Ministry of Economy, where the duplication of already existing structures has been raised to an absurdity, now looks like a real monster. Finally, the presidential administration, with its edicts and directives that completely block the decrees of the government. You see, the representatives of the president in the rayons are not subordinate either to the soviets [councils] or to the higher administration. They naturally did not even think of executing L. Kuchma's decrees" (*Nezavisimaia gazeta*, 9 June 1993, trans. in FBIS-USR-93-080, 28 June 1993, 102-3).

114. *Uriadovyi kur'ier*, 15 December 1994.

115. According to my count, they were the Commission on Problems of Reforming Higher Education (ibid., 21 March 1995); the State Committee on Securities and the Fund Market (ibid., 20 June 1995); the State Committee on Energy Conservation (ibid., 1 August 1995); the State Commission on the Reorganization of Science (ibid., 5 September 1995); the State Committee on Religious Matters (ibid., 14 October 1995); and the Commission for Completion of the Draft Concept of Judicial-Legal Reform (ibid., 30 November 1995).

116. Ibid., 6 January 1996.

117. The following State Committees were brought into being: State Secrets and Technical Security of Information (based on three separate agencies); Nationalities

Another major reorganization was launched in March 1999.¹¹⁸ The following State Committees were created: (1) Communications and Information Technology (combining an existing State Committee on Communications, the government's Information Technology Agency, and the Main Administration for Radio Frequencies); (2) Science and Intellectual Property (replacing the Ministry of Science, the Patent Office, and the Copyright Agency); (3) Family and Youth (downgraded from a ministry); and (4) Information Policy (also downgraded from ministerial status). Three state administrations were also established: a new one on nuclear regulation that would be subordinate to the Ministry of the Environment, and one each on Ocean and River Transport and Automobile Transport; the latter, created out of existing agencies, were responsible to the Ministry of Transport. The State Committee on the Petroleum Industry was abolished, as was the recently created State Committee on State Secrets. Their functions were to be absorbed by the Ministry of Energy and the Security Service of Ukraine, respectively. Six other state committees were transformed (and downgraded) into committees. Five other government bodies underwent a change of name. As a result, altogether there were twenty state committees and fifty other bodies of various kinds; the edict ordering the reorganization placed thirty-eight of them under specific ministries and the remainder presumably under the Cabinet of Ministers as a whole.

Insofar as this reorganization at least specified the subordination of certain state committees to ministries, implying a regular and more hierarchical rather than flat structure for the government, it could be considered a step in the right direction toward creating a normal state. However, it is not certain whether the administrative arm of government in Ukraine is evolving in the direction of becoming a modern policy instrument, all of its parts appropriately co-ordinated, or is simply

and Migration (created out of the identically named ministry); and Physical Education and Sports (the remnant that was not awarded to the new Ministry of Family and Youth). The Fruit-growing and Viticulture Committee, created in 1994, was folded into the Ministry of Agriculture. A presidential committee on AIDS was transferred to the Ministry of Health. Instructions were given to have certain bodies subordinated to particular bodies. For example, (1) the Aviation Transport Department and the Airspace Utilization Committee, both to the Ministry of Transport; (2) the Committee for Servicemen's Security, to the Ministry of Defence; and (3) the Committee for the Protection of the Population from Radiation, to the Ministry of the Environment. See *Holos Ukrainy*, 31 July 1996.

118. *Uriadovyi kur'ier*, 16 March 1999; and *Ukraina sohodni*, 22 March 1999, at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0322u.html>, consulted on 23 April 1999.

growing from its Soviet roots into a larger and more autonomous version of its former self. Certainly the Ukrainian governmental bureaucracy is far from the Swedish model, in which ministries engage mostly in policy planning, most public servants are not the direct employees of ministries, and administration is largely in the hands of semi-autonomous agencies and boards.¹¹⁹ The administrative reforms of 1999–2000, requiring departments to engage in policy making on a planning, programming, impact-assessment, and cost-benefit basis, marked a long overdue step in the right direction.¹²⁰

Co-ordination

According to Gianfranco Poggi, co-ordination of the parts of a modern state means that the state is complex, but the parts are made to dovetail, are given distinct competence, and are not independent—they facilitate the extension of the state's power.¹²¹ The new Ukrainian state, as we have seen, is indeed complex. In the preceding pages I have already reviewed the efforts made in Ukraine's first decade of independence to create new structures—advisory bodies, committees, and commissions—for the co-ordination of governmental activities, both within the Office of the President and the Cabinet of Ministers. Judging from the numerous reorganizations, restructurings, and revivals, an optimal degree of co-ordination has not yet been achieved. Neither the president, the prime minister, nor Parliament has managed to obtain the requisite amount of control over the administrative bureaucracy, as witnessed by the blizzard of laws and regulations emanating from those sources.¹²²

119. Rod Hague, Martin Harrop, and Shaun Breslin, *Comparative Government and Politics: An Introduction*, 3d ed. (Basingstoke and London: Macmillan, 1992), 344.

120. *Economic Reform Update*, nos. 12, 13, 15 (May, June, and August 2000). The planning-programming-budgetting-system (PPBS) approach came to the fore in the American and Canadian governments in the 1970s.

121. Poggi, *The State*, 23.

122. Wise and Brown, "The Separation of Powers," 36. In 1992, for instance, the Supreme Council issued 131 *zakony* (laws); 261 *postanovy* (decisions); 14 *polozhennia* (regulations); 15 *zaiavy* (declarations); and 5 *zvernennia* (appeals). Its Presidium, meanwhile, put out 209 decisions, and its chairman, 8 *rozporiadzhennia* (instructions). See *Vidomosti Verkhovnoi Rady Ukrainy*, supp. to 1992, no. 52. In the same year the Council of Ministers produced 725 pieces of legislation, although only 273 were actually published. See *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 12. In subsequent years the Supreme Council's passage of laws has remained at a high level, while the issuance of other forms of legislation has subsided. For example, in the three years 1994, 1995, and 1996 the following were passed: laws—156, 152, and

The instability of legislation, as indicated by the uncontrolled issuance of such executive decrees and edicts, also contributes significantly to the climate of uncertainty facing entrepreneurs, both domestic and foreign.¹²³

The instructions that set up the independent Ukrainian state's new ministries were not always clear about the distinctiveness of their respective competences or the ways in which they should dovetail. A number of examples can be identified. Certain responsibilities of the Ministry of Agriculture and Food were not clearly distinguished from those of the State Committee for Grain Products. A similar overlapping was notable in the Ministry for Matters of the Protection of the Population from the After-Effects of the Emergency at the Chornobyl Atomic Energy Station, the Ministry of Labour's provisions regarding Chornobyl, and the State Committee on Nuclear and Radiation Safety.¹²⁴ The functions of the Ministry of Industry, in particular helping enterprises to export production, were neither distinct from nor co-ordinated with those of the Ministries of Machine Building and Defence.¹²⁵ The Ministry of Machine Building was supposed to co-operate with other ministries in determining state orders, an important matter, yet the Ministry of Industry was not specifically mentioned among them. A typical provision regarding co-

158; decisions—272, 174, and 144; regulations—9, 9, and 3; and Presidium decisions—39, 19, and 4, respectively. See *Vidomosti Verkhovnoi Rady Ukrainy*, supp. to no. 52 in 1994, 1995, and 1996. In 1998 the number of laws jumped to 199, while decisions dropped to 133; one regulation and one appeal were issued, but no declarations or Presidium decisions were passed, the Presidium having been abolished pursuant to the 1996 Constitution (see *ibid.*, 1998, no. 52). Meanwhile, a torrent of edicts flows from the Office of the President: 1,950 in 1999 and 1,629 in 2000. See <www.rada.kiev.ua>, consulted on 5 January 2001. In this flood of legislation and regulation, no citizen, bureaucrat, non-governmental organization (NGO), or businessman can navigate safely or knowledgeably. The rule of laws (instead of the rule of law) is overwhelming. José Casanova attributes this dreadful state of affairs to "an étatist tradition of legalism, but not of constitutionalism; of rule of legislators by decree, but not rule of law" ("Ethno-Linguistic and Religious Pluralism and Democratic Construction in Ukraine," in *Post-Soviet Political Order: Conflict and State Building*, ed. Barnett R. Rubin and Jack Snyder [London and New York: Routledge, 1998], 98).

123. For instance, the Cabinet of Ministers' output of decrees jumped from 738 in 1992 to 2,408 in 1999, or nearly seven for every day of the week, including holidays. See S. Bila, "Tinova ekonomika ta ii vplyv na strukturne transformuvannia ukrainskoho vyrobnytstva," *Ekonomika Ukrainy*, 2000, no. 10: 60–1.

124. Article 130 in *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 5: 45–9; article 144, *ibid.*, 1992, no. 6: 56–61; article 155, *ibid.*, 1992, no. 7: 13–18; article 147, *ibid.*, 1992, no. 6: 64–72; and article 199, *ibid.*, 1992, no. 8: 50–5.

125. See articles 118–19, *ibid.*, 1992, no. 5: 8–11 and 11–14.

ordination simply stated that the Ministry of Industry “acts together with” other bodies in fulfilling its functions.¹²⁶ Clearly the Ministry of Industry, in spite of its mandate to develop industrial strategy, would have no say in defence production or exports. This was a glaring anomaly. There seemed to be room for a similar, symptomatic, albeit less serious, conflict in the directive issued to the Ministry of Youth and Sports to stage festivals and the Ministry of Culture’s mandate to do the same.¹²⁷ The only truly modern ministry initially established for independent Ukraine was the Ministry of Education; it was engaged not in the direct delivery of schooling, but in analyzing, forecasting, setting standards, making rules, facilitating, and co-ordinating.¹²⁸ According to their regulations, most ministries were very much industries or empires of their own, intervening very directly in their sector of the economy, and not at all well articulated with other ministries and state committees.

In the year 2000 new regulations were promulgated for several ministries: Internal Affairs, Transport, Education and Science, Labour and Social Policy, Culture and the Arts, and the Economy.¹²⁹ The regulations of the Ministry of Transport were notable for the fact that they assigned the ministry almost exclusively administrative rather than policy-making functions. At best it would draft bills dealing with the operation of the transportation system, but policy would presumably be formulated somewhere else, supposedly in the Cabinet. In fact, the regulations of every ministry state that it is “directed and co-ordinated by the Cabinet,” but transport is unique in being denied any say on policy in its field. Mind you, the other ministries’ regulations only state that they “participate in the formulation of policy” rather than determine it unilaterally. Otherwise the regulations are extremely comprehensive in the instructions concerning duties that are given to the ministries. The regulations governing the Ministry of the Economy are the most comprehensive and far-reaching. It is now responsible not only for taking part in setting policy in such areas as economic and social development, property rights, regions, domestic trade and services,

126. *Ibid.*, 1992, no. 5: 10.

127. Article 238, see *ibid.*, 1992, no. 10: 21–6; and article 141, *ibid.*, 1992, no. 6: 45–9.

128. Article 178, *ibid.*, 1992, no. 7: 78–84.

129. The presidential edicts were: no. 678/2000 (11 May); no. 773/2000 (7 June); no. 1035/2000 (30 August); no. 1138/2000 (17 October); and no. 1159/2000 (23 October 2000), at <alpha.rada.kiev.ua>, consulted on 5 January 2001. The regulations of the Ministry of Internal Affairs are discussed below, in chap. 5.

standards, the state sector, and the shadow economy, but also for external economic policy and relations with international financial bodies.¹³⁰ The chief tasks of the Ministry of the Economy, this “modern” governmental department, are to analyze and forecast economic and social trends in the country, monitor the execution of presidential and Cabinet directives dealing with economic reform, and provide analytical reports on them.

The phrase “distinct competences” implies also distinctness in lines of responsibility and super- and subordination. In this regard, the observation of Wise and Brown is apt:

Within half a year of the presidential election, Kuchma had succeeded in creating a presidential administration to parallel the prime minister’s government and had weakened Masol’s authority over policy decisions. Nonetheless, the basic issue of whom the bureaucracy was responsible to and for what, was unresolved. It was fairly common for a given ministry to receive communications from the president’s staff, the prime minister’s staff, the Parliament chairman’s staff, and from parliamentary committee chairmen telling them to do different things.¹³¹

The preparation and flow of draft legislation as foreseen or prescribed in the various ministerial regulations were problematic. The Ministry of Justice, for one thing, was supposed to work under the direction of not one master but three: the Supreme Council, the president, and the Cabinet of Ministers, a difficult task. For another, unlike, say, the Canadian practice wherein bills are funnelled through the Justice Department for legal screening, its Ukrainian counterpart would “take part in” the preparation of such bills, but this would not be a requirement. When requested, it would give its opinion on proposed legislation, but this would not be done as a matter of course.¹³² Other ministries’ regulations gave them authority to prepare draft legislation without vetting by the Ministry of Justice.¹³³ Presumably, such drafts would go directly to the Cabinet. This may have been partly at the root of Ukraine’s problems with the proliferation of badly drafted laws.

130. As of October 2000 the Ministry of the Economy absorbed, in addition to its former namesake, the Ministry of External Economic Ties and Trade, the State Investment and Clearing Committee, the National Agency on Preparing for European Integration, the Export Control Service, and the Agency for Special (Free) Economic Zones. This gave it many more tasks than before.

131. Wise and Brown, “The Separation of Powers,” 30.

132. Article 22 in *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 1: 75–6.

133. See, for example, article 117 in *ibid.*, 1992, no. 5: 3–8; article 238, *ibid.*, 1992, no. 10: 21–6; and article 147, *ibid.*, 1992, no. 6: 64–72.

A change for the better in terms of co-ordination may become evident after 2000. In February of that year four committees were established to operate under the Cabinet as central agencies or super-bureaucracies.¹³⁴ They would deal respectively with economic development, social and humanitarian (i.e., cultural) issues, fuel and energy, and agricultural reform and the environment, and would be in charge of policy formation and implementation in these areas. Bills coming before the Cabinet would first be vetted and approved by one of these committees. Henceforward there should be no more end runs around the Cabinet and real co-ordination should now begin. Central agencies were introduced into government in Great Britain, the United States, and Canada as far back as the 1970s.¹³⁵ In the case of Ukraine, such co-ordination is better late than never.

"Modern" Government

The "modern" or contemporary state, according to Poggi, is characterized by an "intensity, continuity and purposefulness" not found in earlier formations or manifestations of the state; it is seen performing not just "exclusively military and fiscal" activities, but also "order[ing] social life with ... purposefulness and intensity."¹³⁶ In the new Ukrainian state there is little notion of a national (as opposed to command) economy and no inkling of the use of fiscal, monetary, and economic policy for the furtherance of national aims. There has been no buildup of the Ministries of Health, Welfare, Social Security, and Education as there is in the modern (or rather postmodern) welfare states in the rest of the world. In fact, spending on the functions usually associated with the welfare state—social security and welfare, education, and health—dropped dramatically from 27.5 percent of the state budget in 1992 to a low of 10.8 percent in 1994. It was only expected to recover to 18.0 percent in 1999 (see table 4.3). These are well below Western European levels.¹³⁷ Expenditures on health alone were a dismal 2.8 percent in 1992

134. *Economic Reform Update*, no. 9 (February 2000).

135. See, for instance, Colin Campbell, *Governments under Stress: Political Executives and Key Bureaucrats in Washington, London, and Ottawa* (Toronto: University of Toronto Press, 1983).

136. Poggi, *The State*, 25.

137. Since total budget expenditures in 1998 were 29.4 percent of GDP, the figure of 17.4 percent of the expenditure budget set out for social security, education, and health becomes 5.1 percent of GDP, according to my calculations. See *Holos Ukrainy*, 30 January 1998; and *Uriadovyi kur'ier*, 16 February 1999. Excluding education, the figure becomes 3.2 percent of GDP. By comparison, in 1991 Italy's spending on

TABLE 4.3
EXPENDITURES ON SOCIAL WELFARE, DEFENCE, AND LAW
ENFORCEMENT IN THE BUDGET OF UKRAINE, 1992–99 (IN PERCENT)

Category	1992	1994	1995	1996	1998	1999
Social Welfare and Social Security	15.8	5.5	3.9	4.7	8.1	8.8
Education	8.9	4.1	5.3	4.6	6.4	7.3
Health	2.8	1.2	1.8	2.0	2.9	2.1
Law Enforcement	3.1	3.6	5.6	4.8	6.7	6.6
Defence	15.8	5	6.5	4.8	6.9	6.8

SOURCES: *Holos Ukrainy*, 8 July 1992, 18 February 1994, 21 April 1995, 6 April 1996, and 30 January 1998; *The Ukrainian Weekly*, 10 January 1999; and *Ukraina sohodni*, 1 February 1999, at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0201u.html>, consulted on 6 March 1999.

before they dropped to 1.2 in 1994. They recovered to 2.9 percent in 1998, only to drop back to 2.1 in 1999. What is especially significant is the ever-increasing bite that military and other service pensions are taking out of the social-security portion of the expenditure budget. Such expenditures are leaving less and less for ordinary citizens: 24.3 percent in 1992; 50.7 percent in 1994; 66.7 percent in 1995; 77.8 percent in 1996; and 85.6 percent in 1998.¹³⁸ It is ironic that a nominally independent state like Ukraine must provide welfare benefits not primarily for its civilian population, but rather for the superannuated members of the Soviet coercive organs residing on its territory. Instead of a modern welfare state (except for those who have traded in uniforms and medals for mufti), Ukraine now boasts its very own Ministry of Machine Building (i.e., rocket building) and the Defence Complex, which was taken over

social security was 24.4 percent of GDP; the Netherlands', 32.4 percent. See Gosta Esping-Andersen, "Welfare States without Work: The Impasse of Labour Shedding and Familialism in Continental European Social Policy," in *Welfare States in Transition: National Adaptations in Global Economics*, ed. Gosta Esping-Andersen (London: SAGE Publications, 1996), 71.

138. *Holos Ukrainy*, 8 July 1992, 18 February 1994, 21 April 1995, 6 April 1996, and 30 January 1998; and *The Ukrainian Weekly*, 10 January 1999. According to Robert Kravchuk, civilian welfare expenditures have been off-loaded onto the oblasts and localities: "social safety net programs, a national responsibility in most market-based economies, have been funded since 1994 on a highly decentralized basis" ("The Quest for Balance: Regional Self-Government and Subnational Fiscal Policy in Ukraine," in *State and Institution Building*, 176).

from the Soviet ministry of the same name. This is a sad commentary on the country's would-be modernization in the post-independence period and its would-be modernizers. Beyond the welfare state, Ukrainian authorities have not yet experienced the paradigm shift that would convince them that investment in human capital is critical to economic and social development. According to the World Bank, in 1998 two-thirds of the growth in economic indicators worldwide was attributable to human capital.¹³⁹

Differentiation and Centralization

Differentiation in the modern state means that "the organisation in question performs *all* and *only* political activities," and that therefore it is differentiated from the church, for example, and civil society.¹⁴⁰ In the case of the former Soviet republics, de-partization, or the eviction of Communist Party primary organizations ("cells") from state and public structures, was a major step in this direction. In Russia President Boris Yeltsin took this step just before the August coup of 1991. In the wake of the unsuccessful coup attempt, Ukraine, following suit shortly thereafter, banned the Communist Party.¹⁴¹ But in many respects the new Ukrainian state remained as undifferentiated as ever, particularly from church and society.

Retention of a Council (now State Committee) on Matters of Religion attached to the Cabinet of Ministers can only be considered a major step backwards on the road to modern statehood.¹⁴² Its instructions included a statement of purpose that stated the council "ensures implementation of a uniform state policy on religion and the church" (12). What modern state has "a uniform policy on religion and the church"? Likewise, the mandate of the Ministry of Culture required it to be more than just a granting agency or patron of the arts. It was to intervene directly in the

139. V. Kutsenko, "Humanitarnyi aspekt ekonomichnoho reformuvannia v Ukraini," *Ekonomika Ukrainy*, 2000, no. 10: 67–72; and Veniamin V. Sikora, "New Approach to Getting Ukraine Out of the Pit: Integrating the Social Capital Paradigm in Development Politics," *Transition* (World Bank) 11, no. 5 (August–October 2000): 31–2.

140. Poggi, *The State*, 20–1. Poggi's emphasis.

141. On Russia, see Richard Sakwa, *Russian Politics and Society* (London and New York: Routledge, 1993), 134; and White, Gill, and Slider, *Politics of Transition*, 138. On Ukraine's rather more hesitant steps, see Interfax, 1850 GMT, 15 August 1991, in FBIS-SOV-91-159, 16 August 1991, 46; and Interfax, 1500 GMT, 25 August 1991, in FBIS-SOV-91-166, 27 August 1991, 113.

142. Article 84 (dated 2 March 1992) in *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 4: 11–15; and D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 83.

cultural life of the country by carrying out such tasks as co-ordinating performing-arts productions, recording folk traditions, reviving the national culture, and developing and effecting state policy.¹⁴³ Although Ukraine is no longer a Communist state, it has not fully divested itself of the mantle of an authoritarian state in its control of religion and culture, not to mention that it has failed to rid itself of the command economy. Perhaps a Ministry of Culture may be excused on the grounds of nation building. But it is certainly too soon to speak of the differentiation of the Ukrainian state from Ukrainian society. For in 1996 the trade-union federation, the Academy of Sciences, a plethora of ministries and state committees supervising individual branches of industry—from aviation to viticulture—and several banks were all part of the government.¹⁴⁴ It was a small sign of progress that by 1999 only the various branches of industry remained under government supervision, while the trade unions, the Academy of Sciences, and the banks had all evidently passed into private hands.¹⁴⁵

If centralization as a feature of the modern state means that the state is the focus of political activity and that only the state can exercise political power,¹⁴⁶ then one must concede that in this respect Ukraine has been modern since independence. This could not have been said before the August 1991 coup, when the Communist Party was still a rival centre of political power. Of course, Russia has continued to challenge Ukraine externally, as have regional governments demanding autonomy from Kyiv. But internally the Ukrainian state has as much of a monopoly of political power as other industrial democracies—like them, it sometimes backs down in confrontations with striking miners or students.

A Weberian Bureaucracy?

Although it has never been fully achieved, only approximated, the ideal type of bureaucracy associated with the name of Max Weber nevertheless constitutes a standard by which modern statehood can be measured. Weberian bureaucracy is usually characterized by such major features as strict division of duties and responsibilities, impartial decision making, recruitment on the basis of competence, and promotion on merit,

143. Article 141 (dated 1 June 1992) in *Zibrannia postanov Uriadu Ukrainy*, 1992, no. 6: 45–9.

144. *Uriadovyi kur'ier*, 6 January 1996.

145. *Ibid.*, 16 March 1999.

146. Poggi, *The State*, 22–3.

careers, and hierarchy.¹⁴⁷ The Soviet bureaucracy had hierarchy and careers, but lacked the other characteristics. There was overlapping and duplication as bureaucrats struggled for empire; decisions were political and personal; recruitment and advancement within the *nomenklatura* system were based on clientelism and patronage; and, in the absence of the rule of law, there was considerable and endemic corruption. The challenge for the state builders of independent Ukraine is not to create a Weberian bureaucracy out of nothing overnight—an impossible task anyway—but to create one out of a Communist administration, with its discretionary power, personal fiefdoms, and privileges.¹⁴⁸

What progress has Ukraine made in approaching the model made famous by Weber and in departing from the disreputable Soviet one? Procurator General of Ukraine Viktor Shyshkin was once asked about the existence of a mafia in Ukraine and specifically about its penetration of the governmental apparatus. While he acknowledged that there was organized crime, he denied that it was extensive enough to characterize as a mafia.¹⁴⁹ Reminded that even Prime Minister Kuchma had said “Ukraine is being looted by mafia clans,” he replied: “There are the facts of stealing, but there is hardly any trace of mafia activity.”¹⁵⁰ Whether the procurator general was telling the truth or merely being complacent was unclear. The idea that corruption,

147. Hague, Harrop, and Breslin, *Comparative Government*, 342–3.

148. *Ibid.*, 361.

149. “A few arrests, which we made in the Ministry of Foreign Economic Relations, and the explanations of the interactions of these officials, confirm that this is beyond question an organized criminal group; they supported one another. Also the employees of Customs Office and the Security Service who were arrested. In all these cases, it is possible to speak of organized criminal structures. But I do not have information on the existence of a criminal structure on a statewide scale.... [T]here are still no grounds to speak about the existence of some sort of ‘internally extended’ criminal center” (*Ukraina moloda*, 7 May 1993, trans. in FBIS-USR-93-072, 11 June 1993, 92–3).

150. *Ibid.* Concerning the Procuracy itself, he complained about a lack of functional differentiation: “A procurator’s office should not have its finger in every pie.... Even our new government manages to indicate that the procurator’s office should, for example, examine the idle-time of railroad carriages. But this is not our field. ... Or the example I gave earlier; the procurator’s office audited five oblasts and showed more than U.S.\$5 billion that had not been converted into the budget. But this also is not our government function.... In France, there are 2,000 procurators.... We have 6,500. They have order and we do not.... Controlling the activity of law enforcement agencies, upholding the rights of people in prison, certain other functions—these are ours” (*ibid.*, 94–5). This was an acknowledgement that state building is not only the growth of the state apparatus, but also its proper functional differentiation.

whether it is called a “mafia” or some other term, was absent from the governmental administration of Ukraine seemed to contradict common knowledge.

On the other hand, Academician Ihor Iukhnovsky has written: “Both state and non-state mafias are very closely connected. They have penetrated all structures, and we have found ourselves in a hopeless situation.”¹⁵¹ Furthermore,

the old communist system still prevails in Ukraine. It is still very strong within the parliament and within local councils. We are proclaiming anticommunism, but in practice, we are dealing with Communists who have become private owners and who possess huge amounts of property. All of this is being done in secret, and the efforts are being directed toward changing the state structure in order to cover up the traces of the capital and property stolen from society.¹⁵²

If Iukhnovsky is right, then the hope of a Weberian bureaucracy for Ukraine must perforce be an unrealizable dream.

However, in October 1993, in an uncharacteristic move President Kravchuk issued a decree introducing principles of rationality into the government bureaucracy of Ukraine.¹⁵³ If implemented, this edict would lay the basis for a Western-style civil service, if it were not already too late for that.

The president’s edict was followed up rather quickly by a law passed by the Supreme Council on the state service (a term that does not have quite the same connotations as “civil service” or “public service,” but is

151. *Ukrainska hazeta*, 1993, no. 15 (30) (16 September–6 October 1993), trans. in FBIS-SOV-93-180, 20 September 1993, 56.

152. *Ibid.*, 57.

153. *Ukrainske Radio First Program Network*, 0600 GMT 18, October 1993, trans. in FBIS-SOV-93-200, 19 October 1993, 60. The decree said in part: “In an effort to better organize and raise the quality of work performed by organs of the state executive branch, and to provide for the employment of highly qualified staff, I hereby decree:

- to hire staff ... on a competitive basis.
- to use contracts for ... single-task assignments.....
- to carry out a ... certification of staff ... by 1 January 1994.
- to ... [adopt] procedures for implementing competitive hiring and the one-time certification of the aforementioned staff.
- to introduce monthly salary increases based on the long-term service record of personnel in the state organs....
- to ... [adopt] procedures for granting and paying monthly salary increases based on the long-term service record of the above-mentioned staff.

indicative of the immaturity of Ukraine's democracy).¹⁵⁴ This law ostensibly provided the basis for a rational Weberian bureaucracy, but undermined itself by compromising with the existing Soviet bureaucracy. There was nearly universal opposition to a ministry of the public service, thought to restrict the freedom of departments' personnel practices. Instead, a Directorate General of the Public Service, attached to the Cabinet, was agreed on, effective from 2 April 1994. Ministers, on the other hand, clamoured to be included in the category of "state servant" under the law, which took effect on 1 January 1994.¹⁵⁵

The new law set out the principles of state service and the obligations and rights of state servants.¹⁵⁶ The state servant's basic obligations were to follow the constitution, assure effective work, not permit the violation of rights, carry out duties directly and in a timely manner, guard state secrets, always improve one's work, and honestly carry out duties (chapter 3, article 10). Nepotism was disallowed and disclosure of all sources of income required, a move apparently meant to expose corruption.

There would be a Main Administration of the State Service (or Directorate General of the Public Service, in Bohdan Krawchenko's terminology) attached to the Cabinet of Ministers to direct the state service and in particular to oversee the process of competitive entry into it.¹⁵⁷ This body would not, however, supervise or implement the promotion of state servants, which would be done by departments, the Cabinet, and the president. While recruitment would take place as a rule by competition, certain officers of the state, such as the president, would be entitled to select their own assistants independently of the state service rules (such personnel are known, appropriately enough, as the

154. "Pro derzhavnu sluzhbu: Zakon Ukrainy," *Uriadovyi kur'ier*, 4 January 1994. It was dated 16 December 1993. For an authoritative insider's account of the introduction of this important law, see Krawchenko, "The Law on the Civil Service," 135–53. One important lesson from the process was that a proper classification system should have preceded the civil service law, but its backers were not keen to point this out to inexperienced lawmakers.

155. Krawchenko, "The Law on the Civil Service," 145–6.

156. The following principles were listed: "serving the people of Ukraine; democracy and legality; humanism and social justice; the priority of human and citizens' rights; professionalism, competence, initiative, honesty, and dedication to the cause; personal responsibility for the execution of service duties and discipline; [and] upholding of the rights and lawful interests ... of citizens (chap. 1, article 3).

157. The Main Administration of the State Service functions as the administrative arm of the presidential Council on Personnel that was established in 1995 (see table 4.1). See *Uriadovyi kur'ier*, 3 April 1999.

“patronage service” [*patronatna sluzhba*]).¹⁵⁸ State servants would not be allowed to engage in business, hold executive posts in any organizations, accept gifts, or go on strike. They would take a prescribed oath of solemn commitment to the people of Ukraine, the constitution, the rights of citizens, and conscientious work on their behalf.

A chapter of the law devoted to the service career stipulated that there shall be seven categories of state servants, beginning with heads of state committees and their equivalents in category number one and working down from there. Within each category there would be three ranks, with an overlapping between steps, for a total of fifteen ranks. All categories and ranks would be recruited by competition and promoted on merit, but the president would dispense ranks in the first category and the Cabinet of Ministers in the second. In the remaining five categories ranks would be assigned on a departmental basis. Normally two years’ service in a rank would be required for promotion. Clearly promotions to top government positions at the centre and in the oblasts would be in the hands of the president and the Cabinet, a system of leadership selection distinctly reminiscent of the old Communist Party nomenklatura: centralized, personalized, and politicized.

An unusual feature of the law was the penultimate chapter that provided for the material well-being of state servants. Among other things it stated that they are to be paid adequate salaries according to rank. Bonuses are to be awarded for length of service. State servants are entitled to at least thirty calendar days of annual holiday, as well as to housing (with eligibility for a private telephone if in category four or higher). Pensions may be as high as ninety percent of salary, and some state servants will be eligible for promotion in rank upon retirement, thereby increasing their pensions. While state servants cannot hold elective office and must resign, they can nevertheless count their time as parliamentary deputies towards their state service and, of course, their pensions. It has been suspected that state servants with political ambitions and those who were already sitting as deputies took part in drafting this law.¹⁵⁹ A continuation of a Soviet practice, the category of public servants entitled to free housing has been expanded several times, as recently as March 1999.¹⁶⁰

158. The “patronage service” was only supposed to separate out political appointments, but in some cases this category came to overshadow the departmental public service. See Krawchenko, “The Law on the Civil Service,” 148–9.

159. *Uriadovyi kur’ier*, 28 April 1994.

160. “Pro dopovnennia Pereliku katehorii pratsivnykiv, iakym mozhe buty nadano sluzhbovi zhyli prymishchennia,” Cabinet of Ministers decree no. 380, dated 15 March 1999, *ibid.*, 1 April 1999.

It appears that the new law was to be applied willy-nilly in a blanket way to all existing state administrative personnel. All the Soviet-era bureaucrats, therefore, have been transformed into state servants who do not have to compete for their positions or pass the test of merit. Furthermore, all of their Soviet seniority counts towards their post-Soviet pensions. The treasury will pay dearly for this "reform" of the old apparat, and the country will bear the brunt of its untested competence.

Concluding Observations

What sort of house did Leonid Kravchuk build and Leonid Kuchma continue to improve? The answer to this question is that in terms of state organization this effort was largely a refurbishment of the Soviet structure. Kravchuk scrapped the final and promising experiment of the last Communist government. He set up a revolving door for a series of crony advisers and advisory bodies intended to co-opt and neutralize his political opponents. He encouraged a rule of laws instead of the rule of law. Only late in the day did he introduce the foundation for a normal public service. This half-Soviet state for independent Ukraine was thus shaped not by conscious design and making use of worldwide historical experience, but by the struggle for power between president, Parliament, and prime minister, by copying Russia's initiatives, and by wearily resorting to the tried-and-true alternative of the command-administrative system of old. It would not be easy for such a state to attract the loyalty of the public.

Two rather negative assessments of the Fokin government seemed quite apropos in the twilight of the Kravchuk era. Ihor Iukhnovsky stated that the government lacked qualifications and decisiveness and that it was both incompetent and a copy of the central Soviet government, which was designed for limited sovereignty. "This government," he said, "simply is not ready to go to work in a sovereign Ukraine. It does not know how to construct its independence."¹⁶¹ The second negative assessment came from a newspaper correspondent commenting on the proliferation of the country's mushroom-like bureaucracies in the post-independence period.¹⁶² All

161. *Literaturna Ukraina*, 3 October 1991.

162. "While actively imitating lively activity, the Cabinet of Ministers in today's configuration is, in reality, engaged in the affirmation of a routine style of work that was characteristic of the former Council of Ministers before its retirement. How can one explain, for example, the appearance literally just now of yet another committee for the control of prices? How is it possible to control them when the raising of prices everywhere has been taking place without any kind of control for almost a

hyperbole aside, these fundamentally critical evaluations were as true of state building in Ukraine in Kravchuk's time as later.

Kuchma's contribution to Ukraine's modern statehood is only slightly more positive. He has given more structure to the institutions supporting the presidency and the Cabinet of Ministers. But he has also waffled back and forth, creating, eliminating, and then restoring ministries and state committees. He has evidently not yet recognized that the bureaucracy must be politically directed and that ministers must be politicians rather than state bureaucrats¹⁶³ — which is what they are when they are internally recruited instead of brought in from outside. This is a pattern that has not yet been broken. Ukraine is left with an only partially transformed Soviet state, not a modern democratic one. If it were not for pressure from the IMF, there would likely be no appreciable movement in the direction of modern state building. As it is, such steps are seriously undermined by the political leadership's failure to envision and apply anything other than the Leninist machine model of bureaucratic organization and by the bureaucracy's own generous provisions for featherbedding, which are written into the "reforms" of the administrative system. Ministries are still administrative or operative agencies of government rather than policy-formulating and -implementing bodies. Ministers, many of whom are still promoted out of the bureaucracy, do not give political direction to their departments, but are steered by their own bureaucrats. Personal and political loyalties, the hallmarks of the Soviet nomenklatura patronage system, still outweigh professionalism in recruitment and advancement to the higher ranks of the state service. The rule of laws and the endless churning out of ineffective and meaningless directives, which are unco-ordinated by the issuing authorities, create favourable conditions for corruption and arbitrariness far from the substance of "rule of law." The evident recycling of individuals from the Soviet era through top positions in the "new" Ukrainian state and the overnight reclassification of the entire corps of Soviet-era bureaucrats into "state (public) servants" without benefit of competitive examination or proof of merit (let alone lustration) makes the prospect of change to a modern order seem hopeless.

year now? Meanwhile the latest 'unit' is already burgeoning with staff. Officials of the committee are allowed free travel on the transit system. For what services? How can privileges be granted to an official when a worker pays for everything out of his own pocket, when the shelves are empty, when there's not enough bread, and while pensioners are dying standing in queues for a bit of sugar?" (*Holos Ukrainy*, 14 January 1992).

163. Ibid., 29 December 1998.

CHAPTER 5

Coercive Control

On Police and Policing

"A body of persons employed to maintain civil order and investigate breaches of the law" is as concise and handy a definition of the term "police" as one needs to get started.¹ The crucial question, seldom asked by political scientists, of course, is not whether policing is carried out, but how. A distinction must immediately be drawn between Anglo-Saxon and continental traditions and between "high" and "low" police work. In the Anglo-Saxon tradition, the idea of "low" policing, meaning mainly the maintenance of "public order in the streets and market places"² and the protection of citizens, predominates. On the Continent, by contrast, there has been a greater emphasis on "high" policing, which involves surveillance of the society and protection of the state from its citizens.³ In general, the common-law or rule-of-law countries adhere—at least in principle—to the ideal of the police at the service of the community; the civil law and *Rechtsstaat* countries accept a broader, more politicized notion of the police as the state's instrument for supervising society.

In her landmark work on the Soviet system, Louise Shelley identifies a third tradition, that of colonial policing.⁴ This differs from the other two models in that the source of legitimacy rests with the colonial authority rather than being decentralized and based on law, as in the Anglo-Saxon model, or centralized and based on the ruler, as in the continental case. By comparison, Communist policing, according to her, was an amalgam of the three with an altogether different basis of legitimacy—the Communist Party—and far greater functional scope than even the continental model, which it most closely resembled. The hyper-centralization, -politicization,

1. *The Blackwell Encyclopaedia of Political Institutions*, ed. Vernon Bogdanor (Oxford: Blackwell Reference, 1987), 430.

2. John C. Alderson, "Police and the Social Order," in *Police and Public Order in Europe*, ed. John Roach and Jurgen Thomanek (London: Croom Helm, 1985), 17.

3. Brian Chapman, *Police State* (London and Basingstoke: Macmillan, 1971), 27–31.

4. Louise I. Shelley, *Policing Soviet Society: The Evolution of State Control* (London and New York: Routledge, 1996), chap. 1.

and -authoritarianism of the Communist variant, together with its colonial character, bred the corruption and inefficiency that made it ultimately incapable of holding back the Soviet collapse.

While the continental tradition is not incompatible with democracy, it carries certain implications, all the more so for the colonial and Communist traditions or models, and for the Communist model as a whole. Whether Ukraine can make the shift from the authoritarian, if not totalitarian, Soviet pattern of policing to something resembling the European democracies is of fundamental importance in its transition to democracy.

In order to assess Ukraine's chances of a successful transition to complete modern statehood and to interpret relevant facts from the post-independence period, a brief review of the European experience with police and the police state is useful. National police systems are remarkably varied, as David H. Bayley has observed; his suggestion for understanding them is that they are determined by political culture.⁵ More specifically, Bayley says that the political-cultural "factors which appear to play the most significant role among all the nations are (1) a transformation in the organization of political power; (2) prolonged violent popular resistance to government; and (3) development of new law and order tasks, as well as the erosion of former bases of community authority, as a result of socioeconomic change. But ... there is not an invariant relation between them."⁶ Bayley is more definite about two aspects of police systems: tasks and organization. With regard to the former, Bayley writes, "Police will play a political role if creation of effective state institutions and formation of the nation are accompanied by serious social violence."⁷ With regard to structure, he emphasizes continuity. He writes: "Police systems exhibit an enormous inertial strength over time; their forms endure even across the divides of war, violent revolution, and shattering economic and social change."⁸ If the European experience as interpreted by Bayley is any guide to what may

5. "Looking back on the emergence of national police systems in Great Britain, France, Germany, and Italy, one finds a remarkable variety in patterns of development. The essential point is that nations develop characteristic solutions to police problems in response to different factors" (David H. Bayley, "The Police and Political Development in Europe," in *The Formation of National States*, ed. Tilly, 360). See also Bayley's *Forces of Order: Police Behavior in Japan and the United States* (Berkeley: University of California Press, 1976).

6. Bayley, "The Police and Political Development," 360.

7. *Ibid.*, 361.

8. *Ibid.*, 370. Bayley adds (372): "Even major social dislocations like the Industrial Revolution do not change the course of police history invariably."

happen in Ukraine, then we can expect violence during the state-building process to politicize the police, and stability to outweigh change in organizational forms.

To understand better Ukraine's starting point in the transition to modern statehood and to see whether it has in reality moved beyond that starting point, we may refer to Brian Chapman's classic essay on the police state.⁹ Chapman writes that the meaning of the term "police state" had evolved to the point of being a caricature. Yet his careful historical survey helps us to restore its usefulness and understand the evolution of the phenomenon. Chapman distinguishes four basic types of police state: traditional (Prussia under Frederick Wilhelm and Frederick II in the seventeenth and eighteenth centuries, respectively; Austria under Joseph II, also in the eighteenth century); transitional (France and Austria in the nineteenth century); modern (National Socialist Germany, 1933–39); and totalitarian (National Socialist Germany, 1939–45). The USSR could also be considered a "modern" or "totalitarian" police state at various times, depending basically on whether the party stood over the police or vice versa.

According to Chapman, "The first Polizeistaat was dedicated to three purposes: the protection of the population, the welfare of the state and its citizens, and the improvement of society."¹⁰ It was emphatically not "a state of arbitrary rule"; nor was it "a state devoted to repression."¹¹ The first police state was, after all, the product of enlightened despots, not insane dictators. As developed by such monarchs as Austria's Joseph II, it came to include an all-pervasive secret or political police used not so much to keep the masses down as to ensure the loyalty of officials.¹² In sum, "The traditional police state is an organized state, devoted to mobilization and development, with extensive police powers concentrated in a civil service under a single political directing will, with a police apparatus enjoying a national watching brief over the safety of the state, the integrity of public officers and the morale of the population."¹³

The nineteenth-century police state retained three major underlying features of its predecessor:

First, the paternal, benevolent, improving and devoted bureaucracy of Frederick II, rationally organized, exercising the police powers of the state on behalf of the sovereign. Second, the ubiquitous, silent secret

9. Chapman, *Police State*.

10. *Ibid.*, 16.

11. *Ibid.*, 18.

12. *Ibid.*, chap. 2.

13. *Ibid.*, 117.

police of Joseph II, organized as a parallel system of government, alert alike to the machinations of those in high places and to the conspiracies of the masses. Third, the elevation of the police as a state apparat by Fouché into the protector, censor and moral guide of society.¹⁴

At the same time it altered the doctrine of sovereignty, gave the police more regulatory powers, and brought the police within the ambit of judicial control, but also allowed considerable latitude for discretion without control by the courts.¹⁵ The scent of absolutism remained.

The establishment of the modern police state, as exemplified by National Socialist Germany, entailed the recapture of dominance by the police apparat over government and the policing function itself. The police became a parallel judiciary, a parallel administration, and a parallel army, having broken the army's monopoly of the means of coercion.¹⁶ The policing function was centralized, and the political police assumed command of other police, as well as internal policy, according to these stages:

First, the police services are centralized under effective national command; second, the political police service is built up into a national service with its own powers and chain of command, parallel to the normal criminal and uniformed police services; next, the political police service is amalgamated with the criminal police service, with the political police in command; the uniformed police services are then subordinated to the needs and special operational requirements of the unified political/criminal police service; and, finally, the uniformed police service is strengthened as an armed reserve force by the creation of a para-military force with its own weapons, intelligence and logistic support, under the command of, and loyal to, the central police command.¹⁷

This, as Chapman says, makes "the police apparat as a whole into an offensive weapon of the state rather than a protective force for society. Its main concern is now the control and formulation of state policy in internal affairs rather than the implementation of objective law and the protection of private and collective rights."¹⁸ Having displaced the liberal democratic state, the modern police state is not only a political instrument; it is also repressive and arbitrary, features most commonly associated with the term "police state."

14. Ibid., 33.

15. Ibid., 45.

16. Ibid., 78–9.

17. Ibid.

18. Ibid., 79.

Basically, the totalitarian police state differs from the modern police state in that it entails the political police displacing the party as the source of political direction. The party becomes subordinate in the same way as the governmental administrative apparatus; the political police take direction straight from the charismatic leader.¹⁹ This development is neither inevitable nor irreversible, but depends on the outcome of a political struggle between the political police and the party.²⁰ In the USSR the totalitarian police state could be said to have existed from about 1938 (or perhaps as early as 1934)²¹ until Stalin's death in 1953, when the Party's control over the political police was reasserted. Separation of the political police from the regular police and the subordination of all police to the law would be critical requisites for Ukraine's democratic statehood. Obviously, political leadership is the crucial variable.

In addition to political and legal controls being asserted over the police of post-independence Ukraine, the police itself must acquire effective control of public order if the country is worthy of being called a state. A functional approach can augment the historical one here in anticipating the choices that may be open and opted for and the likely consequences of the style of policing, which are liable to emerge eventually. According to a British comparative study of public order policing, "the response of the state can generally be fitted into three broad categories: criminalisation, accommodation and suppression."²² These strategies are variously combined in particular countries, depending on:

- (1) the historical legacy, cultural traditions and popular perceptions that surround the image of the state; (2) the extent to which state

19. Ibid., chap. 8 and p. 119.

20. For an account of this struggle in the Soviet Union, see Amy W. Knight, *The KGB: Police and Politics in the Soviet Union*, rev. ed. (Boston: Unwin Hyman, 1990), chaps. 1–2.

21. Ibid., 24–5.

22. John D. Brewer et al., *The Police, Public Order and the State: Policing in Great Britain, Northern Ireland, the Irish Republic, the USA, Israel, South Africa and China* (New York: St. Martin's Press, 1988), 231. Briefly, the three strategies are defined as follows: (1) "criminalisation involves the police treating public disorder as instances of ordinary breaches of the law without regard to the political context in which the offences occur.... In effect, the state discounts the political dimension to disorder." (2) On the other hand, "the strategy of accommodation attempts in some form or other to meet the grievances of the groups from which disorder emanates." (3) Finally, suppression is marked by "the state's recognition of the political character of the disorder, and this strategy is usually deployed in the expectation that it will not only quell disorder but that its sheer forcefulness will act as a deterrent against further violence" (ibid., 231–2).

power is restricted by legal and political restraints which protect the rights of citizens; (3) the legitimacy of the state; (4) the degree to which the society is homogeneous and consensual; (5) whether social cleavages are episodic and transitory or sustained and over-arching; and (6) the extent to which the state is subject to (and prepared to countenance) domestic and international pressure.²³

Clearly, when the chips are down, the strategy for policing public order in post-independence Ukraine should emphasize suppression over accommodation or criminalization—not an auspicious beginning for a would-be liberal democracy.

Ukraine's historical legacy includes four to seven decades of rule under both the modern and totalitarian Soviet police state, preceded by several centuries under the traditional police states of Imperial Russia, Poland, and Austria. These conditions would predispose people in Ukraine to accept suppression of a section of society for the sake of the maintenance of order. Citizens' rights are not yet secure; hence this factor also favours suppression. If legitimacy "reflects the state's ability to measure up to the expectations and demands of the governed,"²⁴ then the outlook is not bright for the authorities in Ukraine to practice accommodation or criminalization as order-maintenance strategies instead of suppression.

There is a healthier outlook as far as social homogeneity is concerned, for Ukraine's society is not characterized by deep cleavages. It has been said that

a state composed of a homogeneous population will be less likely to employ suppressive modes of policing.... Where fundamental cleavages of a racial, religious or ethnic kind exist and perhaps overlap, the state is more likely to deploy a mixture of strategies, varying according to the relations that exist between majorities and minorities, the relative cost of accommodation compared to suppression, and the extent to which the segments that oppose the state are themselves cohesive.²⁵

The separatist movement in Crimea and the apparent divide between western and eastern Ukraine would certainly raise the spectre of suppression, if not its substance. Russia's concerns, finally, over Crimea, the Black Sea Fleet, and the rights of ethnic Russians in Ukraine would likewise impel the authorities in Kyiv to favour suppression, if not accommodation, over criminalization as a strategy to deal with public

23. *Ibid.*, 236.

24. *Ibid.*, 237.

25. *Ibid.*

order. In sum, from a comparative perspective the odds are rather against Ukraine's opting for a liberal democratic strategy of order-maintenance—a mixture that would rely primarily on criminalization—and in favour of a more authoritarian style of policing, at least initially.

It is important to note the structural features of the Soviet Ministry of Internal Affairs (MVD), the antecedent of today's police, as a starting point for the study of pertinent organizational changes. Before independence there was a central ministry for all of the USSR, with republican ministries as its branches.²⁶ The ministry controlled the regular police (*militsiia*), an Interior Army, and internal-security troops.²⁷ Republican police departments mirrored those at the centre, the major divisions being the Patrol Service, the State Automobile Inspectorate, the criminal investigations wing, and the anti-corruption arm, which was closely linked with the KGB. All departments co-operated closely with the Procuracy; all were subjected to "dual subordination" (to the republican government and to the MVD of the USSR), and were also supervised by the Communist Party's administrative apparatus.²⁸ Naturally, as one scholar has pointed out, "the KGB also had a significant role to play, though its interests tended to be rather more specialised, and this led to considerable friction between it and both the MVD and the procuracy. It also penetrated the MVD, through both formal liaison structures (which were generally staffed by serving and retired KGB officers) and

26. "Each constituent republic of the USSR ... had its own interior ministry as well as notional control over its own laws and their enforcement. In practice, though, republican legal codes mirrored their Russian counterpart, and the republican ministries were essentially local agencies for the USSR MVD" (Mark Galeotti, "Perestroika, Perestrelka, Pereborka: Policing Russia in a Time of Change," *Europe-Asia Studies* 45, no. 5 [1993]: 770). For background, see Robert Conquest, ed., *The Soviet Police System* (London: Bodley Head, 1968), chaps. 1–2; and Knight, *The KGB*, passim.

27. "The main directorates of the USSR MVD," strictly speaking, "corresponded to its principal operational functions and consisted of the criminal investigative division (*ugolovnyi rozysk*), the OBKhSS (the division for crime against state property), the division of social order, the GAI (State Automobile Inspectorate), the internal passport division, the OVIR (division of foreign passports and emigration), the departmental and extra-departmental guards, the division of correctional labor (which encompassed the labor camp system), and the fire service. Only the first five of these divisions were considered parts of the militia" (Shelley, *Policing*, 64).

28. Galeotti, "Perestroika," 769–70; and Shelley, "The Ministry of Internal Affairs," in *Executive Power and Soviet Politics: The Rise and Decline of the Soviet State*, ed. Eugene Huskey (Armonk, N.Y., and London: M. E. Sharpe, 1992), 210 and 212–14.

agent networks.”²⁹ The KGB was not subject to “dual subordination,” and the CPSU leadership somehow relied on it to root out corruption in the MVD, for which the latter had an unfortunate affinity, particularly in the Brezhnev era.³⁰ In addition to the *militsiia*, the MVD also had jurisdiction over various guard units, volunteer auxiliary detachments (*druzhiny*), a fire service, and internal-security troops (including the Special Forces Detachments [OMON, *Otriad militsii osobogo naznacheniiia*] that were deployed for the first time in 1988).³¹

The structure of the old Soviet Ministry of Internal Affairs, of course, was perhaps less important than how it operated. As Louise Shelley has written, “its mandate was to control crime, isolate political opposition ... and combat economic activity outside the state sector.”³² Here the omens for the post-Soviet order are not good. Within this mandate, the militia operations were distinctly authoritarian, and “far more encompassing, intrusive and freer of legal constraints than are police operations in democratic societies.” Indeed, “police in the Soviet Union operated with almost total impunity until the death of Brezhnev.”³³ In general, therefore, as Mark Galeotti has so succinctly put it,

whatever the honest intentions and genuine concerns of many policemen, the structure and the whole approach to policing was about the maintenance of state power and the preservation of the position and privileges of its elite. Individual property rights took second place to the collective, except when the rights of the *nomenklatura* were involved. Justice was a flexible notion, amenable to the exercise of *blat*, influence, or the comfortable internal procedures of party discipline. Indeed, Brezhnev’s last Interior Minister, Nikolai Shchelokov, was little more than his “fixer-in-chief”, there to sweep the corruption of the great under the carpet while punishing those amongst the people who had dared to imitate their example.³⁴

No doubt there should have been a reaction to all of this on the part of the architects of the new Ukrainian state and a desire to change the style of policing from authoritarian to liberal. Structural inertia, however,

29. Galeotti, “Perestroika,” 771.

30. Knight, *KGB*, 62–3 and 86–7. On corruption within the military, see Shelley *Policing*, 100–2.

31. Shelley, “The Ministry of Internal Affairs,” 210–11, and Galeotti, “Perestroika,” 770–1.

32. Shelley, *Policing Soviet Society*, 63.

33. *Ibid.*, 109.

34. Galeotti, “Perestroika,” 771.

would work against this transformation. If structure and function go together—as they do in organizations—then the Ukrainian authorities would have to change the organization of the Ministry of Internal Affairs in order also to change its operation.

The immense difficulty of transforming the Soviet pattern of policing was well illustrated by the experience of the USSR during perestroika and of independent Russia immediately thereafter. Growing public concern about crime initially led Gorbachev to institute a purge of the police and create the OMON riot police. Then, in 1989, he appointed Vadim Bakatin, an imaginative and energetic reformer, as minister of internal affairs of the USSR.³⁵ Bakatin introduced decentralization and a revolutionary philosophy. “Perhaps for the first time,” as Galeotti describes it, “policing the country began to become less a matter of securing the resources and perquisites of the state, and more about defending the interests and concerns of its citizens.”³⁶ New directorates were established in the MVD of the USSR to deal with the new challenges: Combating Organized Crime, Combating Illegal Drug Trafficking, and Crime Prevention.³⁷ Bakatin’s plan was for a two-tiered model. Decentralized policing “would forge closer links between the police forces and their constituency, the people they were meant to serve, and thus allow them to meet local needs ... [with] the role of the USSR MVD steadily contracting to, eventually, little more than a criminal intelligence data base and co-ordination agency for cross-republican operations.”³⁸ Bakatin, however, annoyed the KGB by challenging its traditional dominance over the MVD, and in November 1990 he was replaced by Boris Pugo, the former head of the Latvian KGB.³⁹ After the August 1991 coup Boris Yeltsin attempted unsuccessfully to create a police “superministry” for Russia. This project’s failure, comments Galeotti, “reflected the extent to which Russian policing attitudes have been conditioned by their Soviet antecedents, for all the talk of ‘Westernisation’, and how far change is still to a considerable extent a product of bureaucratic rivalry.”⁴⁰ Russia’s police structures

35. Ibid., 771–3.

36. Ibid., 774.

37. Ibid.

38. Ibid., 775–6.

39. Ibid., 778. On this period in Soviet policing, see also Shelley, *Policing*, 53–9. Pugo, one of the conspirators against Gorbachev in August 1991, committed suicide after the collapse of the attempted coup.

40. Galeotti, “Perestroika,” 782.

then became a continuation of Bakatin's reforms, but without any further extension and with OMON and other paramilitary and military security forces remaining intact. Galeotti's summary on all this is apt:

There has clearly been an attempt to break from the past pattern of policing Russia, consciously emulating Western examples.... Nevertheless, most people currently engaged in creating the "new" police have come from the "old" militia, and are steeped in its political culture. Western advice, while helpful, can do little until a deeper appreciation of the complex nature of the genuine "rule-of-law state" can percolate through the Russian police force, and be matched by the necessary legal structures and a new relationship between the police and the policed.⁴¹

The lesson for Ukraine thus seems to be that, given the inertial drag of organizational structure and culture, the crucial elements in a successful transformation of the police are reformist leadership; purging of corrupt police; the decentralization of everyday policing functions; improved recruitment and training of police; reorientation of the organization to new tasks; and suppression of bureaucratic politics by a clearer delineation of responsibilities for security, policing, investigation, and prosecution.

Policing Post-Communist Ukraine

To assess trends in policing in post-Communist Ukraine, we can begin with the elements listed in the immediately preceding paragraph and work backwards to the more general hypotheses developed earlier in the chapter. That is, it makes sense to look first at the enumerated critical factors: leadership, corruption, decentralization, goals, and refinement of responsibilities. Then we must look at styles of policing, control of public order, subordination of all police to the law, and separation of functions between regular and political police. Finally, it should be possible to evaluate Ukraine's degree of change from the totalitarian police state and to speak about the politicization and transformation of its police in the most general terms. The scorecard, as we shall see, is full of pluses and minuses.

Leadership

As in many other aspects of policing in Ukraine, there has been a considerable continuity of leadership between pre- and post-Soviet periods—primarily in structural terms, not individual personalities. The last Soviet-era minister of internal affairs was also the first post-Soviet one. Andrii V. Vasylyshyn, born in 1933, was appointed on 26 July 1990,

41. Ibid., 783.

by which time he had had thirty-three years of experience in police work, both in the ministry and the oblasts. He remained in office under President Leonid Kravchuk until 21 July 1994, when he was removed by President Leonid Kuchma and replaced by Volodymyr Ivanovych Radchenko. Fifteen years Vasylyshyn's junior, the new minister had only twenty-three years of experience—but in state security, not police work. His previous post was as deputy head of the Security Service of Ukraine and head of its Administration for Combatting Corruption and Organized Crime.⁴² In August Kuchma got rid of two more top officials in the ministry: Valentyn Mykhailovych Nedryhailo, the first vice-minister (in office since the end of 1992), was released because he was a full-time parliamentary deputy; and Veniamin Heorhiiiovych Bartashevych, vice-minister and the head of the Main Administration of Personnel, who was retired on pension.⁴³ Nedryhailo's position was taken over by Leonid Vasylovych Borodych. Another vice-minister, Iurii Fedorovych Kravchenko (appointed to the post also in December 1992), was transferred in December 1994 to head the State Customs Committee. Once Kuchma was free from scrutiny by Parliament in July 1995, he carried out his first major Cabinet shuffle, reappointing Radchenko as the head of Security Service and replacing him with the briefly absent Kravchenko.⁴⁴ The latter had been in police work since 1978, so he was no stranger to the Ministry of Internal Affairs.⁴⁵ Despite the change of ministers under President Kuchma, it was not clear that the new incumbent would be capable of reform insofar as he was a product of the same system as his predecessors—a newer product, granted, but still moulded by the same institution.

While he was president, Kravchuk paid little if any attention to the

42. *Imenem zakonu*, 29 July 1994. Following the example of President Boris Yeltsin of Russia, President Kuchma also signed a tough anti-crime decree. "Observers are asking," noted the *Financial Times* (23–24 July 1994) about the change of ministers, "if this is an indirect attempt to merge the police and security ministries into a single, powerful authority, as Mr. Yeltsin unsuccessfully tried to accomplish in Russia."

43. A police officer with over thirty years' experience, Nedryhailo was appointed vice-minister and director of the *militsiia* in April 1991 and promoted to first vice-minister in December 1992. See FBIS-SOV-92-250, 29 December 1992, 40; *Holos Ukrainy*, 13 March 1992; and Bilokin et al., *Khto ie khto* (1993), 119.

44. Associated Press, 4 July 1995.

45. Kravchenko was born in 1951. His biography appeared in *Holos Ukrainy*, 27 December 1994, and *Uriadovyi kur'ier*, 24 December 1994, on the occasion of his appointment to head the Customs Committee.

leadership of the Ministry of Internal Affairs and the police as vital components of the transition to democracy. He retained the same minister, Vasylyshyn, through several Cabinet shuffles, despite his having been appointed originally in 1990. At the end of 1992, as mentioned earlier, Nedryhailo took over from Volodymyr Korniiichuk as first vice-minister, and another vice-minister was also relieved of his duties. Three new vice-ministers, Oleksandr Ishchenko, Iurii Kravchenko, and Oleksandr Tereshchuk, were appointed.⁴⁶ Kuchma, on the other hand, set about improving this ministry immediately after his installation as president. Just two days after taking the oath of office, he replaced the minister. He also issued an edict on the urgency of accelerating the fight against crime in all its most serious forms—banditry, corruption, and armed criminal gangs.⁴⁷ A fortnight later, in an address to the collegium of the ministry, he expressed his dissatisfaction with its work. He said he was placing his hopes on Radchenko, the new minister, “to substantially reorganize the police [*militsiia*], to restore health to the internal climate, and to raise the effectiveness of the struggle with criminality.”⁴⁸ He made no mention of reform. This omission appeared consistent with his later appointment of Kravchenko to the Ministry of Internal Affairs. Despite the turnover at the top of the ministry,⁴⁹ Kuchma’s choice of a professional policeman as minister—who remained in office until March 2001—instead of a civilian still followed the Soviet pattern. Thus, it did not bode well for reform of the police towards the common-law pattern and away from the continental model. Similarly, his appointment of Mykhailo O. Potebenko as procurator general (also still in office in 2001) smacked more of Soviet restoration than democratic transformation. Potebenko had been procurator general of Ukraine in 1990–91.⁵⁰ Structurally, despite or perhaps

46. FBIS-SOV-92-250, 29 December 1992, 40.

47. “Pro nevidkladni zakhody shchodo posylennia borotby zi zlochynnistiu,” *Imenem zakonu*, 29 July 1994.

48. *Uriadovyi kur’ier*, 9 August 1994.

49. In addition to the changes already mentioned, in early 1995 three new vice-ministers were appointed: Viktor Mykhailovych Korol, as head of the criminal police; Volodymyr Serhiiiovych Tymofieiev, in charge of extraordinary situations; and Oleksandr Fedorovych Shtanko, as director of the Main Investigative Administration. *Ibid.*, 31 January and 30 March 1995. Of these three, Shtanko was still in his post as of December 1998. See *Ofitsiina Ukraina sohodni*, comp. H. Andrushchak, Iu. Marchenko, and O. Telemko (Kyiv: K.I.S., 1998), 84.

50. *Uriadovyi kur’ier*, 18 July 1998; *Corruption Watch* 1, no. 10 (22 July 1998); and *Khto ie khto* (1998), 322. Potebenko, who was born in 1937, began his career in the Soviet Procuracy in 1960.

because of Kuchma's efforts, policemen rather than elected politicians remain in charge of the police in Ukraine, which is the first essential condition for a police state.

In the circumstances, a change of direction had to depend more on the diffusion of ideas than the replacement of the top leadership alone. Minister Kravchenko's speeches showed signs of movement away from the totalitarian philosophy of policing, although very gradually. In his address to the collegium of the ministry at the end of December 1995, for example, he was very openly critical of the inadequacies of policing.⁵¹ But he offered no remedies for these shortcomings, apparently assuming that criticism would bring improvement. At the beginning of 1996, however, at a conference attended by a broad range of law enforcement specialists, including foreigners and UN officials, he spoke in a meaningful way about the reform of the police system that would lead it out of its totalitarian mould.⁵² Reform is necessary, he said, because of a series of factors. First, the "process of building a democratic, law-governed state" requires the alignment of institutional structures to new conditions of their functioning and development. Second, the ministry and its administration are excessively cumbersome, with duplication and parallelism, all impairing effectiveness. Third, the primary activity of policing must be reoriented to the protection of people's rights and freedoms. Functions not essential to safeguarding public order and fighting crime should be shed. Reform has to be based on specific principles, including unity and clarity of structure, priority for the basic levels of the organization, public access to information, concentration of efforts foremost on crime-fighting and public safety, close co-operation with local government, and restructuring made compatible with employees' interests. Minister Kravchenko also announced the introduction of experimental reforms in a few localities, but avoided altogether the term "decentralization," a key concept in the democratic reorganization of policing.

That speech echoed some, but by no means all, of the points made in a groundbreaking article by one of the police academy's vice-rectors. The author explicitly advocated not only "decentralization" but also a whole series of comprehensive steps to bring policing into line with Western practice, including changing the name *militsiia* (militia) to *politsiia* (police).⁵³ As the author rightly pointed out, "in its original meaning 'militia' refers to an army formed only for wartime as a home guard,"

51. *Imenem zakonu*, 28 December 1995.

52. *Ibid.*, 9 February 1996.

53. *Holos Ukrainy*, 30 January 1996.

while “the term ‘police’ indicates an establishment and personnel that protect life, health, and property, as well as civil order and safety.” Reflecting a welcome philosophical departure from the totalitarian police state, the article emphasized that “the militia should be transformed from a punitive-repressive organ into a body whose activity is directed first of all towards the defence of the rights and freedoms of every citizen from unlawful encroachments.”⁵⁴ Faced with a new situation, the organization of police work must now be restructured. The hitherto prevailing practice of creating structures for each new problem had led to a bloated administration. As an example of duplication, the author cited the case of economic crime with which three separate structures inside the ministry were now dealing: the State Service for Combatting Economic Crime; the Organized Crime Subdivisions; and the Tax Police. The reduction of such duplication and administrative functions would mean that more personnel would be freed up for the practical tasks of policing. Clearly there is a ferment of ideas about policing in Ukraine, which should lead eventually to change.

Corruption

In Soviet times corruption among the police was an unheard-of topic in the mass media; it remained a taboo subject in Ukraine during General Vasylyshyn’s tenure as interior minister, even after 1991. The only hint of possible trouble was his mention in an interview early in 1993 of the recent formation of an internal-security service within the ministry and its oblast branches, “upon which has been placed the task of watching over the purity of our police ranks,” as he said.⁵⁵ His successor, General Radchenko, was more forthcoming. He revealed that the internal-security service was to come under central control and would be taken out of the hands of the oblast administration. In a two-month period (presumably August–September 1994) 324 violations of the law had been uncovered within the police, and 43 criminal proceedings initiated.⁵⁶ In his address on the occasion of Police Day (20 December), Radchenko underlined his concern about uprooting corruption by citing the dismissal in 1994 of 6,579 personnel from the service, of whom 249 were brought to court. In 1993, he revealed, there were 2,120 and 171, respec-

54. Ibid. Contrast this with the imagery used earlier by the then director of the Main Administration for the Defence of Public Order, Maj.-Gen. M. Korniienko, who spoke of the need “to co-ordinate the forces of all the law-enforcement agencies, uniting their might into a single fist” (*Imenem zakonu*, 13 May 1994).

55. *Holos Ukrainy*, 2 March 1993.

56. *Uriadovi kur’ier*, 6 October 1994.

tively.⁵⁷ Whether this meant greater vigilance by internal security or more corruption was not clear. According to a senior official of the ministry's Personnel Department, in 1994 disciplinary measures were taken against some 1,500 individuals, 242 of whom were convicted. During that year 617 criminal proceedings were initiated, 134 fewer than in 1993.⁵⁸ While the figures may not be altogether compatible or indicative of a clear trend, we can say that since Kuchma's accession to office there has been more openness about police corruption, more concern about it, and some action taken—though not always with alacrity.⁵⁹

Concern about police corruption continues, with no end in sight for the struggle with it. In the first nine months of 1998, 384 criminal cases were opened against law enforcement officers. Altogether there were 858 cases then before the courts, involving 1,000 officers; by the end of the year 450 militia officers had been brought to trial since January.⁶⁰ Low pay and salary arrears are seen as the main reason for police corruption.⁶¹ In one case, an investigator and a policeman (*militционер*) in Mykolaiv "were arrested for demanding a U.S.\$650 bribe from a local resident in exchange for releasing him from liability for an offence."⁶² In another, a police driver in Kharkiv loaned "his uniforms and handcuffs for 50 hryvnias to gangsters who engaged in 'beating out' bad debts and robberies."⁶³ In the fall of 1998 the Ministry of Internal Affairs began sending out special groups into the regions of Ukraine to root out corruption among officers of the militia.⁶⁴

In a related development, there was an interesting reversal of policy

57. *Imenem zakonu*, 23 December 1994.

58. *Ibid.*, 6 January 1995. The source was Lieutenant-Colonel Volodymyr Ivanovych Miakota, first deputy director of the Main Administration of Personnel of the Ministry of Internal Affairs. According to Minister Kravchenko, 419 former ministry employees were sentenced for crimes in 1995. See *Imenem zakonu*, 28 December 1995.

59. For a detailed account of police corruption in Ivano-Frankivsk oblast, for example, see *Holos Ukrainy*, 18 October 1995, as well as the minister's defence of the oblast police chief. See also the interview with Kravchenko, *ibid.*, 7 October 1995, where he completely sidesteps the question of police corruption.

60. *Corruption Watch* 1, nos. 17 (28 October 1998) and 21 (23 November [i.e., December] 1998).

61. *Ibid.*, nos. 12 (19 August 1998) and 16 (14 October 1998).

62. *Ibid.*, no. 4 (29 April 1998).

63. *Ibid.*, no. 7 (10 June 1998).

64. *Ibid.*, no. 17 (28 October 1998).

under Radchenko, Kuchma's first interior minister. Apparently oblast police chiefs used to be selected from the locality in question.⁶⁵ In an interview in October 1994 Radchenko was quoted as saying: "We shall adhere to the principle that the head of the police of an oblast can only be a person from another oblast, even though this has elicited a negative reaction on the part of some oblast council heads."⁶⁶ The measure was probably designed to combat patronage and corruption. "Several heads of oblast UVS [Administrations of Internal Affairs] have been released, and in their place energetic, young workers have been appointed," Radchenko said.⁶⁷

Decentralization

Even Ukrainian jurists have recognized the necessity of decentralizing everyday policing functions, especially the fight against crime.⁶⁸ However, this seems not to have affected the thinking of interior ministers. In a 1993 interview, for example, then Minister Vasylyshyn recounted how, when new units to deal with organized crime were being established under the Soviet regime, Moscow demanded that these be concentrated at the regional level and subordinated to itself. "Naturally," said Vasylyshyn, "we [i.e., the Ministry of Internal Affairs in Kyiv] could not agree to this and insisted that the newly-created subdivisions be subordinated to the Ministry of Internal Affairs of Ukraine."⁶⁹ In a similar vein, General Radchenko, his successor, responded thus when he was asked about the possible subordination of the police to local governmental authorities: "If ... the local councils acquire the ability to command the police, that will be the beginning of the end for

65. Vasylyshyn alluded to this in an early interview when he denied that Bakatin, the Soviet minister, had predetermined his own appointment. "There's no more need to go to Moscow and waste a lot of time and frayed nerves merely to observe a formality. We ourselves decide who will work for us and where. And literally an hour before our meeting I signed orders providing for the appointment of two UVD [i.e., oblast] chiefs.... They are both local, highly skilled, and experienced professionals" (*Rabochaia gazeta*, 12 August 1990, trans. in JPRS-UPA-90-069, 14 December 1990, 105).

66. *Uriadovyi kur'ier*, 6 October 1994.

67. Ibid. For a few examples of such dismissals, see *Imenem zakonu*, 17 February 1995.

68. Heorhii Radov and Volodymyr Selivanov, "Zlochynnist: Prymyrennia z neiu — zlochyn," *Viche*, 1994, no. 5: 64. Selivanov was the adviser to President Kravchuk on national security questions. See *Pravo Ukrainy*, 1993, no. 1: 27. Earlier, he was the secretary of the National Security Council of Ukraine. See Bilokin et al, *Khto ie khto* (1993), 156. See also Vasyl Shakun, "Zamist militsii — politsiia," *Holos Ukrainy*, 30 January 1996. Shakun was first vice-rector of the Police Academy of Ukraine.

69. *Holos Ukrainy*, 2 March 1993.

reforms in the MIA [Ministry of Internal Affairs]. I understand that the police should periodically report to local government bodies with whom they have to have truly close ties—there is no question about that. But to direct, to instruct—we know very well where that will lead.”⁷⁰

By this he implied that control of the police would fall into the hands of local politicians. “The police should serve the state, not politicians,” he said emphatically.⁷¹ In line with this philosophy, in 1994 the national government undertook to counter the challenge to its authority from the Autonomous Republic of Crimea by placing its police under the control of the minister’s deputy in Crimea, an officer appointed by the Cabinet in Kyiv on the minister’s nomination.⁷² The animus against decentralization and in favour of centralism, a legacy of the Soviet era, dies hard among state leaders in Ukraine.

Recruitment and Training

“There is no queue to join the police,” Ukraine’s minister of internal affairs once said.⁷³ In addition to the physical dangers of the profession, salaries are inadequate and are the main consideration in joining or leaving.⁷⁴ Hence the relatively high rate of turnover and inadequate numbers of personnel for effective policing. At the beginning of 1995 the size of Ukraine’s national police force was approximately 221,000. In the preceding 12 months 40,000 new recruits entered the police force, and nearly 16,000 policemen left the service. Most of the newcomers—over 25,000—were demobilized military personnel or reservists.⁷⁵ The ratio of police to citizens in Ukraine was said to compare unfavourably with the USA, England, and Germany.⁷⁶

70. *Uriadovyi kur’ier*, 20 December 1994.

71. *Ibid.*

72. “Pro vnesennia zmin i dopovnen do statti 7 Zakonu Ukrainy ‘Pro militsiiu’: Zakon Ukrainy,” 28 June 1994, *Imenem zakonu*, 26 August 1994. For background on this action, see *ibid.*, 27 May, and 3, 10, 17, and 24 June 1994.

73. *Holos Ukrainy*, 25 June 1994.

74. *Imenem zakonu*, 6 January 1995; and *Holos Ukrainy*, 20 December 1994. According to Vasyl Durdynets, in the four years ending in December 1995, 419 police officers were killed in the line of duty and 2,663 wounded. See *Imenem zakonu*, 5 January 1996. Among oblast policemen, the figures in 1995 were 84 and 380, respectively, as given by First Vice-Minister L. V. Borodych. *Ibid.*, 26 January 1996.

75. *Imenem zakonu*, 6 January 1995.

76. “In the USA, one policeman on the streets of a city services 350 people, while in England and Germany it is 500–700 persons. But in Ukraine for every policeman

According to First Vice-Minister Borodych, the high rate of turnover has resulted in chronic vacancies in general and a chronic inadequacy of personnel with legal training in particular.⁷⁷ In 1994, 2,500 jurists (i.e., specialists with secondary or post-secondary education, trained in the law) were taken on, but 3,500 were released.⁷⁸ Similarly, out of 10,900 personnel released in 1995, nearly 3,700 were qualified lawyers (again, legal specialists, not Western barristers), and only 1,500 were taken on as replacements. At the beginning of 1996 the ministry was short 24,000 legal specialists. The attrition of those with post-secondary training was especially marked: in 1991 they constituted 24.7 percent of personnel, dropping to 16.7 percent in 1995. By 2000 they were expected to drop to 9.5 percent.⁷⁹

Although the number of training establishments was increased in the early 1990s,⁸⁰ the number of places in them was apparently still inadequate. At the end of 1994 some 18,000 personnel were undergoing training in the ministry's schools—fewer than the number of new recruits and certainly not enough to include staff training.⁸¹ The premier training establishment—accounting for forty percent of the entire system's complement of instructors with post-graduate degrees—was the Ukrainian Academy of Internal Affairs. Established in 1992 on the basis of the Kyiv Higher School of the former Ministry of Internal Affairs of the USSR, it graduated its second class of qualified policemen in 1994.

on patrol service there is an average of 4,500 citizens" (*Imenem zakonu*, 6 January 1995). Thus, in order to reach a ratio of one patrolman for every thousand residents, it was said that Ukraine would have to hire 25,000 policemen. See *Imenem zakonu*, 13 May 1994. Meanwhile, the head of the Donetsk police force reported that "in the USA, for one policeman there are 800–1,000 residents, while for us the workload is 3,000 to 3,500" (*Uriadovyi kur'ier*, 13 September 1994).

77. In 1994 in Donetsk oblast, for example, there were 1,550 vacancies; each investigator carried a workload of sixty-seven cases, as compared with the norm of thirty-five. See *Uriadovyi kur'ier*, 13 September 1994. For a report on the inadequacy of numbers and training in Zakarpattia oblast, see *Uriadovyi kur'ier*, 24 June 1995.

78. *Holos Ukrainy*, 20 December 1994.

79. *Imenem zakonu*, 16 February 1996.

80. *Imenem zakonu*, 6 January 1995. At the end of 1992 there were thirteen major training establishments (three of these at the post-secondary level) and twenty primary professional training schools. See "Zabezpechyty nalezhnu pidhotovku kadrov dlia orhaniv vnutrishnikh sprav," *Pravo Ukrainy*, 1992, no. 1: 27. A year later, Minister Vasylyshyn was quoted as saying that there were sixteen major establishments, four of them at the post-secondary level. See *Uriadovyi kur'ier*, 21 December 1993.

81. *Imenem zakonu*, 23 December 1994.

It functions not only as a police academy but also as a research and post-graduate school. In 1994 it consisted of eight faculties, including: training of executive personnel; criminal police specialization; investigation; criminal expertise; operational and executive staff for the MIA; the Kyiv Institute of Internal Affairs; and other research, post-graduate, and teaching centres.⁸² One-third of all personnel undergoing training—6,000 individuals—were enrolled in the academy.⁸³ In 1995 and 1996 new training facilities were continuing to be created (usually out of existing ones), and new courses of study were still being developed.⁸⁴

Goals and Tasks

According to its own reports, the Ministry of Internal Affairs was continually reorienting itself to new tasks even before the collapse of the USSR. For instance, in January 1992 highly mobile and specially armed units were established to deal with extraordinary situations, particularly law-breaking by groups of people or armed criminals. Formed out of the existing OMON, they were given the name Berkut (Golden Eagle) and

82. *Uriadovyi kur'ier*, 16 June 1994; *Pravo Ukrainy*, 1993, no. 1: 27; and *Imenem zakonu*, 6 January 1995. Typically, the institution's origins are traced all the way back to the All-Ukrainian School for the Militia Command Staff that was established by the Bolshevik Council of People's Commissars in Kharkiv on 29 December 1922. On 1 October 1925 it was moved to Kyiv, where it remained until the war (1941). Re-established in 1944, it was reorganized on 20 August 1956 and again in 1958, when it became a branch of the Moscow Higher School of the Ministry of Internal Affairs of the USSR. From May 1960 it became the Higher School of the Ministry of Internal Affairs of Ukraine, but was resubordinated in 1960 to the all-Union Ministry of Internal Affairs. By decree of the Cabinet of Ministers of Ukraine, it assumed its present identity as the Police Academy of Ukraine. It thus celebrated its 75th anniversary in 1997. See *Imenem zakonu*, 2 February 1996.

83. *Pravo Ukrainy*, 1993, no. 1: 27. In 1996 the numbers of students in training at the academy were 3,400 in residence; 4,300 enrolled by correspondence; and 200 pursuing post-graduate studies. See *Imenem zakonu*, 2 February 1996.

84. *Imenem zakonu*, 6 January 1995; and *Uriadovyi kur'ier*, 7 February 1995. At the beginning of 1996 there were seventeen higher educational establishments run by the ministry, six of them offering the three-year "junior specialist" qualification, and eleven the normal university-level "specialist" designation. Accredited by the state on an equal footing with civilian colleges and universities, they offered their 29,682 students the following refurbished set of specializations: jurisprudence; law enforcement administration; military law; criminal procedure; criminology; criminal-executive activity; credit and finance; computer systems for information and management; social work; practical psychology; fire prevention and firefighting; enterprise economy; and accounting and auditing. See *Imenem zakonu*, 16 February 1996.

assigned 3,000 men.⁸⁵ New units were created in 1993 for public relations, the battle against drugs, organized crime, and juvenile delinquency. Ukraine developed ties with Interpol.⁸⁶ The structure of the ministry itself was rearranged and the following services created: Criminal Police; Citizen Safety; Transport Police; State Automobile Inspection; Police Bodyguards; Special Police; and Highway Police.⁸⁷ A State Service for Combatting Economic Crime was also established;⁸⁸ in 1994 it uncovered 46,828 crimes. In the prevailing condition of Ukraine's economy, this service seemed disposed to regard as suspect all would-be businessmen, but its chief underlined that many of the current difficulties in fact stem from government control of the economy, especially of prices, which opens the door to corruption and bribery.⁸⁹ A new unit was also set up for psychological counselling of ministry employees to help them cope with stress.⁹⁰ It has even been suggested that Ukraine emulate the American practice of establishing special strike forces to deal with crime. "The Strike Forces," as explained by Michael Gray,

are permanent units established in key cities around the United States, as semi-autonomous groups of investigators and prosecutors. Their primary purpose is to combat organized crime whose tentacles reach into public and official life. They operate with enough independence to be able to effectively investigate and prosecute powerful public officials believed to be corrupt.⁹¹

This proliferation of new structures to meet the new challenges, however, has not always worked effectively.

A major handicap inherited from the Soviet regime was the existence of a large number of institutions involved in law and order, besides the Ministry of Internal Affairs, and the problem of their co-ordination. This

85. *Holos Ukrainy*, 13 March 1992; and FBIS-SOV-92-047, 10 March 1992, 36. Originally established in 1987 under Gorbachev, OMON troops were used extensively until 1991 against nationalist movements, particularly in the Baltic states and Ukraine. See Shelley, *Policing*, 53–4, 78, and 190–2; and Kuzio, *Ukraine: Perestroika to Independence*, 80–1.

86. *Holos Ukrainy*, 17 February and 18 December 1993.

87. *Ibid.*, 2 March 1993.

88. "Pro utvorennia Derzhavnoi sluzhby borotby z ekonomichnoiu zlochynnistiu," statute 30, in *Zibrannia postanov Uriadu Ukrainy*, 1994, no. 2: 10–13.

89. *Imenem zakonu*, 2 December 1994; and *Holos Ukrainy*, 28 January 1995.

90. *Imenem zakonu*, 6 January 1995.

91. Michael Gray, "Fighting Organized Crime and Public Corruption," *Transition* (World Bank), April 1998, 17.

has not been satisfactorily resolved, although efforts have been made. The continued lack of clear delineation of functions, primarily among the Ministry of Internal Affairs, the Security Service, the Procuracy, the Border Guards, and the National Guard, provides fertile ground for bureaucratic politics.⁹² Mercifully, at the end of 1999 President Kuchma abolished the National Guard, folding its functions into the Ministries of Internal Affairs and Defence.⁹³

New Responsibilities

In June 1993 President Kravchuk established under his own chairmanship a Co-ordinating Committee for Combatting Crime. Its fifteen other members included the heads of the Ministry of Internal Affairs, the Procuracy, the Security Service of Ukraine, the Border Guards, Customs, the Justice Ministry, the Tax Inspectorate, and the Police and Justice Academies, and the first vice-prime minister. Its main tasks were to co-ordinate the work of law enforcement bodies; monitor the observance of relevant laws; amalgamate the efforts of state bodies; and prepare suggestions for improving legislation. In carrying out its responsibilities, it would have the right to hear ministerial and other reports; issue recommendations; delegate the holding of financial audits; send materials to the procurator's office; demand information; raise questions on shortcomings in officials' duties; and visit any institutions without hindrance.⁹⁴ In November this committee was expanded, reorganized, and renamed.⁹⁵ President Kravchuk now called it the Co-ordinating Committee for Combatting Corruption and Organized Crime, and its duties were the execution of the preceding edict. One member was dropped altogether. Two of its members, the procurator general and the

92. A further complication was the existence of Ministry of Internal Affairs troops. On these, see the law of 23 March 1992 (re)establishing them, "Pro viiska vnutrishnoi ta konvoinoi okhorony," *Holos Ukrainy*, 22 April 1992. For articles describing their work, see also *Uriadovyi kur'ier*, 25 March 1995; and *Imenem zakonu*, 24 March 1995.

93. *Uriadovyi kur'ier*, 21 December 1999; and "Pro zminy u strukturi tsentralnykh orhaniv vykonavchoi vladly: Ukaz Prezydenta Ukrainy," no. 1573/99 (15 December 1999), at <www.rada.kiev.ua>, consulted on 13 November 2000. At the same time he ordered the liquidation of the stillborn National Bureau of Investigation (see below).

94. "Pro Koordynatsiinyi komitet z pytan borotby zi zlochynnistiu," *Holos Ukrainy*, 22 June 1993. The edict was dated 18 June 1993.

95. "Pro Koordynatsiinyi komitet po borotbi z koruptsiieiu i orhanizovanoiu zlochynnistiu," *Holos Ukrainy*, 2 December 1993. This edict was dated 26 November 1993.

head of the State Tax Inspectorate, were replaced because the officeholders had changed. Three new members were added, including the head of the National Bank; four others were relegated to a Subcommittee for the Co-ordination of the Activity of Law Enforcement and Other State Bodies in Matters of Strengthening Law and Order. Finally, four more newcomers—one each from the Ministry of Internal Affairs, the Security Service, and the Procuracy, plus the vice-minister of defence—were added to the subcommittee. This body therefore consisted of twenty-two persons: fourteen in the committee and eight on the subcommittee. But in a scathing assessment that was co-authored by an adviser to President Kravchuk, the Co-ordinating Committee was characterized as a typically formalistic-bureaucratic response based on outdated concepts. By reason of its powers and organizational resources it was incapable of fighting against crime and in fact had had no effect on the level of crime.⁹⁶

At the end of 1994 the new president, Leonid Kuchma, reconstituted the Co-ordinating Committee.⁹⁷ Its structure and overall size were retained, but the composition was changed. It still had twenty-two members, but thirteen individuals were newcomers on account of the reshuffling of the Cabinet and the government stemming from the change of administration. Six new positions were represented on the committee: an assistant to the president; the vice-minister of finance; the head of the Kyiv Administration of the Ministry of Internal Affairs; and a department head from the relevant section within the office of the Cabinet of Ministers. In addition, a full-time secretary was added, as was a deputy head of the committee who would also act as head of the subcommittee. These changes seemed designed to strengthen this body organizationally and link it more closely to the Cabinet, rather than be limited to the order-maintaining institutions of government. Headship of the committee was assigned to Ievhen Marchuk, then the first vice-prime minister. Thus, it was no longer in the hands of the president, who was not even a member of the committee.

The edict establishing the new Co-ordinating Committee closely paralleled its predecessor, even retaining the same name. But in other

96. Radov and Selivanov, "Zlochynnist," 63. For a taste of the proceedings of the committee, see the report of its final meeting on 15 June 1994, in *Holos Ukrainy*, 25 June 1994. In his last days in office President Kravchuk was still pleading with Parliament to pass some twenty bills designed to fight crime and establish law and order. See *Imenem zakonu*, 8 July 1994. They perhaps merited the same assessment by Radov and Selivanov.

97. *Uriadovyi kur'ier*, 12 January 1995. The edict was dated 30 December 1994.

respects it was more practical and less ambitious.⁹⁸ The tasks of co-ordinating, monitoring, and concentrating forces assigned to the committee were identical, except that two new ones were added. These were to develop proposals on the prevention of corruption by officials and organize co-operation with foreign states and international organizations. Several of the committee's rights were curtailed (demanding and sharing information, as well as calling officials to account), but its organizational base was strengthened by being provided with staff and the authorization for the establishment of similar committees in oblast administrations.

At the end of January 1995, however, President Kuchma expressed disappointment that his edict of the previous July had not brought about the desired results in combatting "the fifth branch" of power in the state.⁹⁹ He proposed that the Co-ordinating Committee should become the directing staff of the fight against corruption and organized crime, carry out analytical functions, and engage in real co-ordination of activities. Special analytical centres with access to secret materials should be established in the training establishments of the Ministry of Internal Affairs and the Security Service. Such a centre would also be set up in the presidential office. He emphasized the danger of the further criminalization of Ukraine's economy: the end result would be a criminal economy with a police state. Security Service personnel should be seconded for up to one year to the Ministry of Internal Affairs, and Ministry of Defence personnel should be allowed to volunteer to serve in the former. He warned of the danger of Ukraine developing into a police state if the crime wave was not stopped and the rule of law not observed. In December 1999 President Kuchma put the blame for lack of progress in combatting organized crime on the Supreme Council, which he said was blocking the adoption of appropriate legislation.¹⁰⁰

In April 1997 Kuchma decreed the creation of a National Bureau of Investigation (*Natsionalne biuro rozsliduvan*), patterned on the U.S. Federal Bureau of Investigation (FBI). He appointed the veteran security chief Vasyl V. Durdynets as its head. The bureau was designed to fight organized crime and corruption, but after its inception it became bogged down in controversy, with its detractors complaining of duplication and

98. Ibid., and cf. *Holos Ukrainy*, 22 June 1993.

99. *Uriadovyi kur'ier*, 2 February 1995. The edict of 21 July 1994, "Pro nevidkladni zakhody shchodo posylennia borotby zi zlochynnistiu," appeared in *Holos Ukrainy*, 22 July 1994, along with the companion edicts replacing the minister of internal affairs.

100. *Uriadovyi kur'ier*, 16 December 1999. In April 2000 he again called for greater efforts to combat corruption and pointed to privatization as a breeding ground "for corruption and economic crime" (RFE/RL Newline, 21 April 2000).

its proponents claiming it would eliminate duplication. By the beginning of 1999 Parliament still had not approved a budget allocation for this newest crime-fighting body, and Kuchma had replaced Durdynets by Potebenko, who would retain his designation as procurator general.¹⁰¹ The initiative was aborted in December 1999.

President Kuchma's frequently voiced opinion was that the police had not yet managed to gain effective control of public order, the statistics of the Ministry of Internal Affairs notwithstanding.¹⁰² Crime statistics are notoriously unreliable as indicators of anything, even in the best of circumstances. A major problem is that the ratio of reported to unreported crimes is not known, and thus the effectiveness of policing cannot be judged by crime rates. Besides, it is in the interests of police to report high rates of crime so as to justify their budgets. A commonly used figure in Ukraine, nevertheless, is the number of registered crimes per year. Before independence, in 1988, this stood at 242,974.¹⁰³ In the first half of 1992 there were already 235,800 cases, or about as many as in all of 1987;¹⁰⁴ the figure for the whole of 1992 was an astonishing 480,500.¹⁰⁵ In the first eleven months of 1993 there were over 487,000 registered crimes, or an increase of 10.8 percent during an analogous period a year earlier.¹⁰⁶ During the

101. *Holos Ukrainy*, 27 December 1997, 13 January 1998, and 30 January 1998; *Uriadovyi kur'ier*, 26 December 1998; and *Corruption Watch* 1, nos. 4 (29 April 1998) and 10 (22 July 1998); and vol. 2, nos. 6 (27) (17 March 1999), 7 (28) (31 March 1999), and 9 (30) (28 April 1999). In February 1997 Durdynets had replaced Marchuk as head of the Co-ordinating Committee, but was himself replaced by Potebenko in March 1999. See *Khto ie khto* (1998), 121; *Corruption Watch* 2, no. 9 (30) (28 April 1999); and *Uriadovyi kur'ier*, 24 March 1999. In March Durdynets was appointed to head the Ministry of Emergency Situations and the After-Effects of Chornobyl. See *Uriadovyi kur'ier*, 24 March and 10 April 1999.

102. This opinion was expressed again on 20 November 1998, when Kuchma "blasted the police and the court system for being inefficient in fighting crime.... He told a conference on fighting organized crime and corruption that the three main reasons hindering the work of law enforcement bodies are lack of experience, low moral standards among police officers, and inconsistent legal norms. Kuchma said 'people are losing faith in the state and the authorities' because of the police's inability to solve many serious crimes and combat organized crime" (RFE/RL Newsline, 23 November 1998).

103. "Pravosuddia u zerkali statystyky," *Radianske pravo*, 1989, no. 5: 3.

104. *Ukrainske Telebachennia Television Network*, 1600 GMT, 21 July 1992, trans. in FBIS-SOV-92-141, 22 July 1992, 65; and *Uriadovyi kur'ier*, 14 August 1992, trans. in FBIS-SOV-92-162, 20 August 1992, 41.

105. *Imenem zakonu*, 2 April 1994.

106. *Holos Ukrainy*, 18 December 1993; and *Uriadovyi kur'ier*, 21 December 1993.

same eleven-month period in 1994 the figure was over 512,000, or an increase of 7 percent.¹⁰⁷ For all of 1994 the number of registered crimes was up by 6.1 percent.¹⁰⁸ While the rate of increase, therefore, would appear to be slowing down and police effectiveness increasing, the minister of internal affairs in his year-end interview for 1994 took a more long-term and concerned view. The annual rate of increase in numbers of registered crimes was, from that perspective, only slightly more than 4 percent in 1974–89; in 1990–94, it jumped to over 17 percent.¹⁰⁹ The Ministry of Internal Affairs was naturally motivated to agree with the president's critical assessment of the crime problem, although not necessarily of its own performance. In 1995 the figure jumped to nearly 642,000, or 12.2 percent,¹¹⁰ once again justifying the minister's concern and his budgetary demands.

In 1996 there was a drop of 3.8 percent in the number of registered crimes.¹¹¹ According to Vasyl Durdynets, in 1997 there were nearly 590,000 crimes in Ukraine, a decrease of 4.5 percent over 1996. Of these, nearly 223,000 were considered serious offenses, including 4,529 murders. Significantly, there were over 120 contract killings, as compared with 38 in 1990.¹¹² Exactly 1,079 organized criminal groupings were uncovered in 1997, an increase of 13 percent. These gangs were responsible for 7,400 crimes, including 112 murders and 5,300 armed robberies. Every year 30 percent of crimes is unsolved; in 1998 this figure declined slightly to 25.7 percent.¹¹³ The crime rate declined by 10 percent in 1998 and continued in a downward direction (down 3 percent) in the following year.¹¹⁴

107. *Holos Ukrainy*, 20 December 1994.

108. *Imenem zakonu*, 17 February 1995.

109. Minister Radchenko did note a slowdown during the course of 1994: in January, compared to the same month a year earlier, crime had increased by 29.7 percent; in November, by just 7 percent. See *Uriadovyi kur'ier*, 20 December 1994.

110. *Imenem zakonu*, 9 February 1996.

111. *Uriadovyi kur'ier*, 26 December 1998.

112. *Holos Ukrainy*, 30 January 1998.

113. *Uriadovyi kur'ier*, 26 December 1998.

114. RFE/RL Newline, 11 March 1999; and Bila, "Tinova Ekonomika," 55. Contrary to the general trend, the number of homicides, assaults, and fraud rose in 1999; the largest category of crime (47 percent) was theft. Earlier, Minister Kravchenko revealed that in the first nine months of 1998 the number of crimes was down by 2.2 percent, and serious crimes, by 2.8 percent. See *Uriadovyi kur'ier*, 13 October 1998.

Economic crime—such as that connected with financial services and the processes of privatization—is a new and rapidly growing category for law enforcement agencies in Ukraine.¹¹⁵ In 1998 there were 2,500 such cases, an increase of 10 percent from 1997 and 31 percent from 1995.¹¹⁶ If accurate, these figures show a growth rate of 9 percent a year, whereas the general crime rate indicates a downturn. An illustration of the boom comes from Cherkasy oblast, where seven such crimes were investigated in 1995, but as many as sixteen crimes in the first quarter of 1998.¹¹⁷ This rapid rate of growth indicates the serious inability of the police to cope with this type of crime, which is undoubtedly due to lack of experience and equipment. The situation is not helped by the fact that economic crime fighters themselves are susceptible to bribery.¹¹⁸

Organized crime is another formidable problem for the law enforcement bodies in Ukraine. Popularly referred to as the *mafia*, it thrives on the “shadow economy.” “According to official statistics,” said one report at the end of 1998, “the police have rooted out nearly 3,000 criminal gangs that have committed some 21,700 crimes in Ukraine over the past three years.”¹¹⁹ By the beginning of 1999 “some 200 criminal groups [were] currently active in Ukraine, controlling nearly 12,000 firms,” it was reported.¹²⁰ Money laundering and prostitution are among the main activities of organized crime, which are sometimes intercepted.¹²¹ In one case in Odesa,

115. RFE/RL Newsline, 11 March 1999.

116. *Corruption Watch* 2, no. 6 (27) (17 March 1999).

117. *Ibid.* 1, no. 8 (24 June 1998).

118. “A task group for preventing organized crime and corruption of the Kyiv department of the Security Service detained an officer of the division for fighting economic crime of the Podilsky borough militia department who is suspected of extorting a U.S.\$4,000 bribe from a chief accountant of a Kyiv-based firm as a payment for closing down criminal investigation against her. The accountant, approached by the suspect, complained to the Security Service, and shortly handed a package with marked bills to the officer. The money was found in the suspect’s car. The situation is not unusual: recently, an increasing number of persons threatened by corrupt law-enforcement officers prefer to seek protection from extortions from the Security Service” (*ibid.*, 1, no. 15 [30 September 1998]).

119. RFE/RL Newsline, 23 November 1998.

120. *Ibid.*, 11 March 1999. This not inconsiderable number of organized gangs had decreased since 1996. At the time Heiko Pleines wrote: “About 400 large gangs operate in Ukraine” (“Ukraine’s Organized Crime is an Enduring Soviet Legacy,” *Transition* [Prague], 8 March 1996, 11).

121. “Tax police have uncovered an underground network that allegedly laundered money for some 3,000 companies, including state-run enterprises.... The network, which operated from Kyiv, received money from interested companies

a "mafia agent" from Azerbaijan even attempted to infiltrate the local police, but was apprehended before finishing his police training.¹²² The police in Odesa also carried out a successful operation in which "a total of 109 people were arrested, including underground leaders from 30 regions of Ukraine as well as from Russia, Belarus, Moldova, Kazakhstan, and the Transcaucasus." This action thus blocked a "mafia conference" that was intended "to redivide spheres of influence and plan future joint operations."¹²³ To cope with organized crime, Ukraine has reached out to other countries. In early 1999 it signed co-operation agreements with Poland and Switzerland, and in Kharkiv the Centre for the Study of Organized Crime and Corruption was formed jointly with the American University.¹²⁴

In general, no significant progress had been made in the struggle with organized crime up to the end of 1998.¹²⁵ None could be expected, according to some observers, until the "shadow economy," accounting for 40 to 60 percent of GDP and responsible for a capital flight of over U.S.\$20 billion, was extinguished.¹²⁶ According to Ievhen Marchuk, the former head of the Security Service of Ukraine, organized crime is in direct competition with the state and is incompatible with democracy. Ukrainian legislation, however, through its high taxes, encourages corruption on which organized crime feeds. Marchuk's prescriptions for

through bank transfers, which it then channeled through fictitious firms for conversion into cash, thereby avoiding taxation. The network's daily turnover amounted to 1 million hryvni (U.S.\$292,000). Tax evasion is a common practice among Ukrainian firms, which complain that the country's taxes are too high. Last December, the national tax debt totaled 10 billion hryvni—nearly half of budget revenues" (RFE/RL Newsline, 8 January 1999). "Police in the port city of Sevastopol, Crimea, have arrested two men and a woman suspected of selling some 200 females aged 13 to 25 years to individuals engaged in illegal sex business abroad.... The three allegedly received U.S.\$2,000 for each woman sent to night clubs in Turkey, Greece, or Cyprus, where the women were subsequently forced to become prostitutes. The International Organization for Migration estimated last year that more than 1 million Ukrainian women seeking work abroad are in danger of becoming ensnared in the illegal sex business" (Ibid., 18 March 1999).

122. *Corruption Watch* 2, no. 7 (28) (31 March 1999).

123. RFE/RL Newsline, 9 September 1998.

124. Ibid., 4 March and 20 April 1999; and *Corruption Watch* 2, no. 4 (25) (17 February 1999).

125. This was Vasyl Durdynets's assessment. See *Uriadovyi kur'ier*, 26 December 1998.

126. *Holos Ukrainy*, 11 July 1998; and *Corruption Watch* 2, no. 1 (22) (6 January 1999).

improving the situation included lower taxes on enterprises; stricter regulation of firms' financial operations; monitoring of citizens' expenses and incomes; curtailment of cash transactions; and implementation of these new laws by the coercive organs.¹²⁷

Both foreign academic analysts and homegrown Ukrainian businessmen support these views on the causes of and remedies for the scope of organized crime. Economist Richard Lotspeich has argued persuasively that there is an intimate connection between the shadow economy, organized crime, and corruption. Liberalization of economic activity, together with a reinforcement of the capabilities of law enforcement agencies and re-education of criminal-justice personnel, are the main components of his prescription for overcoming the problem.¹²⁸ In the same vein, a survey of small-business owners in Donetsk in 1998 provided troubling results: "63 percent of the respondents ... believe that the current economic legislation pushes business to the 'shadow sector.' ... When asked what proportion of their businesses they were hiding in the 'shadow sector,' 31 percent of the respondents said 'one-tenth,' 7 percent said 'one-quarter,' 10 percent of the respondents said they concealed at least 50 percent of their business, and 7 percent admitted hiding over 75 percent of their business operations."¹²⁹

Indeed, the intrusion of organized crime into politics has grave implications for a country undergoing the transition to democracy. It negatively affects public attitudes to democracy and politics. It affects the power of the legitimate institutions, reducing it so that the state becomes weaker and weaker. It also has an impact on the players in the democratic political game and their incentive to play by the rules. In a word, when organized crime develops links to the state through corruption, a newly democratizing country like Ukraine can develop into what has been called a criminal-syndicalist state, one in which power flows away from the proper institutions. These institutions are sidelined, and the rule of law fails to develop and is replaced by bribes, violence, and the growth of private armies and security services. The players in the political game are no longer playing by the democratic rules.¹³⁰

127. *Den*, 22 July 1998.

128. Richard Lotspeich, "Crime in the Transition Economies," *Europe-Asia Studies* 47, no. 4 (June 1995): 580–1.

129. *Corruption Watch* 1, no. 12 (19 August 1998).

130. William H. Webster, *Russian Organized Crime: Global Organized Crime Report* (Washington, D.C.: Center for Strategic and International Studies, 1997). See also Phil Williams, ed., *Russian Organized Crime: The New Threat?* (London and Portland, Oreg.: Frank Cass, 1997); and Louise I. Shelley, "Organized Crime and Corruption

Nor has appreciable headway been made in the general fight against corruption (not just within the police) in Ukraine. The private use of public office has not only not been curtailed; it is acknowledged to be a growing phenomenon. In 1998, for instance, cases of corruption filed by law enforcement agencies increased by 30 percent compared to 1997. Whereas bribery cases made up only 2.7 percent of all criminal investigations in 1992, they reached 15.9 percent in 1997. The oblasts where corruption is most prevalent are Dnipropetrovsk, Donetsk, Ivano-Frankivsk, Khmelnytskyi, Lviv, and Vinnytsia.¹³¹ According to the World Economic Forum and Transparency International, Ukraine and Russia are ranked among the most corrupt states in the world and are falling deeper into the abyss.¹³² From the attention devoted to them by the authorities, it is apparent that the most corrupt ministries are those governing industrial policy, coal mining, and energy.¹³³

In April 1998 President Kuchma issued a new decree entitled "On Fighting Corruption for 1998–2005," which was intended as a complement to the existing legislation in this area, primarily the 1995 law "On Fighting Corruption."¹³⁴ In 1997 the definition was extended to members of Parliament and elected representatives of oblast and local councils. This is only one of approximately twenty laws enacted on the problem,

in Ukraine: Impediments to the Development of a Free Market Economy," *Demokratizatsiia* 6, no. 4 (Fall 1998): 648–63.

131. *Corruption Watch* 1, nos. 2 (1 April 1998) and 11 (5 August 1998). One of the most grotesque examples of corruption involves the siphoning of funds allocated for the relief of the Chernobyl disaster. The funds were used to provide Mediterranean cruises for various government officials, including several dozen police officers, none of whom had been affected. See *Nezavisimost*, 24 April 1996.

132. *Corruption Watch* 1, nos. 8 (24 June 1998) and 15 (30 September 1998).

133. *Ibid.*, no. 21 (23 November 1998).

134. According to the latter, as one commentary put it, "corruption is 'activities of persons, authorized to carry out state functions, aiming at misuse of their powers for the purpose of receiving material benefits, services, privileges, or other advantages.' The list of definitions of 'acts of corruption' includes: (a) illicit obtaining, by a person authorized to perform the state functions, of material benefits, services, privileges or other advantages, including accepting or receiving items or services by means of purchasing them at a price that is substantially lower than their real cost, as a result of carrying out those state functions; and (b) obtaining, by a person authorized to perform the state functions, of credits or loans, purchasing securities, real estate or other property through using privileges or advantages that are not envisaged by the law. The notion of 'acts of corruption' applies to 'persons authorized to perform the state function,' i.e., to civil servants of all levels" (*Corruption Watch* 1, no. 5 [13 May 1998]). See also "Pro borotbu z koruptsiieiu," article 266, *Vidomosti Verkhovnoi Rady Ukrainy*, 1995, no. 34: 757–63.

and only the small fry have been caught thus far in the anti-corruption net. Hence there is some justification to the observation that campaigning against corruption is somewhat seasonal or that it may have had to do with the presidential election campaign of 31 October 1999.¹³⁵ When participants in a public opinion poll that was conducted in the summer of 1998 were asked whether they agreed with the statement "President Kuchma sincerely wants to overcome crime and corruption," 36 percent of respondents said "No," and only 24 percent replied "Yes."¹³⁶ As Louise Shelley has said, "the crack-down on corruption and other serious financial reform measures remains in the planning phase."¹³⁷

Since Ukrainian children learn bribery in school, and even law enforcement officers are bribable, one begins to believe the claim that there is either some general mentality or norms of reciprocity in the society that make the phenomenon ineradicable.¹³⁸ In early 1999 the

135. *Corruption Watch* 1, nos. 6 (27 May 1998), 13 (2 September 1998), 14 (16 September 1998), and 18 (11 November 1998), and vol. 2, nos. 2 (23) (20 January 1999) and 5 (26) (3 March 1999); and RFE/RL Newswire, 26 February and 11 March 1999. In July 1998 the Cabinet of Ministers launched a program to combat corruption among public servants, reporting that in the first half of the year 3,420 cases of corruption had been uncovered. Out of sixty-five bureaucrats brought to administrative (as opposed, presumably, to criminal) responsibility, one-half had not even been dismissed. See *Ukraina sohodni*, 27 July 1998, consulted on 2 August 1998 at <www.ukrainet.org/www.ukrainet.lviv.ua/infobank/1998/0727u.html>.

136. *Corruption Watch* 1, no. 10 (22 July 1998).

137. Shelley, "Organized Crime and Corruption Are Alive and Well in Ukraine," *Transition* (World Bank), January–February 1999, 7, consulted on 21 March 1999 at <www.worldbank.org/html/prddr/trans/janfeb99/pgs6-7.htm>.

138. "Results of an opinion poll on bribery and trends in corruption held in Kyiv, Kirovohrad, Luhansk, Kharkiv and Lviv suggest that bribery is viewed as a 'normal' part of our life" (*Corruption Watch* 1, no. 9 [8 July 1998]). "In a recent poll, when asked if they had to give a bribe at least once or twice within the recent two years, 67% of almost 4,000 adult Kievites answered positively, and 54% said a bribe is a guarantee of solving one's own 'social justice' problems" (ibid. 2, no. 8 [29] [14 April 1999]). In one of many similar reports we read that "a poll, conducted by the International Legal Foundation and the International Renaissance Foundation at ten Kyiv-based schools in April 1998 showed that the number of young Ukrainians that regarded corruption as 'normal' had been growing rapidly. 46 percent of high school students that took part in the poll spoke about corruption at their schools. 45 percent of them were convinced that an expensive present 'certainly' could influence the teacher's attitude to a student, 43 percent believed that such a present might guarantee the teacher's favor 'depending on the situation,' while only 4 percent said that even an expensive gift would not have any impact.... 52% were positive about the connection between the value of the gift and getting better marks" (ibid., no. 7 [10 June 1998]). Teachers and parents also get in on the action, taking the initiative in soliciting or offering

schedule of bribes regularly taken by traffic officers, judges, and regular policemen in Donetsk included the following:

- Escorting a drunk driver home without filing a report—\$40 to \$200
- Avoiding a “drunk driving” record—\$100 to \$300
- For avoiding a speeding ticket and ensuring that the offence is not registered—\$10 to \$50
- Returning a criminal case for additional investigation—\$1,000 to \$7,000
- Issuing the verdict of not guilty without good reason—\$1,000 to \$10,000
- Terminating a criminal case without good reason—\$1,000 to \$10,000
- Changing the penalty (substituting confinement with bail)—\$500
- One year of confinement less (before the verdict is announced)—\$1,000
- Release from confinement at a police station (for drunk individuals detained for disturbing public order)—\$10 to \$20.¹³⁹

Public opinion in Ukraine accepts bribery as normal and has a correspondingly low evaluation of judges, police, parliamentarians, and government officials. For instance, in one survey “the respondents believed that the most corrupt are traffic inspection officers (4.17 points out of 5), state-owned health care institutions (4.09), the militia (4.04), state-owned universities and colleges (4.04), ministries and other central executive authorities (3.99), local authorities (3.93), customs (3.93), and the tax inspectorate (3.89). Courts and procurature authorities received 3.82 and 3.76 points, respectively, the Presidential Administration got 3.71, and privatisation authorities got 3.52 points.”¹⁴⁰ As a former acting procurator general has optimistically (or perhaps incongruously) said, “Corruption is eternal but it must be challenged.”¹⁴¹

One such challenge—the highest-profile one to date—is the case of former Prime Minister Pavlo Lazarenko.¹⁴² On 17 February 1999 the

bribes. See *ibid.* 1, nos. 6 (27 May 1998) and 20 (9 December 1998) and vol. 2, no. 9 (30) (28 April 1999). “According to the chief corruption fighter in the State Taxation Administration M[ajor] General Victor Sheibut, the primary source of Ukrainian corruption is the Slavic mentality and the ‘quid pro quo’ practice that opens the way to bribes and presents” (*ibid.* 2, no. 5 [26] [3 March 1999]).

139. *Ibid.* 2, no. 3 (24) (3 February 1998). Amounts are presumably in U.S. dollars.

140. *Ibid.* 1, no. 16 (14 October 1998).

141. The statement comes from Bohdan Ferents. “According to his estimates, only 5% of corrupt practices are reported, and only every third of reported cases result in opening a criminal case against the offender. Moreover, only in 60% of such cases offenders are actually brought to trial” (*ibid.*, no. 14 [16 September 1998]).

142. This paragraph draws on the following sources: Margarita Balmaceda, “Energy and the Rise and Fall of Pavlo Lazarenko,” *Analysis of Current Events* 9, no. 9 (September 1997): 7–8; *Corruption Watch* 1, nos. 1 (18 March 1998) and 2 (1

Ukrainian parliament, under pressure from procurator general Mykhailo Potebenko, voted 310 to 34 to lift Lazarenko's immunity and allow him to be arrested and brought to trial. The Procuracy had prepared a criminal case against him as far back as January 1997 and subpoenaed him to appear in March 1998. After his failure to appear, an unsuccessful first attempt to lift parliamentary immunity did not succeed. The case really only made the headlines in early December 1998. That month Lazarenko, carrying a Panamanian passport, was arrested at the Swiss border on a charge of money laundering. After he spent two months in jail, bail of U.S.\$3 million was raised on his behalf, and he returned to Ukraine pleading innocence and ignorance of the charges against him. On the eve of the crucial parliamentary vote, he abruptly fled to Greece, claiming sudden illness, but soon turned up with a fraudulent Argentinian visa in New York, where he was arrested and from where Ukraine attempted to extradite him. He was charged with embezzling U.S.\$2 million in state funds, profiting in the amount of nearly 2 million hryvnias from repairs done to government dachas, and illegally depositing 4.4 million Swiss francs and U.S.\$1.1 million in foreign bank accounts. On the eve of his flight, he had just been nominated by his Hromada Party to contest the presidency in October.¹⁴³ Lazarenko's former associate, Mykola Syvulsky, the president of a gas consortium, was arrested in the fall of 1998, also on

April 1998); *Ukrainian News / Ukrainski visti*, 26 August–8 September and 4–17 November 1998; *Corruption Watch* 1, no. 20 (9 December 1998); RFE/RL Newline, 10 December 1998; *Ukrainskyi holos*, 25 January 1999; *Ukraina sohodni*, 22 February 1999, at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0222u.html>, consulted on 6 March 1999; and *Corruption Watch* 2, no. 3 (24) (3 February 1999); Lazarenko's self-defence addressed to fellow parliamentarians is in *Holos Ukrainy*, 16 February 1999; *The New York Times*, 15 February 1999, at <www.nytimes.com/yr/mo/day/news/world/ukraine-corrupt.html>, consulted on 15 February 1999; *The Washington Post*, 21 February 1999, at <search.washingtonpost.com/wp-srv/WPlate/1999-02/21/0821-022199-idx.htm>, consulted on 21 February 1999; *Corruption Watch* 2, no. 5 (26) (3 March 1999); *Ukrainian News / Ukrainski visti*, 10–23 February and 24 February–9 March 1999; article 64 in *Vidomosti Verkhovnoi Rady Ukrainy*, 1999, no. 8: 152; and Nathan Hodge, "On the Run: Ukrainian Ex-Prime Minister Flees Embezzlement Charges," *Transition* (Prague), March 1999, 8–9.

143. RFE/RL Newline, 26 January 1999. In the wake of Lazarenko's arrest in Switzerland and then New York, a split took place in his parliamentary caucus Hromada. Nineteen of its forty-two parliamentary deputies, in addition to four others, then formed a left-of-centre fraction called *Batkivshchyna* (Homeland) under the leadership of Iuliia Tymoshenko, formerly an ally of Lazarenko and no. 2 in the Hromada caucus. See *ibid.*, 5 March 1999. For the beginnings of this mutiny, see *Ukrainian News / Ukrainski visti*, 27 January–9 February 1999.

charges of corruption.¹⁴⁴ As of December 2000 Lazarenko was still fighting his extradition from the United States, where he was being held in detention in California, indicted on money laundering (U.S.\$114 million), transporting stolen property, and conspiracy. Before a San Francisco court, which, he declared, had no jurisdiction over his case, he claimed to be a political prisoner and victim of political persecution.¹⁴⁵ Lazarenko has also been linked to Oleksandr Tymoshenko, a former United Energy Systems board member and husband of former Vice-Prime Minister Iuliia Tymoshenko. It is alleged that he accepted bribes from him in the amount of U.S.\$4.6 million. Mrs. Tymoshenko described the arrest of her spouse as political retribution for her efforts to reduce corruption in the energy sector of the economy.¹⁴⁶ Lazarenko was convicted *in absentia* in Switzerland after pleading guilty to laundering U.S.\$6 million there. President Kuchma requested his extradition, but there is no extradition treaty between the United States and Ukraine.

It is thought that Pavlo Lazarenko embezzled some U.S.\$880 million from Ukraine between 1994 and 1997. Truly, the line between politician, businessman, and criminal in Ukraine is very indistinct.¹⁴⁷ Whether the pursuit of Lazarenko was purely an assault on corruption or part of an ongoing power struggle between and within the so-called clans (both Lazarenko and Kuchma are seen as members of the Dnipropetrovsk clan) is a moot point.¹⁴⁸

144. *Ukrainian News / Ukrainski visti*, 23 September–6 October 1998; and *Corruption Watch* 1, no. 15 (30 September 1998).

145. Nataliia Trofimova, "Pavlo Lazarenko ne vyznaie pered amerykanskyim pravosuddiam sebe ... nevynnym: i vynnym takozh," *Den*, 8 December 2000, at <www.day.kiev.ua/2000/226/panorama/pa3.html>, consulted on 29 December 2000.

146. RFE/RL Newline, 26 July, 27 September, and 7 and 9 November 2000.

147. "The most pernicious element of the crime phenomenon in Ukraine is the criminal-political nexus, the alliance among former Party elite, members of the law enforcement and security apparatuses, and gangs of organized criminals" (Shelley, "Organized Crime and Corruption," 6). In the fall of 1998 the former speaker of the Crimean Parliament, Ievhen Supruniuk, was wanted for "organizing his fake kidnapping, a murder, and organizing a failed attempt of assassinating another former Crimean speaker." Mykola Kotliarevsky, another Crimean parliamentarian, was arrested for "plotting a contract murder and a long string of assaults, extortion, and engaging in swindling cases with the assistance of a gang in 1994–97" (*Corruption Watch* 1, no. 18 [11 November 1998]; and RFE/RL Newline, 29 December 1998).

148. Lily Hyde, "The Corruption Investigation into Lazarenko," RFE/RL Newline, 29 January 1999, reprinted in *Ukrainian News / Ukrainski visti*, 10–23 February 1999. During the turf war between the Dnipropetrovsk and Donetsk clans, an

Conclusions

Earlier we identified the following factors that are critical to a successful transformation of the police in the process of transition to democracy: leadership, corruption, decentralization, goals, recruitment and training, and responsibilities. The first decade of independence has produced a mixed and ambiguous score on these criteria in Ukraine. Leadership is mildly reformist but still rooted in the old Soviet militia organization with its particular culture. Owing to low wages and delays in payment of salaries, corruption is still a problem within the police. This makes it doubly difficult for the police to curtail the corruption that is so rampant in society and therefore continues to flourish. There is no evidence of decentralization; on the contrary, the central vetting of regional appointments is a move in the opposite direction. Recruitment and training have been improved, but turnover is still considerable, and in the present circumstances police work is not an attractive career. Some of the goals of the police have been modified to adapt to current conditions, but inadequate resources limit this re-orientation. The delineation of responsibilities has not become clearer, however, and with that the creation of a multiplicity of new structures—co-ordinating committees to co-ordinate the co-ordinating committees—have come to incessant battles over jurisdiction, with unclear lines of responsibility. On the other hand, duplication may be needed at this time—useful redundancy, as it is called in the context of the market economy.

As to styles of policing, only some tentative observations can be made about the direction in which the situation in Ukraine is moving. Earlier we hypothesized that the preferred strategy should be suppression, as opposed to either criminalization or accommodation. Instead, it appears that the Ukrainian authorities have opted for criminalization as the policing strategy. This was perhaps evident in 1995 in their handling of the separatist problem in Crimea, where a strategy of accommodation was abandoned in favour of responding to the threat as a criminal problem. The autonomy of the local authorities was abolished by the national Parliament, and the Ministry of Justice took pains to emphasize the rampant crime wave in the peninsula, which required that appropriate police action be directed in part against those

assassination attempt was made on the life of Lazarenko, and another actually succeeded against Liberal Party leader and prominent Donetsk businessman Ievhen Shcherban. For more on this, see Margarita Mercedes Balmaceda, "Gas, Oil and the Linkages between Domestic and Foreign Policies: The Case of Ukraine," *Europe-Asia Studies* 50, no. 2 (March 1998): 272–4.

local authorities.¹⁴⁹ Such an approach should not be surprising, however, since it flows directly from the Soviet legacy whereby the political side of public disorder was never recognized: political activity outside permitted bounds was always criminal in the USSR.

At least with respect to Crimea, and perhaps more generally, the outlook for the development of public-order policing in Ukraine would seem to be favourable, that is, towards the liberal-democratic model. But note should also be taken of the clash that occurred between mourners and Berkut riot police forces in July 1995 during the funeral procession and burial of Patriarch Volodymyr of the Ukrainian Orthodox Church-Kyiv Patriarchate.¹⁵⁰ Was this merely an anomaly or the real face behind the mask? At any rate, if "order-maintenance in authoritarian states is moving in a more legalistic direction"¹⁵¹ throughout the world at the present time, then Ukraine may be neither out of step nor pursuing a deliberate strategy, for that matter.

On more than one occasion President Kuchma has warned of the danger of Ukraine becoming a police state.¹⁵² It is prudent to ask whether it had not in fact already become one under his own auspices or had ever truly ceased being one. The new laws on strengthening the battle against crime and on preventive detention, which ushered in Kuchma's presidency, raised concerns about rights being sacrificed to the cause of law and order.¹⁵³ The practice, begun in 1994, whereby every potential oblast police chief was required before his appointment to pass an interview with the president¹⁵⁴ appeared to be a step in the direction of the police being used to control the government. Kuchma's Cabinet of Ministers was formed in July 1995. His prime minister, Marchuk, was the former head of the Security Service, and Vice-Prime Minister Durdynets was a

149. "Constitution Watch: Ukraine," *East European Constitutional Review* 4, no. 2 (1995): 32–4; see also, for instance, *Uriadovyi kur'ier*, 6 and 29 April 1995.

150. For the coverage of this bizarre event, see, for example, *Vechirnyi Kyiv*, 20, 21, and 22 July; *Molod Ukrainy*, 21 July; *Holos Ukrainy*, 22 July and 24 October; *The Ukrainian Weekly*, 23 July; and *Nezavisimost*, 20 September and 6 October; all 1995.

151. Brewer et al., *The Police*, 235.

152. *Uriadovyi kur'ier*, 9 August 1994 and 2 February 1995.

153. See n. 42 above; and "Pro zapobizhne zatrymannia osoby," *Uriadovyi kur'ier*, 18 August 1994. For the government's defence of these measures, see V. Onopenko, "Chesnym liudiam boiatysia ukazu nemaie pidstav," *ibid.*, 6 August 1994; and Vasyl Durdynets, "Zakon, pryiniaty Verkhovnoiu Radoiu 'Pro zapobizhne zatrymannia osoby,' spriyatyme posylenniu bezpeky i zakhystu hromadian," *ibid.*, 9 August 1994.

154. *Uriadovyi kur'ier*, 6 October 1994.

general in the Ministry of Internal Affairs. Radchenko, the new head of the Security Service, and Kravchenko, the interior minister, were both career servicemen. Hence the Cabinet could certainly be characterized as police-dominated. In 1996, before the big shakeup of the Cabinet, Kuchma also added Oleksandr I. Iemets, who had served in internal affairs in 1981–90 as vice-prime minister for political and legal questions, thus bolstering the impression of police dominance of his government. Towards the end of 2000 President Kuchma instructed the coercive organs to release from military service all personnel over retirement age serving in the executive branch of government or in civilian establishments, except for those directly fulfilling defence or security functions. This curious directive could be read as an attempt to trim the enforcement budget or an indication of the actual extent and nature of “policing” in Ukraine.¹⁵⁵

The former interior minister Radchenko once remarked that fundamental changes to Ukraine’s policing system in the direction of the European model were still a long way off.¹⁵⁶ Such an impression is reinforced by the foregoing examination. A further impediment that is not likely to be overcome soon is the lack of a clear delineation of jurisdiction and functions between the regular police (Ministry of Internal Affairs) and the political police (Security Service). The latter fought a successful battle against this when its bill was being considered in Parliament in 1992.¹⁵⁷ “Former SBU officers,” it was being said in the mid-1990s, “are now serving in the president’s office, the Foreign Affairs Ministry, the Interior Ministry, and the cabinet.”¹⁵⁸ Indeed, the ex-head of the Security Service of Ukraine, Valerii V. Malikov, was no sooner released from his post than he was appointed on 6 July 1995 as adviser to the prime minister. Colonization of the government by members of the law enforcement bodies and a lack of discrimination between political and regular policing are sure routes to the establishment of a relatively benign traditional police state. Reform might be seen to have begun when at least the interior minister has parliamentary experience and can bring some sense of accountability to the work of the police. Indeed, the

155. “Pro zakhody shchodo vporiadkuvannia vidriadzhennia do tsyvilnykh ustanov viiskovosluzhbovtiv i pratsivnykiv orhaniv vnutrishnikh sprav: Ukaz Prezydenta Ukrainy,” no. 1029/2000, 4 November 2000, at <alpha.rada.kiev.ua>, consulted on 5 January 2001.

156. *Uriadovyi kur’ier*, 20 December 1994.

157. Oleg Strekal, “The New Security Service,” *Transition* (Prague), 23 June 1995, 26.

158. *Ibid.*, 27.

appointment of civilians to head all of the law enforcement or coercive agencies, "as is the practice in civilized countries," would generally promote democratization.¹⁵⁹ At the time of writing, this was not yet visible on the horizon.

To what degree, then, has the police in Ukraine changed from that of a totalitarian police state—from the Communist model of policing? In a word, not significantly. The Soviet police acted as the arm of the state—controlling, holding in check, and intruding widely into the lives of the country's subjects. The term "subjects" is apt, because they were definitely not "citizens." The police were a political tool, far more ideological than the police of the classic continental European police state; any dissent, whether religious, economic, or expressing social discontent, was construed as political and directed against those in power, who had to be protected from their subjects. Society was controlled by means of the passport system and registration. The police did not uphold the law, but acted arbitrarily, were thoroughly corrupt, and did not have people's trust.¹⁶⁰ Although Louise Shelley does not say so directly, her groundbreaking study of Soviet policing leaves the impression that the Soviet militia was more of a liability to the democratization project than an asset. For Mikhail Gorbachev's perestroika and especially for the installation of genuine democracy, it might have been better if there had not been a Soviet militia to start with.

Are the police in Ukraine, therefore, still politicized as they were in the Soviet era, still an instrument of the state for their own protection rather than the protection of citizens? My answer is "yes." Have the police been transformed from the continental towards the common-law model of policing? No. Examples abound, and new ones turn up continually. The passport and registration regimes are still in effect.¹⁶¹ When students in Lviv demonstrated at a court hearing where their fellow nationalists were accused of assaulting leftists at an earlier demonstration, the police charged the students with the elastic Soviet-era offence of "hooliganism."¹⁶² When miners in Luhansk protested against wage arrears and set fire to a straw effigy, riot police attacked them on

159. Oleksandr Fandиеiev, "V chomu prychny nedoviry ukrainskoho suspilstva do pravookhoronnykh orhaniv?" *Den*, 14 December 2000, consulted on 29 December 2000 at <www.day.kiev.ua/2000/230/1-page/1p.3.htm>.

160. Shelley, *Policing Soviet Society*, chaps. 7, 8, and 10.

161. *Corruption Watch* 2, nos. 6 (27) (17 March 1999), (28) (31 March 1999), and 8 (29) (14 April 1999).

162. RFE/RL Newsline, 17 November 1998.

the pretext that the effigy contained an “explosive device.” In the ensuing skirmish eight miners and twelve policemen were hospitalized.¹⁶³ The militia has even been known to harass its own employees when they have tried to organize a trade union to protect themselves from superiors’ arbitrary powers.¹⁶⁴ Subordination of the heads of the main coercive arms of the state to the president alone increases their politicization and reduces their accountability.¹⁶⁵ The Soviet legacy obviously runs deep—and silent. Perhaps “post-Soviet” is an inappropriate term for Ukraine and its police forces. If so, what comes after “Soviet” then? More of the same, obviously.

163. Ibid., 26 August 1998.

164. *Corruption Watch* 1, no. 9 (8 July 1998).

165. Fandiev, “V chomu prychny.”

CHAPTER 6

Nation Building

Concept and Theory

In the 1960s and 1970s, in the aftermath of the decolonization of the Third World, interest among political scientists in the topic of “nation building” flared briefly, then died down, as did the discipline’s more general concern with “political development.”¹ Nowadays, however, the term “nation building” has re-emerged as one designating a challenge for many a newly independent state, and particularly as an important component of the project of independence for Ukraine. The term can be concisely defined as “the sum of policies designed to promote national integration.” More specifically, it refers to “the process induced within a state to integrate the country and tie the inhabitants together in a national fellowship.” It therefore “produces shared national institutions, communications, and symbols of unity. Institutions such as schools, associations, administration and army may serve the goal of national integration; status projects, national celebrations, flags, heroes and public architecture may also be visible manifestations of nation building in progress.” Nation building, of course, is “particularly crucial in recent states with artificial or accidental borders, and in states with different traditions, religions, and ethnic groups.”² It has certainly been relevant

1. See, for instance, Karl W. Deutsch and William J. Foltz, eds., *Nation-Building* (New York: Atherton Press, 1966); Stein Rokkan, *Citizens, Elections, Parties: Approaches to the Comparative Study of the Processes of Development* (New York: David McKay Company; Oslo: Universitetsforlaget, 1970), esp. chap. 3, “Nation-Building, Cleavage Formation and the Structuring of Mass Politics”; Joseph LaPalombara, “Distribution: A Crisis of Resource Management,” in Leonard Binder et al., *Crises and Sequences in Political Development* (Princeton: Princeton University Press, 1971), 233–82; and David D. Bien et al., *Crises of Political Development in Europe and the United States*, ed. Raymond Grew (Princeton: Princeton University Press, 1978), passim. For a critique of the failure of the nation-building and political development theorists to deal with the growth of ethno-nationalism, see Walker Connor, “Ethnonationalism,” in Gabriel A. Almond et al., *Understanding Political Development*, ed. Myron Weiner and Samuel P. Huntington (Boston and Toronto: Little, Brown and Co., 1987), 196–220.

2. “Nation building,” in *Blackwell Encyclopaedia of Political Institutions*, 379.

to post-Communist Ukraine in the 1990s and beyond, following its emergence into independent statehood and out of colonial status.

The process of nation building is characterized by a number of dualities. Just as there are two kinds of nations, territorial and ethnic, so too there are civic-territorial and ethno-national components to nation building.³ There is nationalism from above and nationalism from below.⁴ Then there is nation building as government policy and as individual choice of identity, which cannot be assumed to follow automatically.⁵ Finally, there is the international aspect of nation building as well as the domestic one. As Carl J. Friedrich once said, in the contemporary world it is "a matter of building group cohesion and group loyalty for ... international representation and domestic planning."⁶ These dualities have to be reconciled and combined in any successful process or strategy of nation building.

The factors that influence the success of such an enterprise and the question of whether nations can be built by design, as in the architectural analogy suggested by the concept, are in dispute. Certainly history would predispose some new nations to follow one formula rather than another, as Anthony D. Smith has said was characteristic of the remnants of the Habsburg, Ottoman, and Romanov empires. There, he writes,

the fusion of French ideals of the sovereign people and vernacular mobilization of pre-modern demotic *ethnies* by the intelligentsia produced a rather different model of "national identity." ... Popular participation, rather than civil and political rights; populist organization, more than democratic parties; intervention by the people's state, rather than protection of minorities and individuals from state interference: these became ... the hallmarks of the newly-formed ethno-political nations. ...⁷

Given its history, one can expect Ukraine's nation-building efforts to continue along these same lines. Nor can the sociological aspect be ignored. A country's intelligentsia and professionals must see their needs met by this nation-building project and have an interest in its success.⁸

3. Anthony D. Smith, *National Identity* (London: Penguin Books, 1991), chaps. 5–6.

4. *Ibid.*, 123.

5. Karl W. Deutsch, "Nation-Building and National Development: Some Issues for Political Research," in Deutsch and Foltz, *Nation-Building*, 10.

6. Carl J. Friedrich, "'Nation-Building?'" *ibid.*, 32.

7. Smith, *National Identity*, 130–1.

8. *Ibid.*, 119–22.

In the post-Communist era Ukraine, its leaders, and its people have faced numerous challenges on this score. Policies to create and integrate a virtually new nation had to be initiated and implemented. A shared sense of belonging had to be acquired. Feelings of loyalty had to be generated. Ukraine would have to be distinguished from Russia and acknowledged as distinct by other nations, including Russia. All of this would have to be done in an uncertain political climate with a variegated, if not incompatible, array of building materials and without assurance as to the eventual outcome. The serious disagreement on national symbols that arose in 1996 was symptomatic of the lack of consensus and incomplete sense of community. During the debate on the constitution that year, the Ukrainian parliamentarians first rescinded the new, nationalist flag and then restored it at the last moment.

The Starting Point

At the outset Ukraine offered its nation builders an interesting variety of ethnic groups, languages, religions, regions, and political histories with which to work. As the final Soviet census of 1989 showed, less than three-quarters of the population consisted of ethnic Ukrainians; Russians constituted one-fifth. The remaining ethnic groups, each comprising less than one percent of the total, in descending order of magnitude, included: Jews, Belarusians, Moldovans, Bulgarians, Poles, Hungarians, Romanians, Greeks, Tatars, and Armenians.⁹ Clearly, the major ethnic cleavage was potentially between Ukrainians and Russians. Its politicization, however, was inhibited by the high rates of intermarriage between the two groups, their cultural affinity, and absence of distinct markers.¹⁰ As a practical matter, a nation-building effort after

9. Out of 51.7 million inhabitants, 72.7 percent were Ukrainians, 22.1 percent, Russians, and 5.2 percent, others. See Prybytkova, "Children of Various Nations...," 32. Gypsies, Crimean Tatars, Germans, and Gagauz make up less than one-tenth of one percent each of the population. At the time there were more than 110 different nationalities and ethnic groups living in Ukraine, but this figure was of importance only to Soviet nationalities experts preoccupied with bean-counting. See N. Borisenko, "The Demographic Situation in the Republic," *Pod znamenem leninizma*, 1990, no. 17: 61–6, trans. in JPRS-UPA-90-071, 18 December 1990, 98–102, here 98.

10. In 1988 the rate of exogamy (marriage outside one's nationality) for Ukrainian men in Ukraine was 20.9 percent, and for Ukrainian women, 22.4 percent. Meanwhile, the rate for Russian men was 57.2 percent, and for Russian women, 56.7 percent. See Prybytkova, "Children," 35. As these were the two principal groups in Ukraine, one can infer from the data a high degree of Ukrainian-Russian intermarriage. No other titular nationality of a union republic at that time had an exogamy rate as high as the Ukrainians. By 1992 the corresponding rates for Ukrainians were 19.2 percent for men, 20.7 percent for women; among Russians,

1991 based on an ethnic Ukrainian identity would have been out of the question.

While the basic ethnic duality of Ukraine taken in isolation would have been something its decision-makers could afford to ignore and might fairly easily have been built into their nation-building strategies (a bicultural nation, perhaps, on the Canadian model), the underlying demographic trends made it a matter of greater concern.¹¹ Demographically, despite being the numerically dominant group, Ukrainians were in a precarious position. For instance, between 1959 and 1989, while the total population of Ukraine increased by 22.9 percent, the number of Ukrainians rose by a mere 16.2 percent. The number of Russians, on the other hand, grew by 59.9 percent. Ukrainians' and Russians' respective shares of the total population went down from 76.8 percent to 72.2 percent, and rose from 16.9 percent to 22.1 percent.¹² At that rate, by simple projection there would have been 5.1 percent more Ukrainians by 1999 than a decade earlier, but 16.9 percent more Russians (totals of 39.3 million and 19.2 million, respectively). Thus, the ratio of Ukrainians to Russians would have shifted from 4.5:1 in 1959 to 2:1 forty years later. This deterioration of the ethnic balance was aggravated by the steady secular decline in overall population growth, which did not bode well for national development.¹³ The prospect of building a Ukrainian nation

58.1 percent for men, 58.0 percent for women. See *Naseleattia Ukrainy, 1992: Demohrafichnyi shchorichnyk* (Kyiv: Tekhnika, 1993), 122.

11. For a sample of the view that Ukraine is in the midst of a demographic crisis, see Natalka Lakiza-Sachuk, "... I demohrafichne vyzhyvannia," *Polityka i chas*, 1994, no. 4: 18–22.

12. *Narodne hospodarstvo Ukrainskoi RSR u 1974 rotsi: Statystychnyi shchorichnyk* (Kyiv: Tekhnika, 1975), 14; and *Soiuz*, no. 32 (1990): 12–13, trans. in JPRS-UPA-90-066, 4 December 1990, 16–23.

13. Since 1959 population growth has declined with each passing intercensal decade from 1.1 percent annually to 0.6 percent and finally to 0.4 percent. By the year 2000 it was expected to fall below 0.2 percent. See Borisenko, 98–102, and Serhiy Plachynda, "The Ukraine in Danger," *Literaturna Ukraina*, 14 March 1991, trans. in JPRS-UPA-91-024, 3 May 1991, 74–7. An aging population, declining birth rate, high rates of abortion and infant mortality, increasing adult mortality rates, and the attenuation of rural-to-urban migration were chiefly responsible for the overall decline in population growth. See also Valentyna Steshenko, "Nas mozhe zalyshytys 42 miliony," *Uriadovyi kur'ier*, 6 February 1999. According to the latter, the country was definitely in the midst of a demographic crisis not unlike wartime, whereby the decrease in fertility and increase in mortality result in an overall decline in population. From 52.2 million at the beginning of 1993 it had decreased to 50.5 million by early 1998, and was projected to fall to 42 million by 2026. By 2026 it was expected that persons 60 years of age and over would

with only a bare and shrinking majority of Ukrainians in the future would be daunting, and finding a formula (consociational democracy, perhaps) for accommodating such a large Russian minority would be equally challenging.

The rapid growth of other minorities would further complicate the search for a design for the nation-building project. In the last thirty years of Soviet rule in Ukraine, the following groups registered above-average rates of population growth: Armenians (114.3 percent), Belarusians (51.2 percent), Tatars (40.3 percent), Moldovans (33.9 percent), and Romanians (33.7 percent).¹⁴ This dynamism might well eventuate in such groups' politicization, growth in influence, and demands for rights, including language and other cultural services. In such circumstances, policies to protect the majority against its minorities—as has been done by successive nationalist governments in the province of Quebec in Canada—would not be surprising.

Connected with the ethnic situation in Ukraine was the language question, the predominant division naturally being between Ukrainian and Russian.¹⁵ But the political salience of language has been, and may continue to be, much greater than that of ethnicity. According to the 1989 census, each of these two languages was spoken by the same proportion of the population (78 percent), a remarkable parity considering their lopsided ethnic bases. With neither language predominating, it is difficult to imagine both of them not being official languages, if one looks at the matter from a purely pragmatic perspective. Furthermore, a policy of promoting Ukrainian as the sole official language would be fraught with problems. Nor was the tenuous position of Ukrainian helped by the fact that the percentage of the population speaking that language actually dropped slightly—from 78.8 to 78.0—between the censuses of

constitute 25 percent of the population. In 1999 life expectancy for men was 62.3, and for women, 73.2. For similar data, see *Holos Ukrainy*, 27 October 1998; *Uriadovyi kur'ier*, 8 December 1998; and H. Starostenko, "Novitni demohrafichni tendentsii v Ukraini," *Ekonomika Ukrainy*, 1998, no. 5: 22–30. Depopulation and aging, of course, accompany and foreshadow a loss of national dynamism and vitality.

14. Same sources as in n. 12 above. Between 1979 and 1989 the fastest growing ethnic groups, in descending order, were Crimean Tatars, Armenians, Gypsies, Germans, Romanians, Moldovans, and Gagauz, followed by Belarusians and Russians. The average growth of the entire population was 3.7 percent. The growth of the Russian population was 8.3 percent and the Ukrainian population, only 2.4 percent. See JPRS-UPA-91-001, 14 January 1991, 32.

15. For a succinct review of the language situation, see Motyl, *Dilemmas of Independence*, 12–13.

1970 and 1989.¹⁶ The precariousness of the Ukrainian language, therefore, matched the precariousness of Ukrainians as the dominant nationality.

The attraction of the Russian language and the flight from Ukrainian were other impediments to Ukraine's nation-building effort. This was evident from census statistics. The proportion of Ukrainians declaring Ukrainian to be their native language fell from 93.5 percent in 1959 to 87.7 percent in 1989. Meanwhile, the proportion of Ukrainians fluent in Russian rose from 35.8 percent in 1970 to 59.4 percent in 1989. Russians, on the other hand, were reported as nearly perfectly loyal to their mother tongue (98.3 percent considered Russian as their native language in 1989). Among the population at large, Russian was also clearly more popular as a second language—45.5 percent claimed to be fluent in it, as opposed to 13.3 percent fluent in Ukrainian as a second language in 1989. Among all ethnic minorities, Jews and Russians, who are commonly blamed for the Russianization of Ukraine, in fact had the highest percentages (32.7 and 46.5, respectively) of speakers of Ukrainian as a second language.¹⁷ The Ukrainianization of Ukraine would, paradoxically, have to begin with the Ukrainians themselves; conditions existed for some kind of affirmative action on the part of the authorities and for a political backlash on the part of the population. In his study of parliamentary deputies in 1990–92, Dominique Arel has stressed that “language would appear to be quite central to the internal dynamics of independent Ukraine.”¹⁸ Indeed, as Andrew Wilson has noted, the relevant divisions in Ukrainian society are actually among the Ukrainophone Ukrainians, who make up 40 percent of the population, the Russophone Ukrainians (33–34 percent), and the Russophone Russians (20–21 percent). The Russophone Ukrainians, he observes, are particularly lacking in “positive enthusiasm for the nationalist movement.”¹⁹

16. *Vestnik statistiki*, 1980, no. 8: 64 and 1990, no. 10: 69 and 76; and *Itogi Vsesoiuznoi perepisi naseleniia 1970 goda, tom IV: Natsionalnyi sostav naseleniia SSSR, soiuznykh respublik, kraev, oblastei i natsionalnykh okrugov* (Moscow: Statistika, 1973), 152–3.

17. Data in this paragraph are drawn from Orest Subtelny, *Ukraine: A History* (Toronto: University of Toronto Press in association with the Canadian Institute of Ukrainian Studies, 1988), 524; Bohdan Krawchenko, *Social Change and National Consciousness in Twentieth-Century Ukraine*, 190; and JPRS-UPA-91-001, 14 January 1991, 32.

18. Dominique Arel, “Voting Behavior in the Ukrainian Parliament: The Language Factor,” in *Parliaments in Transition: The New Legislative Politics in the Former USSR and Eastern Europe*, ed. Thomas F. Remington (Boulder, Colo.: Westview Press, 1994), 150.

19. Andrew Wilson, *Ukrainian Nationalism in the 1990s: A Minority Faith* (Cambridge: Cambridge University Press, 1997), 22–3.

Nor was the religious situation in Ukraine helpful for nation building. Indeed, it would be positively an intractable obstacle if brought into play.²⁰ Christianity, introduced into Kyivan Rus' in 988, came under the rule of the patriarch of Constantinople. Subsequent political developments, however, made identification of Ukraine with a particular religion problematical, even though the country remained predominantly Christian. After the destruction of Kyiv by the Mongols, the Kyivan metropolitan migrated in 1299 to Vladimir. There, between 1448 and 1598, the Orthodox Church declared its independence unilaterally from Constantinople, the Moscow Patriarchate was established, and the Russian Orthodox Church was born. It claimed to be the continuator of Kyivan Christianity.²¹ Subsequently, the Russian Orthodox Church in Ukraine became the tsarist instrument of imperial domination and Russification. The Soviet regime continued this policy, so that throughout the USSR "all Orthodox non-Russians ... [were] integrated with the dominant Russians in a single, indivisible, centralized Russian Orthodox Church."²² Meanwhile, after the unification of the Polish-Lithuanian Commonwealth the Ruthenian Orthodox Church was united with the Roman Catholic to form the Ukrainian Greek Catholic (or Uniate) Church.²³ This became the dominant religion in western Ukraine and the vehicle in the nineteenth century for Ukrainian nationalism.²⁴ After the partition of Ukrainian lands between Russia and Poland, the religious duality of Ukrainians—Catholic and Orthodox—became an established feature of the people.

20. For a fuller review of the religious situation, see D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, chap. 3. As noted in the previous chapter, the volatility of the religious issue and the hair-trigger police mentality were well illustrated in July 1995 during the funeral of Patriarch Volodymyr of the Ukrainian Orthodox Church-Kyiv Patriarchate. The incident was commonly interpreted as indicative of the authorities' animosity towards the emerging combination of Ukrainian nationalism and Orthodoxy in favour of the Moscow-oriented branch.

21. David Little, *Ukraine: The Legacy of Intolerance*, Series on Religion, Nationalism, and Intolerance (Washington, D. C.: United States Institute of Peace Press, 1991), 7–8. "In 1686, the Ukrainian Orthodox Church was transferred from the jurisdiction of the patriarch of Constantinople to the patriarchate of Moscow" (*ibid.*, 10).

22. Bohdan R. Bociurkiw, "Nationalities and Soviet Religious Policy," in *The Nationalities Factor in Soviet Politics and Society*, ed. Lubomyr Hajda and Mark Beissinger (Boulder, Colo.: Westview Press, 1990), 151.

23. Little, *Ukraine*, 8–9.

24. *Ibid.*, 8–10; Karen Dawisha and Bruce Parrott, *Russia and the New States of Eurasia: The Politics of Upheaval* (Cambridge: Cambridge University Press, 1994), 103; and Bociurkiw, "Nationalities and Soviet Religious Policy," 154–5.

On the nationalist wave, a Ukrainian Autocephalous Orthodox Church was formed in 1921 in the midst of the Civil War. However, this church was forced to dissolve itself in 1930.²⁵ In 1946, after the annexation of Western Ukraine and the defeat of Nazi Germany, the Uniate Church was likewise forced into self-liquidation.²⁶ Although the Uniates continued to practice their religion clandestinely, throughout the post-war period the field was monopolized by the Russian Orthodox Church, which had the tacit support of the Soviet state.

In the Gorbachev era ideological relaxation led to differentiation and greater conflict in the religious arena. The Uniate Church and the newly restored Ukrainian Autocephalous Orthodox Church were legalized. In response to the re-establishment of the two national churches, in 1990 the Moscow Patriarchate announced the creation, under its control, of the Ukrainian Orthodox Church. Conflict quickly developed among these three churches over their ecclesiastical and national authenticity as well as membership and property.²⁷ According to unofficial estimates, in 1992 there were thirty million Orthodox Christians in Ukraine; an additional five million were Uniates, concentrated mainly in western Ukraine. In 1992 the Autocephalous Church temporarily merged with the Ukrainian Orthodox Church, led by Metropolitan Filaret, to form the independent Ukrainian Orthodox Church-Kyiv Patriarchate. In an opinion survey carried out that year, 72 percent of respondents who considered themselves Orthodox reported that they identified with the Kyiv Patriarchate branch of the church; 20 percent with the Moscow Patriarchate; and 8 percent with the Russian Orthodox Church.²⁸ Despite attempts at consolidation and merger, by 1995 there were in fact three Orthodox Churches in Ukraine: the Ukrainian Orthodox Church-Moscow Patriarchate; the Ukrainian Orthodox Church-Kyiv Patriarchate; and the Ukrainian Autocephalous Orthodox Church. Altogether there were nearly seventy religious groups in Ukraine in 1996 (publish-

25. Little, *Ukraine*, 14; and Dawisha and Parrott, *Russia*, 104.

26. Little, *Ukraine*, 15–16; and Bociurkiw, "Nationalities," 155.

27. Little, *Ukraine*, chaps. 3–5; Dawisha and Parrott, *Russia*, 106–7; and Wilson, *Ukrainian Nationalism*, 86–92. For a definitive account of the pre- and post-independence period, see Bohdan R. Bociurkiw, "Politics and Religion in Ukraine: The Orthodox and the Greek Catholics," in *The Politics of Religion in Russia and the New States of Eurasia*, ed. Michael Bourdeaux, The International Politics of Eurasia, vol. 3 (Armonk, N.Y., and London: M. E. Sharpe, 1995), 131–62.

28. Jaroslaw Martyniuk, "Religious Preferences in Five Urban Areas of Ukraine," *RFE/RL Research Report*, 9 April 1993, 52–4. The five urban areas were Dnipropetrovsk, Kyiv, Kharkiv, Odesa, and Vinnytsia.

ing approximately the same number of periodical publications), more than 18,000 parishes, and 4,500 Sunday schools.²⁹ In March 1999 a survey of public opinion asked respondents to identify the religion to which they adhered: 74 percent said they were Orthodox, 6 percent said they were Greek Catholic, and 13 percent registered no religious affiliation.³⁰

The nettle of religion, therefore, could be neither easily grasped nor ignored. There is no single national church on the basis of which nation building could be promoted. Because of the deep mutual animosity, one church cannot be favoured over others to foster an ethnic Ukrainian identity.³¹ On the other hand, religion cannot be ignored by the government in its nation-building strategies because of the interconnection between religion and nationality in Soviet history and in the minds of the believers.³² For the same reason, religion will have an effect on the nation-building process regardless of what the government does or does not do. The legacy of the Russian Orthodox Church threatens the viability of independent Ukraine. The Moscow Patriarchate will continue to have a keen interest in the religious situation in Ukraine. This issue is thus more than a purely domestic one. Since approximately half of all Orthodox parishes in the former Soviet Union were located in Ukraine, a truly independent Ukraine would be a considerable blow to the Russian church's prestige.³³ This intractable and unavoidable problem is also exacerbated by the involvement of meddling neighbours.

Another challenge is regionalism, whether geographically, economically, or historically defined. The major divide is between east and west. In the late eighteenth century, after the partition of Poland, western Ukraine came under Austrian rule, while the eastern part became a province of Russia.³⁴ Western Ukraine was incorporated into the USSR only in 1939–45, during the course of the Second World War. The

29. *Uriadovyi kur'ier*, 8 February 1996.

30. *Den*, 7 April 1999.

31. Little, *Ukraine*, 48–9 and 70. Kravchuk, in fact, briefly attempted to favour the UOC-KP, but Kuchma has taken a more even-handed approach. See Wilson, *Ukrainian Nationalism*, 112, and 162–3.

32. Little, *Ukraine*, chap. 5 and pp. 71 and 74. In the 1992 survey mentioned earlier, 46 percent of Russian respondents considered themselves religious, compared to 57 percent of Ukrainians. See Martyniuk, "Religious Preferences," 54.

33. Dawisha and Parrott, *Russia*, 102.

34. For a full characterization of the nature of and differences between the two empires as they affected Ukraine, see Subtelny, *Ukraine*, chap. 12.

distinction between the west and the east was, therefore, one of political tradition as well as religion. As part of the post-war settlement, Stalin also persuaded Czechoslovakia to give up the province of Transcarpathia, and Romania, to surrender northern Bukovyna. In 1954 the Crimean peninsula, until then a Russian oblast, was transferred to the jurisdiction of Ukraine. As a result of Soviet industrial policy, which was merely a continuation of tsarist policy, Ukraine's easternmost oblasts, in the Donbas region, became heavily industrialized. Today this military-industrial "rustbelt" and economic albatross is heavily Russianized, a feature that distinguishes this area from the rest of the country. Regionalism was further reinforced by ethnicity, by reason of the dissimilar settlement patterns of Ukrainians and Russians.

Dominique Arel has suggested a useful scheme for the division of Ukraine into regions.³⁵ The historical regions of Halychyna (Galicia), Volyn (Volhynia), and Polissia thus constitute western Ukraine, which was under Polish influence for a long period of time. The five heavily industrialized oblasts of the east make up eastern Ukraine. Crimea and the three southernmost oblasts are southern Ukraine. The oblasts clustered around the capital, Kyiv, can be called central Ukraine. Zakarpattia and Chernivtsi oblasts form a residual category. This scheme is followed throughout this book. As seen in table 6.1, the ethnic composition of the population varies significantly by region and provides a basis for autonomist or separatist movements along Ukraine's periphery. A peaceful and sensible way to diffuse separatist sentiments and still achieve unity is a federalist solution. But federalism is strongly opposed by the nationalist tendency as an open invitation to separatism and is also not much favoured for ideological reasons by the Communists owing to their centralist tradition, which traces its beginnings to Lenin and Marx.³⁶

The social structure of Soviet Ukraine constitutes perhaps one final obstacle to creating suitable conditions for successful nation building. Did Ukraine have at the outset a class of intelligentsia or professionals that would benefit from, have an interest in, and would spearhead the

35. Dominique Arel, "The Parliamentary Blocs," 123–5. A slightly different division is followed by Sarah Birch in her *Elections and Democratization in Ukraine*, 4 and 155. Her scheme of oblasts is: west (Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Rivne, Ternopil, and Chernivtsi); Right Bank (Vinnytsia, Zhytomyr, Kyiv [including the city], Khmelnytskyi, Cherkasy, and Kirovohrad); Left Bank (Poltava, Sumy, and Chernihiv); south (Dnipropetrovsk, Zaporizhzhia, Crimea, Mykolaiv, Odesa, and Kherson); and east (Donetsk, Luhansk, and Kharkiv). In either case, Ukraine has no north.

36. Wilson, *Ukrainian Nationalism*, 163–8.

nation-building project? A view that has been widely accepted until now is that a social division of labour existed in Soviet Ukraine and that Ukrainians tended to be concentrated in lower-status occupations.³⁷ By 1970, 74 percent of the industrial labour force was comprised of Ukrainians, a fair representation by comparison with their percentage of the population. They were under-represented in the white-collar class, where their proportion was only two-thirds.³⁸ This discrepancy, along with the process of urbanization and in-migration of Russians into the republic, led to a competition between Ukrainians and Russians for "status ... jobs ... power and influence."³⁹ According to this interpretation, there was in fact a crisis of social mobility for Ukrainians in their own republic because Russians blocked opportunities for them. Made worse by discrimination in access to education and by the deterioration of Ukrainians' representation in higher education, the result was that "Ukrainian youth were denied their aspirations ... and therefore joined the working class."⁴⁰ This Ukrainian working class then became the articulator of the idea of national independence for Ukraine.

That interpretation has been challenged on the grounds of scant evidence for Ukrainian-Russian competition, conflict driven by socio-economic factors, and the inferiority of Ukrainians' social standing. Alexander Motyl says that the data on the changing class structure of Ukrainians in Soviet Ukraine "do not indicate [their having been] relegated to the bottom half of a cultural division of labor." Ukrainians were *not* "an economically exploited nation."⁴¹ Since the prestige and pay of white-collar employees had been falling while that of industrial workers was rising, it was not a sign of blocked mobility that Ukrainian representation was lagging in the former category but burgeoning in the latter. In fact it was quite the reverse.

Motyl has argued that Ukrainians in Ukraine actually experienced a boom in educational opportunities despite having been under-represented in the data on the nationality composition of the republic's student body.⁴² The resolution of the paradox — how the titular nationali-

37. For expressions of this view, see Lewytskyj, *Politics and Society in Soviet Ukraine*, chap. 6, and Krawchenko, *Social Change*, chap. 5.

38. Subtelny, *Ukraine*, 530–1.

39. Krawchenko, *Social Change*, 185.

40. *Ibid.*, 210.

41. Motyl, *Will the Non-Russians Rebel?*, 66.

42. *Ibid.*, 68.

TABLE 6.1
OBLASTS OF UKRAINE AND THEIR ETHNIC COMPOSITION,
1989 (IN PERCENT)

Oblast	Ukrainians	Russians	Others
Central Ukraine			
Chernihiv	91.5	6.8	1.7
Cherkasy	90.5	8.0	1.5
Khmelnyskyi	90.4	5.8	3.8
Vinnytsia	89.9	5.9	4.2
Kyiv	89.4	8.7	1.9
Kyiv City	72.5	20.9	6.6
Poltava	87.9	10.2	1.9
Sumy	85.5	13.3	1.2
Kirovohrad	85.3	11.7	3.0
Zhytomyr	84.6	7.9	7.5
Eastern Ukraine			
Dnipropetrovsk	71.6	24.2	4.2
Zaporizhzhia	63.1	32.0	4.9
Kharkiv	62.8	33.2	4.0
Luhansk	51.9	44.8	3.3
Donetsk	50.7	43.6	5.7
Southern Ukraine			
Kherson	75.7	20.2	4.1
Mykolaiv	75.6	19.4	5.0
Odesa	54.6	27.4	18.0
Crimea	25.8	67	7.2
Western Ukraine			
Ternopil	96.8	2.3	0.9
Ivano-Frankivsk	95.0	4.0	1.0
Volyn	94.6	4.4	1.0
Rivne	93.3	4.6	2.1
Lviv	90.4	7.2	2.4
Residual			
Zakarpattia	78.4	4.0	17.6
Chernivtsi	70.8	6.7	22.5

SOURCES: *Vestnik statistiki*, 1990, no. 10: 76; and *The First Book of Demographics for the Republics of the Former Soviet Union*, Table D-3, p. D-6.

ty in a Soviet republic could have had access to education but not to positions of influence and prestige among the domestic intelligentsia—lies in the operation of the former all-Union system of personnel management. Under the nomenklatura system, Ukraine exported its trained technical intelligentsia and imported Russian replacements.⁴³ Nationalist dissent was severely repressed. This inhibited the growth of a nationalistic Ukrainian intelligentsia that might have led a renascent Ukrainian nation.⁴⁴ At the same time, positions of political leadership were staffed predominantly with Ukrainians whose loyalty to the Soviet system was thereby assured.⁴⁵ Anyone who demurred could be removed from his post or excluded from the nomenklatura altogether, thus forfeiting chances for an all-Union political career. Ukrainians actually had opportunities for mobility, but these were not limited to Ukrainian territory. Given this context, it is a serious question whether a nation-building middle class can develop in time to assure Ukraine's viability and independence.

The Politics of Nation Building

On 24 August 1991 the Supreme Council of Ukraine adopted a declaration of independence.⁴⁶ A fortnight later its Presidium issued an "Appeal to the Citizens of Ukraine of all Nationalities," which stated: "From now on, our republic shall be an independent, democratic state." It announced the arrival of "a new era in the development of internationality relations in Ukraine" and pledged that "the declaration of Ukraine's independence will in no way lead to the violation of the rights of people of any nationality whatsoever." It concluded: "Independent Ukraine, as a law-based and democratic state guided by the generally acknowledged norms and principles of international law in the sphere

43. Harasymiw, "Political Mobility in Soviet Ukraine," 160–81.

44. Motyl, *Will the Non-Russians Rebel?*, 122–3.

45. For example: "In 1983, 80 percent of oblast, city, and raion first secretaries of the Communist Party of the Ukraine were passport Ukrainians. Since the mid-1950s, most top positions within the Ukrainian SSR Politburo, Council of Ministers, and KGB also belong to Ukrainians" (ibid., 120). More broadly within the political elite (i.e., "leading cadres" or nomenklatura appointees), the representation of Ukrainians was not so impressive: their percentage actually declined from 71.4 in 1951 to 70.4 in 1981. The Russians' share in 1981 was 27.1 percent. In the Communist Party as a whole Ukrainians managed to increase their representation from 56.3 percent in 1946 to 66.1 percent in 1981. See my article "Political Mobility in Soviet Ukraine," 180.

46. "Akt provozglasheniia nezavisimosti Ukrainy," *Pravda Ukrainy*, 31 August 1991.

of nationalities, will by its Declaration of state sovereignty of Ukraine assure the equal political, economic, and social rights of all citizens and full freedom for the development of all national languages and cultures."⁴⁷

The appeal was followed up on 1 November 1991 by a Declaration of the Rights of Nationalities of Ukraine issued by the Supreme Council.⁴⁸ It guaranteed citizens of all nationalities equal rights, including the preservation of their traditional settlements and the freedom to use their native language in all spheres of social life. Groups living in compact territorial units could use their language in addition to the state language (Ukrainian). Citizens were assured of their right to use the Russian language; in polyglot regions another acceptable language could be used alongside Ukrainian. Also guaranteed were the right of religious belief, the use of national symbols, observance of festivals, and participation in rituals, as well as the right of groups to build their own centres and organizations. Members of national minorities were also to have the right to unhindered contact with their homelands. The declaration made no mention of government monies or programs to realize these rights or of a complaint mechanism in case of violations.

A Law on National Minorities was subsequently passed by the Ukrainian Parliament on 25 June 1992.⁴⁹ It proceeded from the aforementioned Declaration and guaranteed all citizens regardless of national origin equal political, economic, and cultural rights and freedoms. Such rights were considered an inalienable part of generally acknowledged human rights. Citizens would be obliged to follow the Constitution of Ukraine in respecting "the languages, cultures, traditions, customs, and religious identity of the Ukrainian people and all national minorities." The law defined national minorities as "groups of citizens of Ukraine who are not Ukrainian by nationality and who manifest a feeling of national consciousness and fellowship among themselves." It authorized the creation of standing committees on inter-nationality relations in all

47. "Zvernennia do hromadian Ukrainy vsikh natsionalnostei," *Literaturna Ukraina*, 5 September 1991.

48. *Pravda Ukrainy*, 5 November 1991.

49. "Pro natsionalni menshyny v Ukraini: Zakon Ukrainy," *Holos Ukrainy*, 16 July 1992. Also available in *Vidomosti Verkhovnoi Rady Ukrainy*, 1992, no. 36, article 529. For brief discussions of this law, see Kuzio, *Ukraine: State and Nation Building*; and Tamara J. Resler, "Dilemmas of Democratisation: Safeguarding Minorities in Russia, Ukraine and Lithuania," *Europe-Asia Studies* 49, no. 1 (January 1997): 97–100. Resler, however, does not discuss the implementation of the 1992 law, but remains fixated on the danger of Ukrainian nationalism to the country's national minorities.

legislatures, as necessary, and placed central control of these matters in the hands of the Ministry of Nationality Affairs. The right of cultural autonomy, specifically and extensively defined, would be guaranteed by the state.⁵⁰ The lawmakers retreated from a commitment by the state to “assure” the training of appropriate personnel for this cultural autonomy (as stated in the original draft)⁵¹ to a more modest affirmation that “the state uses its means” to train such cadres. In localities (undefined) where a national minority comprised the majority of the population, its language could be used alongside the state language, Ukrainian. While the law also guaranteed minorities the right to preserve their traditional places of settlement, it left to future legislation to determine the right of return and territorial entitlement of formerly deported peoples.

Citizens were granted the right to choose freely and renew their nationality; forcible renunciation of one’s nationality was disallowed. Citizens were also assured of the right to carry ethno-national names; they also had the right to refuse to have a patronymic recorded in their passports if that did not accord with national tradition. A major change from the draft version of the law was the deletion of the articles dealing with administrative-territorial nationality units. These were to have been created on the basis of a local referendum subject to confirmation by the Supreme Council, and their legislatures would have carried additional responsibilities for minority political participation, use of the language, cultural development, and preschool education. That this entire section of the act was dropped indicates the lawmakers’ sensitivity to the potential for separatism. As for finances, the law made only a vague statement to the effect that the state budget would contain special allocations (not specified) for the development of national minorities.

While the law has been judged a relative success in regulating the state’s relations with ethnic minorities and has satisfied many of their demands, it has by no means totally solved the nationalities question.⁵²

50. “Article 6. The state guarantees to all national minorities rights to national-cultural autonomy: use of and schooling in the native language or the learning of the native language in the state schools or through the nationality cultural associations, development of national traditions, employing national symbols, observance of national holidays, confession of one’s religion, satisfaction of needs in literature, art, and the means of mass communication, the creation of national cultural and educational establishments, and any other activity that does not contravene existing law.”

51. *Holos Ukrainy*, 21 May 1992.

52. See Susan Stewart, “Ukraine’s Policy Towards Its Ethnic Minorities,” *RFE/RL Research Report*, 10 September 1993, 55–62.

The central authorities' responsiveness to minority concerns was a key to securing their support for independence, but since 1991 the problem has been how to keep cultural autonomy from becoming political. As has been rightly pointed out, President Kravchuk used nationalism to build the state, not vice versa. He and his successor have both trod a very careful line, so that nothing characterizes post-1991 nationality policies better than compromise.⁵³

In Zakarpattia (Transcarpathia), where Hungarians made up 12.5 percent of the population in 1989⁵⁴ and autonomist sentiment has been particularly strong,⁵⁵ their cultural demands have been largely met. Now, however, "the Hungarians have expressed a wish for some degree of political and economic autonomy as well as the 'national-cultural autonomy' permitted by the national minorities law."⁵⁶ The Ruthenians (Rusyns), of whom there are an estimated 600,000, have been organized since February 1990 in the Society of Carpathian Ruthenians, which has demanded the annulment of the Soviet annexation of Transcarpathia.⁵⁷ Recognition of the Ruthenians is improbable because the central authorities regard them as Ukrainians; hence they do not qualify as an ethnic minority. But that is unlikely to moderate or terminate their demands. In northern Bukovyna (Chernivtsi oblast), cultural demands by the Romanian minority (estimated at 200,000, or 20 percent of the population), such as schooling and revival of place names, have been or can be met. But more militant elements, with the tacit support of the Romanian government, have been advocating the reincorporation of their oblast (along with Odesa oblast) into Romania proper.⁵⁸

The Russian population in Crimea, abetted by the Russian government and various Russian politicians, has gone beyond the issue of

53. D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 60–4.

54. *Naselennia Ukrainy*, 1992, 59. The total population of Zakarpattia oblast in 1989 was 1,245,618, composed of 976,749 Ukrainians and 155,711 Hungarians.

55. At the time of the December 1991 independence referendum and presidential election, 78 percent of the voters in Zakarpattia approved of the granting of a special self-governing status to their oblast. In Berehove raion, 81.4 percent were in favour of their raion becoming a Magyar national district. See Alfred A. Reisch, "Transcarpathia's Hungarian Minority and the Autonomy Issue," *RFE/RL Research Report*, 7 February 1992, 17.

56. Stewart, "Ukraine's Policy," 61.

57. *Ibid.*

58. *Ibid.*, 60. In the 1989 census, out of a total population of 940,801 there were 666,095 Ukrainians, 100,317 Romanians, and 84,519 Moldovans in Chernivtsi oblast. See *Naselennia Ukrainy*, 1992, 62.

regionalism, of course, to raise the threat of separatism. A combination of conservative retirees from the Soviet Communist Party, the military, and the KGB, local ethnic Russian politicians, and corrupt officials has managed to mobilize opposition to central policy against not only nation building, but also economic reform. A considerable drop in living standards, a result of the peninsula's economic dependence, which has been aggravated by lack of economic transformation, has fueled dissatisfaction with Kyiv's control. Moscow's interest has been to use this situation as a lever in its dealings with Kyiv over the issues of the Black Sea Fleet and the port of Sevastopol.⁵⁹ The quixotic Russian minority having exhausted and discredited itself and a Russia-Ukraine treaty having been signed, the threat of Crimean separatism was virtually over by 1998.⁶⁰

On the whole, it should be pointed out that in a survey carried out in 1992 in the cities of Kyiv, Lviv, and Simferopol, differences between Ukrainians and Russians were relatively minor.⁶¹ In terms of ethnic stereotyping, Ukrainians tended to have a lower opinion of Russians, but Russians, significantly, were more likely to see Ukrainians as similar to themselves.⁶² There were, of course, differences of political views between the two groups, especially on citizenship, a national army, and the revival of the Soviet Union, but also high levels of agreement on the future possibility of living together in peace.⁶³ Unless there is a sharp increase in perceived differences between Russians and Ukrainians in the near future, the likelihood of conflict is small.

Conflict is more likely in the case of the Crimean Tatars, who want

59. Gwendolyn Sasse, "The Crimean Issue," *Journal of Communist and Transition Studies* 12, no. 1 (March 1996): 83–100.

60. D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 66–7. For the institutional basis of the separatist movement in Crimea and the major significance of the central government's abolition of its presidency, see Taras Kuzio and David J. Meyer, "The Donbas and Crimea: An Institutional and Demographic Approach to Ethnic Mobilization in Two Ukrainian Regions," in *State and Institution Building in Ukraine*, ed. Kuzio, Kravchuk, and D'Anieri, 297–324. For full details on the 1994–96 period in Crimea, see Kuzio, *Ukraine under Kuchma*, chap. 3.

61. Ian Bremmer, "The Politics of Ethnicity: Russians in the New Ukraine," *Europe-Asia Studies* 46, no. 2 (1994): 261–83.

62. *Ibid.*, 274–8.

63. In the three cities surveyed, the percentages of Ukrainians and Russians who agreed fully with the statement, "I think that, in the future, Russians and Ukrainians will be able to live together in peace," were 73 and 66 in Lviv; 80 and 82 in Kyiv; and 74 and 66 in Simferopol, respectively. *Ibid.*, 276.

their former autonomy restored and their national council, the *mejlis*, recognized as legitimate.⁶⁴ Indeed, they no longer regard themselves as a "minority" in Crimea, despite the fact that they comprise only 12 percent of the population, and want to play a larger role in the peninsula's political life.⁶⁵ The Kyiv government is helping the Tatars to resettle and endorsing their rights to cultural autonomy. Although these are useful for its power struggle with the local Russophile authorities in Crimea, it cannot encourage political autonomy, because this is seen as antithetical to the principle of territorial integrity. Besides treading a fine line between cultural and political autonomy for the Tatars and other groups, the Ministry of Nationalities and Immigration is also constrained by the economic situation in Ukraine, which seriously hampers its ability to live up to its commitment to equal rights for all ethnic groups.⁶⁶ By the year 2000 neither the Crimean Tatars' basic physical needs had been met nor their cultural needs and legal-political rights addressed, owing to financial constraints on the Ukrainian government as well as a general lack of attention (by politicians and the public) to this issue.⁶⁷

The Supreme Council passed the Law on Languages in the Ukrainian SSR on 28 October 1989, after more than two years of public pressure.⁶⁸ It set itself the following tasks: to regulate societal relationships in the context of the development of Ukrainian and other languages; safeguard the relevant constitutional rights of citizens; and inculcate a respectful demeanor towards peoples, languages, and cultures. It established Ukrainian as the state language and committed the state to support other languages of ethnic minorities (permitting them to be used as necessary in official circumstances alongside or in place of Ukrainian). It set down the principle that Ukrainian, Russian,

64. Stewart, "Ukraine's Policy," 58–9; "Unruly Child: A Survey of Ukraine," *The Economist*, 7 May 1994, 15; and Alevtina Sedochenko, "The Crimean Imbroglia," *Analysis of Current Events* 11, nos. 1–2 (January/February 1999): 14–15.

65. *Den*, 9 April 1999.

66. Stewart, "Ukraine's Policy," 62; and *Uriadovyi kur'ier*, 23 July 1994, and 28 January 1995. At the beginning of 1995 there were over 230 ethno-cultural associations in Ukraine with which the ministry was trying to keep in close contact for the formulation and implementation of policy.

67. "In January 1999, 128,638 of about 250,000 Crimean Tatars who returned to Ukraine [i.e., about 51 percent] did not have housing, and 71,379 of 136,623 able-bodied Crimean Tatars [i.e., 52 percent] were unemployed." Twenty-five percent of the villages into which they had been resettled had no electricity, and 73 percent had no supply of water. See "The Crimean Dilemma," *Research Update*, 10 April 2000.

68. "O iazykakh v Ukrainskoi SSR," *Pravda Ukrainy*, 3 November 1989.

“and other languages” should be the languages of inter-nationality communications within Ukraine and guaranteed citizens the right to use their national language or any other language. State officials should henceforth know both Ukrainian and Russian and, if need be, other languages, but a citizen’s lack of knowledge of either Ukrainian or Russian should not be grounds for refusal of government employment.

Republican legislation would be passed in Ukrainian, but published in both Ukrainian and Russian. Official forms would be in Ukrainian or Russian; forms for citizens’ use would be available in both languages. Government business would be carried out in Ukrainian or in another language in addition to Ukrainian. Ukrainian would be used in the law courts, arbitration, and the Procuracy. International agreements would be in Ukrainian and the language of the other state.

In the area of education, the law enshrined the right of citizens to choose the language of instruction of their children and at the same time guaranteed every child’s right to be educated in its national language. Except in the case of compact settlements of other ethnic groups, preschool and general education would be in Ukrainian. Ukrainian- and Russian-language courses would be obligatory in all schools, regardless of the language of instruction. Ukrainian was also supposed to be the medium of instruction at the secondary and post-secondary (*vuz*) levels, with allowance being made for other languages, but the Ukrainian language would at least have to be a subject. Entrance examinations would be in Ukrainian. Other provisions covered scientific communications, culture, signage, the official media, and the post and telegraph. The law was to go into effect on 1 January 1990, with some of its portions phased in over three to five years and others, five to ten years.

Early in 1991 the Ukrainian government approved and promulgated a comprehensive program implementing the language law.⁶⁹ This set out a detailed plan for the broadening of the sphere of use of the Ukrainian language and the freer development of other languages to be achieved by the end of the decade. It specified measures to be taken across a whole range of public language-related activities, the deadlines by which these were to be met, and state and other agencies responsible for their execution. With respect to the official language, the program contained

69. “Pro derzhavnu prohramu rozvytku ukrainskoi movy ta inshykh natsionalnykh mov v Ukrainskii RSR na period do 2000 roku (Postanova Rady Ministriv Ukrainskoi RSR vid 12 liutoho 1991 r., no. 41),” *Ukrainska mova i literatura v shkoli*, 1991, no. 6: 3; and “Derzhavna prohrama rozvytku ukrainskoi movy ta inshykh natsionalnykh mov v Ukrainskii RSR na period do 2000 roku (Skhvalena postanovoiu Rady Ministriv URSR vid 12 liutoho 1991 r., no. 41),” *ibid.*, 4–17.

provisions for a phased-in transition to Ukrainian for local governments; language training for government officials; training of clerical staff; the change of typewriters and printing press fonts; the use of Ukrainian and Russian in citizens' documents and place names in Ukrainian and local languages; the preparation of maps and atlases in Ukrainian; and the use of Ukrainian in international agreements. In education, the program ordered an increase to an unspecified "optimal level" in the number of Ukrainian schools and classes; more schools for minorities;⁷⁰ new preschool programs and improved teacher training; a transition to Ukrainian in professional-technical schools, pedagogical institutes, as well as in specific oblasts; a changeover to Ukrainian in computer-assisted learning; the introduction of Ukrainian as a subject in other-language schools and *vuzy* (by 1996); and the training of more teachers of Ukrainian and minority languages. It also covered the fields of science, language study, culture, information, and contacts with Ukrainians outside the republic.

Progress in Ukrainianizing the Ukrainians of Ukraine has been slow. Two years after the proclamation of Ukrainian independence Dominique Arel was able to report that certain successes, pushed by the presidential apparatus, the Ministry of Education, and state-owned television, had been noted, but at the same time a political backlash was also inevitable.⁷¹ In the area of government administration he noted that "the language of documentation in central state organs has largely switched from Russian to Ukrainian, although Russian is probably still used in industrial ministries." In terms of "official correspondence between the center and the regions," central directives seemed to be in Ukrainian, but within regions there was a distinct variation: "Ukrainization in the center and west only, while Russian persists in the east and south." Oral communication within the government was another question altogether, his impression being that quite clearly "Russian is still heavily used in central offices."⁷² More generally, speaking of the workaday world, Arel observes that "the use of Ukrainian at work remains *voluntary*."⁷³ In the sphere of public education some remarkable changes were recorded. Whereas in "1989, only 44.6 % of all school

70. The Moldovan, Polish, Hungarian, Romanian, Bulgarian, Crimean Tatar, Jewish, "and other" minorities were mentioned.

71. Dominique Arel, "Language Politics in Independent Ukraine: Towards One or Two State Languages?" *Nationalities Papers* 23, no. 3 (1995): 597–622.

72. *Ibid.*, 601.

73. *Ibid.*, 602.

children of Ukraine were enrolled in Ukrainian schools," after passage of the language law the proportion jumped almost overnight from 45.1 percent in 1991–92 to 51.4 percent in 1992–93.⁷⁴ As Arel points out, there are no bilingual schools; they must be either in one language or the other. In view of Ukraine's authoritarian Soviet tradition and the arbitrariness of local officials, some parents' preferences have been ignored in the process of the language law's implementation.⁷⁵

Higher education, hitherto conducted in Russian, was required "to shift to exclusive use of Ukrainian by the end of the decade."⁷⁶ Already two steps in that direction have been taken, namely, entrants must pass a Ukrainian language exam, and all first-year subjects are being taught in Ukrainian. In the interim, it is likely that *vuzy* in major urban areas will become bilingual, but the ultimate aim is to make them all Ukrainian. This has already evoked protests of "forcible Ukrainization."⁷⁷ Arel sums up the situation in the mass media by saying that "Ukrainian has become more prevalent on state-owned TV channels," but "its standing in the newspaper and publishing industry has ironically eroded since independence."⁷⁸ Overall, Arel has characterized the politics of implementing the language law as a collision between the anxiety of Russophones and the identity concerns of nationally conscious Ukrainians. He notes that (1) the law's implementation sometimes has diverged from the letter, for example when government documents have been published in Ukrainian alone rather than in both languages as required. He notes also that "the law has never been amended," probably because of the fear of provoking confrontation, meaning "basic aspects of the law are not respected." Even the implementation program is not enforced. (2) The policy has been unevenly implemented regionally, with "a marked improvement in the public use of Ukrainian" in western Ukraine and central cities, but elsewhere "very little has changed and Russian remains the hegemonic language." (3) Russophones are averse to using Ukrainian and are demanding accordingly that Russian be made an official or state language, at least regionally. (4) "Russophones in eastern and southern Ukraine fear the 'Ukrainization' of their region and increasingly reject the unitary nature of the Ukrainian state" instead of promoting federalism, which would preserve the hegemony of the Russian language there.

74. Ibid., 604 and 606.

75. Ibid., 607.

76. Ibid., 608–9.

77. Ibid., 609.

78. Ibid., 612.

This collision between the Russophones and the central government has fundamental meaning for an independent Ukraine.

Arel characterizes the language law as “defensive,” implying that it may have been ill-advised or that it will turn out to have been counter-productive.⁷⁹ Furthermore, he is critical of the policy’s justification. “Ukrainian officials,” he writes, “justify their demand for the exclusive use of Ukrainian in higher education by pointing out that European states, such as France or Germany, use a single language, and nobody questions this natural practice. The comparison, however, is misleading in that Ukraine, unlike France or Germany, is not a nation-state, that is, a state comprised overwhelmingly of citizens of the same ethnic group, but, sociologically speaking, a bilingual and biethnic state, home to two major linguistic groups.”⁸⁰ The Ukrainian authorities and the backers of the policy of Ukrainianization, when seen against the background of worldwide experience of states with their languages, however, are not quite so perverse as Arel makes them out to be.

In his global survey entitled *Languages and Their Territories*, Jean Laponce has argued that bilingual societies are not truly such and that any language needs a state for its own protection and survival.⁸¹ Furthermore, a situation like that in Ukraine, where two languages are roughly in balance, is more precarious for one of them than would be the case if one were dominant and the other clearly subordinate.⁸² In Ukraine, only a slight shift in language usage could start the erosion of one of the languages. Naturally, the concern of the decision-makers is that this should not happen to Ukrainian. It is also significant to distinguish the spheres of language use: “family, work, play, religious observance, acquisition of knowledge (schools, reading), and politics.”⁸³ Laponce suggests the image of an inclined plane to visualize the dynamics of bilingualism, with the dominant language spreading from the top of this hierarchy (politics) and the subordinate one resisting from below (family). Since perfect bilingualism in individuals is an ideal seldom reached, it is a

79. Ibid., 599.

80. Ibid., 609.

81. J. A. Laponce, *Languages and Their Territories*, trans. Anthony Martin-Sperry (Toronto: University of Toronto Press, 1987). “Contact and communication between languages favour the strongest language, the one with numbers and power.... Generally speaking, the language that controls the political power eliminates its rivals; and to do this, the preferred instrument is the state” (91).

82. Ibid., 39.

83. Ibid., 33.

pertinent question and a proper matter of public policy as to the degree and variety of bilingualism in Ukraine, where Ukrainian and Russian vie for dominance.

In a newspaper interview, the then vice-prime minister for humanitarian (i.e., cultural) affairs, Ivan Kuras, offered an assessment of the state of language policy as of early 1996.⁸⁴ He disclosed the existence of an active cabinet committee for the co-ordination of language policy implementation, which was monitoring the situation in the oblasts. Its oversight included far more than simply language: it embraced the entire spiritual life of the nation. Admitting that implementation of the language law was being impeded or stalled, he nevertheless cited some statistical indicators of progress. For example, in the 1995–96 school year nearly 60 percent of children in the general-education schools of Ukraine were studying in Ukrainian, whereas five years earlier the figure was only 48 percent. As of 1 September 1995, 65.6 percent of first-graders were being taught in Ukrainian. At the end of 1994, 65 percent of preschoolers were being instructed in Ukrainian, 34 percent, in Russian; and in the preceding year, 63 and 36 percent, respectively. At the post-secondary level (universities, academies, and institutes), the number of students carrying out their studies in Ukrainian rose by almost four percentage points in 1995–96 to reach 51.2 percent. Since 1993 the total number of students receiving instruction in Ukrainian in all forms of post-secondary education had nearly doubled. There was, however, a serious shortage of appropriate textbooks. In general, book publishing was still out of balance in linguistic terms: out of the overall number of publications in 1995, only 47.1 percent were in Ukrainian (this was an improvement over 33.8 percent in 1991). The overall volume of publications in Ukrainian that year was 47.7 percent, or not quite as much as in 1991. Speaking of the mass media and specifically of newspapers, the minister pointed out that at the end of 1995, 1,398 papers were being published in Ukrainian, 955, in Russian, and 374, in both languages.⁸⁵ He indicated that public library holdings were also out of balance, although

84. *Uriadovyi kur'ier*, 14 May 1996.

85. Mykhailo Syrota, the leader of the Centre group of parliamentary deputies, complained that of the 461 periodical publications of national scope, 208 (or 46.1 percent) were being issued in Ukrainian, but of their total single-issue press run (10.7 million copies), only 34.6 percent was in Ukrainian. Even more deplorable, according to him, was the problem of national newspapers: only 78 (36.4 percent) out of 214 were in Ukrainian; the Ukrainian-language single-issue press run was a mere 2.6 million out of 8.8 million, or 29.5 percent. He called for more state support of publishing. See *Holos Ukrainy*, 28 March 1996.

this was slowly being righted: 37.4 percent were in the Ukrainian language in 1996. The affirmation of Ukrainian spirituality and the development of the Ukrainian language, he said, is a long-term process.

Some improvement in the Ukrainian language situation was evident by 2000, at least in public schooling. Naturally, this improvement came at the expense of the Russian language and inevitably has become an issue (see below). According to a Ukrainian government document, 31.7 percent of all schoolchildren were being taught in Russian (compared to 50 percent in 1991–92). Among post-secondary students the figure was 35 percent (compared to 76.6 percent in 1991–92); and only 25.3 percent of preschoolers were receiving instruction in Russian in 1998–99, compared to 48.8 percent in 1991–92. Public library holdings also improved in favour of Ukrainian, the language of about 45 percent of all books. Whereas 68 percent of newspapers in 1995 were appearing in the Russian language, five years later this was down to just 50 percent.⁸⁶ The attrition of Russian in these spheres cannot but have a favourable effect on the reinforcement of the position of the Ukrainian language, at least marginally.

Another pillar in the nation-building project sometimes available to its architects is a national church. This, or rather the establishment of such “a Ukrainian national state church,” was attempted by the Kravchuk government without success, “a fortuitous development of the greatest significance for the institutionalization of religious freedom and the development of a democratic system in Ukraine,” as José Casanova terms it.⁸⁷ Despite calls for the unification of all Ukrainians into a single, national Orthodox Church,⁸⁸ until recently the policy of the Kuchma government has rejected this as an infringement on religious freedom.⁸⁹ The policy has been one of ensuring the legal status of all religions, dealing with and minimizing interconfessional conflicts, and encouraging a multiplicity of confessions. Until recently the use of religion for the purpose of nation building has been rejected by Ukraine’s decision-makers. In 2000, however, President Kuchma proposed the unification

86. Roman Solchanyk, “The Russian Language in Ukraine: A Look at the Numbers and Trends,” *The Ukrainian Weekly*, 5 March 2000, in *The Ukraine List*, no. 76 (11 March 2000); and “Russian Language in Ukraine: Surrealistic Notes,” *Research Update*, 21 February 2000, in *The Ukraine List*, no. 75 (27 February 2000).

87. José Casanova, “Ethno-Linguistic and Religious Pluralism and Democratic Construction in Ukraine,” in *Post-Soviet Political Order: Conflict and State Building*, ed. Barnett R. Rubin and Jack Snyder (London and New York: Routledge, 1998), 96.

88. See, for example, *Holos Ukrainy*, 19 August and 7 December 1995.

89. *Uriadovyi kur’ier*, 6 July 1995, 8 February 1996, and 9 September 1999.

of the three Orthodox Churches in Ukraine. But that objective seems remote because, in addition to domestic obstacles, the question involves the contest for domination of Orthodox Christianity between Moscow and Constantinople.⁹⁰ Ukrainian public opinion at the end of 2000 was, if anything, lukewarm and uncertain on the means of achieving a unification of the Orthodox Churches. This might have given pause to leaders contemplating such a union as part of the nation-building project.⁹¹

Public Opinion

The results of public opinion polling give some indication of the achievements obtained thus far and the distance yet to go in creating a Ukrainian nation and identity. What, if anything, is shared by the people of Ukraine? Although systematic information was not available to this writer, and published surveys are rarely concerned directly with problems of national identity and nation building, a handful of studies carried out between 1991 and 1998 sheds some light on this problem.

In the earliest such survey, conducted in the fall of 1991, students in nine of the country's higher educational establishments were questioned about their national consciousness, its origins, and their patterns of language usage.⁹² This sample is of interest because of its early date and its implications for generational change. The major stimuli for these

90. As Vice-Prime Minister Mykola Zhulynsky put it, "Ukrainian Orthodoxy, which is today split into three branches, should be one and unified and should consolidate the Ukrainian people" (RFE/RL Newsline, 15 August 2000). See also *ibid.*, 22, 23, and 31 August, 5 September, and 8 October 2000. The fact that at the end of 2000 a parliamentary delegation met in Istanbul with Patriarch Bartholomew I of Constantinople indicates some momentum in the direction of an amalgamation of the Orthodox Churches into a single, canonically recognized Ukrainian church. See Klara Hudzyk, "Do kanonichnoho vyznannia Ukrainskoho pravoslav'ia зроблено shche odyh vazhlyvyi krok," *Den*, 26 December 2000, consulted on 29 December 2000 at <www.day.kiev.ua/2000/238/society/soc4.htm>.

91. According to the results of a survey, 49 percent of respondents had difficulty answering, 5 percent had other ideas, and 7 percent thought that unification of the Orthodox Churches was totally unnecessary. On the other hand, 31 percent chose as their response: "The Ukrainian Orthodox Churches have to conduct together a unifying council [sobor] with the participation of all their hierarchies and at that time elect a patriarch." A smaller minority, only 8 percent, considered that "unification ... is possible only by means of penitence and adhesion to the UOC of the Moscow Patriarchate." They were asked: "Which path of unifying the Orthodox Churches in Ukraine seems to you most acceptable?" See *Den*, 5 January 2001, at <www.day.kiev.ua/soc.htm>, consulted on 5 January 2001.

92. N. I. Chernysh et al., *Natsionalna samosvidomist studentskoi molodi (Sotsiologichnyi analiz)* (Toronto: Canadian Institute of Ukrainian Studies, 1993).

students' interest in the question of national rebirth were the contemporary socio-political events and a desire to understand them better (cited by 50.9 percent of respondents). Only 20.1 percent reported having had such an interest from childhood. The researchers therefore noted that for a majority of the student youth, interest in the national question was not a deeply held belief or conviction, but a short-term attitude in response to immediate conditions. If it were stimulated by the current situation, it could also be dampened by it in the future. Students were asked about the means that might be used to engineer a national renaissance, and 41.3 percent identified knowledge of one's history as essential. Oddly, an identical proportion of respondents (about 17 percent) entertained opposite opinions on the role of the Ukrainian language. For one group of respondents it was a major factor in national reawakening; for the other it was of secondary importance.

Usage of the Ukrainian language among the student respondents was reported to be greatest in the home and least among their peers. The Russian language was used most frequently in communicating with government institutions. (What would Laponce say about this situation?) As in all other aspects of this survey, there were considerable regional variations, with the greatest use of Ukrainian being among students in western Ukraine; in Kharkiv, by contrast, only 2.1 percent of students were using Ukrainian in their studies and research work. Overall, the balance between Ukrainian and Russian language use in post-secondary institutions at the time was 53:26.

In order to ascertain the level of students' awareness of the current situation facing the country, they were asked, "What do you consider the greatest evil for Ukraine?" The most frequent answer was the ecological crisis, but there were great variations on a regional basis, so that one could not speak of a consensus here. As for what students considered their main obligation as citizens, the most frequent response was to pitch in with a personal effort to help develop the country; "to support the full independence and state sovereignty of Ukraine" was second. Generally, researchers found that students placed universal values before national interests, not an unusual outlook for contemporary youth. As for the influences on the formation of their national consciousness, the students identified their families (49.5 percent) in first place, followed at some distance by the mass media (17.1 percent), their peers (14.5 percent), and their religion (14.4 percent). They were also asked, "How would you assess your beliefs?" Twenty-nine percent of respondents characterized themselves as "patriots," 20.9 percent, as "democrats," and 12.3 percent, as "internationalists" (a further 9.1 percent called themselves "citizens of

the world"); only 7.1 percent referred to themselves as "nationalists"; and an identical proportion (7.1 percent) said they were indifferent to national problems.

Summing up the results of their survey, the researchers were on the whole disappointed. They characterized the students' views on the project of national rebirth as lacking in unanimity and integration, and the students themselves as not appreciating the priority that needs to be given to the building of a national state. Their national values were not deeply ingrained; they were not predisposed to action; and they placed universal values above national ones. There were great regional differences among the respondents, and their institutions of higher learning were obviously not fulfilling the task of preparing the younger generation for life in an independent nation-state.

During the year following independence, respondents in a survey of the general population were found to be much less interested in their national identity than they were in the building of a strong state.⁹³ In reply to the question, "What is the primary need of Ukrainian society?" 44.2 percent chose "Assuring social stability," and 42.3 percent, "Building a strong state"; only 6.8 percent responded by saying "To stimulate the development of national consciousness." At the outset, therefore, the nation and problems of nation building were not at the forefront of public thinking.

A survey examining attitudes towards the use of the Ukrainian language, conducted in May 1992, may be considered a benchmark.⁹⁴ In it 66 percent of the respondents said their native language was Ukrainian, and 31 percent, Russian. Altogether 85 percent said they knew Ukrainian, and 78 percent, Russian. Asked whether Ukrainian should be the main language of instruction in schools, a less than overwhelming majority (59 percent) agreed; Ukrainian respondents, however, were twice as likely as Russians (66 percent versus 33 percent) to approve. The gap was nearly as wide on the matter of compulsory teaching of Ukrainian as a subject in schools—75 percent of Ukrainians and 55 percent of Russians concurred. The relatively low levels of support for Ukrainian were remarkable, considering that an overwhelming number of respondents already claimed to know the language. This was clearly indicative of the lower status of the Ukrainian language on its very own territory in comparison with Russian.

A study of enrolments in Ukrainian- and Russian-language schools

93. *Demokratychna Ukraina*, 26 December 1992.

94. Jaroslaw Martyniuk, "Attitudes toward Language in Ukraine," *RFE/RL Research Report*, 18 September 1992, 69–70.

was carried out in four cities—Donetsk, Kyiv, Lviv, and Odesa—in 1996 and 1997.⁹⁵ The researcher was interested in the circumstances in which parents would send their children to one type of school or the other and in the language used at home. In Donetsk and Odesa, Russian parents, it was inferred, opted for retention of their language by sending their offspring to Russian-language schools. In Kyiv they opted for language integration by sending the children to Ukrainian schools but raising them at home in Russian. Mixed-marriage couples generally followed suit. The factor that seemed to explain this best was the proportion of Russians in the population: the greater their numbers, the less accommodating they were to Ukrainianization. In Lviv the picture was slightly different, with mixed-marriage families opting for language assimilation (schooling and upbringing in Ukrainian). Among purely Russian families in Lviv, however, the tendency was towards Russian language retention, contrary to the researcher's hypothesis. All of this simply shows that the responses of the Russian population to Ukrainianization of schooling are neither uniform nor totally opposed, which means that adaptation to a Ukrainian identity is at least partly feasible.

In 1998 a newspaper report on a survey interpreted its results as indicating that "Russian remains the primary spoken language in Ukraine. The proportion of respondents who said they spoke Russian at home outnumbered those who said they spoke Ukrainian by a ratio of 3 to 2."⁹⁶ Specifically, 45.6 percent of respondents said they spoke Russian at home, 29.8 percent reported speaking Ukrainian, while 23.5 percent spoke both. The percentage speaking Russian at home was highest among the youngest age groups: 57 percent for fifteen- to nineteen-year-olds, 53 percent for people in their twenties, and 41 percent for the rest.⁹⁷ These are not welcome figures from the point of view of the state's protection of the Ukrainian language, especially in light of Laponce's findings.

95. Jan G. Janmaat, "Language Politics in Education and the Response of Russians in Ukraine," *Nationalities Papers* 27, no. 3 (1999): 475–501.

96. Stefan Korshak and Vitaly Sych, "Survey Shows Support for Ukrainian and Russian Languages," *Ukrainian News / Ukrainski visti*, 26 August–8 September 1998.

97. A survey conducted in October 1999, however, had more respondents offering Ukrainian (48 percent) than Russian (36 percent) in answer to the question, "Which language do you speak most at home?" Among Ukrainian respondents, 61 percent answered "Ukrainian;" 23 percent, "Russian." However, 88 percent of Russian respondents chose "Russian," and only 3 percent gave "Ukrainian" as an answer. See Jaroslaw Martyniuk, "Language Most Spoken at Home," *The Ukraine List*, no. 76 (11 March 2000).

On the question of official languages, the same 1998 survey revealed that a majority (60 percent) was opposed to upgrading Russian to the status of a state language, but an even larger majority (70 percent) thought it should be given some official status. Various other alternatives and combinations were favoured by smaller proportions of respondents. For instance, 36 percent would make Russian a second state language. Thirty percent would keep Ukrainian as the only state language, but would give Russian a legal status only within the commercial sector. Tiny minorities of respondents would either make Russian the sole state language (4.6 percent) or ban it altogether from Ukraine (4.1 percent). In any case, young people were again more favourably disposed towards Russian: 46.4 percent of fifteen- to nineteen-year-olds would make Russian a state language, and the percentage declined with each successive age group. For the authorities or anyone else, including students of this subject, to expect that language in combination with the dynamics of generational change might help Ukraine's project of nation building would appear to be hopeless.

Attitudes towards federalism, about which the public of Ukraine has been questioned in surveys, may be used as a proxy for its sense of national unity and identity. With regard to that, early indications provided some hope for the growth of a feeling of national community. In May–June 1993, for instance, a survey of Ukraine showed that opinion about the possible federalization of the country was on balance negative: 42 percent against, and only 13 percent in favour.⁹⁸ Residents of Kyiv, who were surveyed in June of the same year, were likewise strongly against federation: 51.6 percent were against, and 21.0 were for.⁹⁹ In November 1993 a survey of the entire country still showed an unfavourable balance for federalism, but with both sides gaining strength: this time 50 percent were against, but the percentage in favour had doubled to 26.¹⁰⁰ On the whole, during 1993 opposition to federalism and, presumably, to commitment to a unified nation were weakening (a differen-

98. Iryna Bekeshkina, "Hromadska dumka pro maibutnii ekonomichnyi ta terytorialno-derzhavnyi ustrii Ukrainy," *Politychnyi portret Ukrainy* (Biuleten doslidno-navchalnoho tsentru "Demokratychni initsiatyvy"), no. 2 (1993): 7.

99. Oleksandr Vyshniak et al., *Referendum doviry: Dumka kyian. Hromadska dumka naselennia stolytsi pro sotsialno-ekonomichnu ta politychnu kryzu v Ukraini (za rezultatamy sotsiolohichnoho opytuvannia, shcho provedene u Kyievi 18–20 chervnia 1993 roku)* (Kyiv, 1993), 5.

100. Ievhen Holovakha, "Suchasna politychna sytuatsiia i perspektyva derzhavno-politychnoho ta ekonomichnoho rozvytku Ukrainy," *Politychnyi portret Ukrainy*, no. 4 (December 1993): 8.

tial of minus 29 points in May–June, reduced to minus 24 in November)—not a good omen for nation builders.

In the same November 1993 survey respondents were again asked, “What is your opinion as to what our state should be concerned with as a first priority?” The response, “rebirth of the Ukrainian nation,” was given by only 8 percent of those asked; but “assuring the material welfare of the people” topped the list, with 79 percent of respondents.¹⁰¹ Clearly, nation-building concerns in the public consciousness were overwhelmed at that time by thoughts of physical well-being. Respondents were also asked if they supported the broadening of the sphere of use of the Ukrainian language: 65 percent answered “Yes,” and 21 percent, “No.”¹⁰² This was hardly a ringing endorsement for the government’s language policy, since 73.3 percent of respondents identified themselves as Ukrainian; only 63.9 percent of the sample, however, declared Ukrainian to be their mother tongue, and a mere 34.8 percent reported using Ukrainian exclusively within the family.¹⁰³ A clearer depiction of the discrepancy between public complacency and lawmakers’ concern could hardly be imagined; likewise the odds of overcoming that complacency.

And yet, was it complacency or confidence? In the same poll, 54 percent of respondents said that Ukraine would retain its integrity and independence when they were asked their views on Ukraine’s probable future in the next two to three years.¹⁰⁴ The second-highest response—at 42 percent—was that Ukraine would become integrated with Russia and Belarus in a Slavic Union. Thirty-one percent said that Ukraine would become part of a single CIS state; 28 percent, that part of Ukraine would secede to Russia; and 15 percent, that Ukraine would disintegrate into several states. The conclusions of a University of Michigan study conducted in 1994 were very tentative. The authors claimed only that it provided “some, though scarcely overwhelming, evidence of an emerging Ukrainian political community.” They anticipated “that, while the results

101. “Hromadska dumka naselennia Ukrainy u tsyfrakh,” *Politychnyi portret Ukrainy*, no. 5 (December 1993): 15.

102. *Ibid.*, 21.

103. *Ibid.*, 27. In a follow-up survey in February–March 1994 the corresponding figures were strikingly similar: 72 percent of respondents identified their nationality as Ukrainian, 61 percent named Ukrainian as their native language, and 34 percent claimed to use Ukrainian exclusively at home. See “Politychnyi portret Ukrainy: Liutyi-berezen 1994 roku,” *Vybory 94: Pres-tsentru. Zbirnyk informatsiino-analitychnykh materialiv: Spetsialnyi vypusk pidhotovlenyi spilno z sotsiologichnoi sluzhboiu tsentru “Demokratychni initsiatyvy”* (Kyiv: Ukrainskyi dim, 1994): 36–7.

104. *Ibid.*, 23.

are certainly mixed, there is some evidence of a process of differentiation between Ukraine and Russia which may prove a harbinger of the emergence of a political community within Ukraine or within a large segment—excluding Crimea—thereof.”¹⁰⁵ If the people of Ukraine were ready for nation building, the answer was certainly ambiguous.

Use of the mass media provides another indicator of the Ukrainian public's readiness to identify with Ukraine. Here, too, the evidence is ambiguous. “Analysis of the structure of popularity of the sources of political information,” wrote the authors of a public opinion survey carried out in mid-1993, “shows that Russian television has the predominant influence on the informational space in Ukraine.”¹⁰⁶ Among the top eleven news programs mentioned by respondents, only four were Ukrainian, and only one of those was in the top six. The Moscow program “Novosti, chosen by 54 percent of respondents, was at the head of the list.”¹⁰⁷ UTN from Kyiv was in second place (49 percent). The same question asked in November of that year elicited similar responses: 43 percent preferred Russian state television, and 33 percent chose Ukrainian state television.¹⁰⁸ Likewise, in February–March 1994, when respondents were asked to which channel they would prefer to have daytime TV restored, 60 percent identified Ostankino from Moscow as their top preference.¹⁰⁹ The tendency of the public in Ukraine to prefer Russian to Ukrainian broadcasts was all the more significant given the predominance of television as a source of news and information.¹¹⁰

In the other media, the picture did not look quite so hopeless from the point of view of sustaining community and nationhood. For example, in the November 1993 survey referred to earlier, the newspaper preferences of respondents seeking information about politics were: local (oblast, city), 28 percent; Ukrainian republican, 27 percent; and newspapers published

105. William Zimmerman, “Is Ukraine a Political Community?” *Communist and Post-Communist Studies* 31, no. 1 (March 1998): 54.

106. Iryna Bekeshkina et al., “Hromadska dumka pro stan demokratii v Ukraini ta perspektyvy politychnoho vyboru,” *Politychnyi portret Ukrainy*, no. 3 (1993): 18.

107. Ibid., 19. The question was, “Which television broadcast do you prefer when you want to get information about politics?”

108. “Hromadska dumka naselennia Ukrainy u tsyfrakh,” 18.

109. “Politychnyi portret Ukrainy: Liutyi-berezen 1994 roku,” 18. Only 19 percent of respondents chose UT-1, while a mere 4 percent chose UT-2.

110. For example, in the February–March 1994 survey, 56 percent of respondents named television as the best source of information about candidates in the impending parliamentary elections; the second choice was newspapers, at 29 percent. Ibid., 17.

in Russia, only 18 percent.¹¹¹ However, the survey did not distinguish between the Ukrainian- and Russian-language press. Respondents' preferences for radio broadcasts from which to obtain information on politics ranged from 40 percent for Ukrainian state radio to 14 percent for Russian state radio, with 27 percent of respondents reporting that they never listen to radio broadcasts about politics.¹¹² The three forms of mass media appear to have attracted somewhat different segments of the public, which is oriented in various ways to the national media and therefore pulled in several directions in terms of community affinity.

Regional variation in public attitudes, revealed in the above survey and others of its kind, was and remains significant and must be considered as another major impediment to the nation-building project. For example, in the already cited poll from May–June 1993, in only four out of eleven regions of the country did UTN outscore “Novosti” in terms of popularity of television programming.¹¹³ In Crimea “Novosti” led UTN by 69 percent to 26 percent, a gap of 43 points. Attitudes to federalism were similarly widely variable: in May–June 1993 it was rated most favourably in the Donets region—21 percent positive—but even there this was outweighed by its negative assessment—26 percent. In the northeast, where its positive rating was lowest at 6 percent, the negative was 53, for a net differential of 47 points.¹¹⁴ By November Crimea was in the lead with 42 percent in favour of federalism and 27 percent against; only 9 percent of the inhabitants of the western region were in favour, and 85 percent were against. By then the Donets region had changed to 37 percent for and 42 percent against; in the northeast, 21 percent were in favour, and 48 percent were against.¹¹⁵ If we subtract the negative

111. “Hromadska dumka naselennia Ukrainy u tsyfrakh,” 19. But 24 percent also answered that they “do not read materials that have to do with politics.”

112. Ibid.

113. Bekeshkina et al., “Hromads’ka dumka pro stan demokratii,” 21. The four regions were northwestern (71 percent for UTN, 52 for “Novosti”); western (65 and 37 percent); central (64 and 53 percent); and Kyiv (51 and 47 percent). The “Democratic Initiatives” research centre defined its eleven regions containing the various oblasts of Ukraine as follows: 1. Kyiv; 2. northern (Zhytomyr, Chernihiv, and Kyiv—less Kyiv itself); 3. central (Vinnytsia, Kirovohrad, Poltava, Cherkasy and Khmelnytskyi); 4. northeastern (Sumy and Kharkiv); 5. northwestern (Volyn and Rivne); 6. Dnipro (Dnipropetrovsk and Zaporizhzhia); 7. western (Ivano-Frankivsk, Lviv, and Ternopil); 8. southwestern (Zakarpattia and Chernivtsi); 9. southern (Mykolaiv, Odesa, and Kherson); 10. Crimean Republic; and 11. Donets (Donetsk and Luhansk).

114. Bekeshkina, “Hromadska dumka pro maibutnii,” 7.

115. Holovakha, “Suchasna politychna sytuatsiia,” 8.

assessments from the positive ones, the greatest contrast at that time was between Crimea—with a net positive rating of +15 percentage points—and the western region—where the differential was -76 points. Similarly, on the question of respondents' support for expanding the sphere of use of the Ukrainian language, whereas the mean differential was +44 points, the extremes were far apart: from +95 in the northwest to -56 in Crimea.¹¹⁶ Regarding the rejuvenation of the Ukrainian nation as a first-rank government priority, this was least popular in the Dnipro region (3 percent) and most popular in the western region (19 percent), while the mean for the whole country was 8 percent.¹¹⁷ A poll completed in January 1998, asking the question "What nationality are you?" received responses of 74.3 percent "Ukrainian" and 21.6 percent "Russian" in the entire country, but regional variation was 95.5 percent to 53.4 percent for the former and 3.2 percent to 37.9 percent for the latter.¹¹⁸ A wholly Ukrainian ethnic nation within the Ukrainian state is a long way off at best; more likely Ukraine will be a binational nation-state.

A separate study of the eastern and southern regions, conducted in June 1994, revealed the truly distinctive character of that part of Ukraine.¹¹⁹ The respondents, 56 percent of whom identified themselves as Ukrainian and 38 percent as Russian, reported the obverse ratio in language use. Only 36 percent claimed Ukrainian as their native language (62 percent, Russian); and only 11 percent stated that Ukrainian alone was used in the family (Russian alone was reportedly used by 58 percent). Their top three priorities for government were "to assure state social guarantees to the toilers" (41 percent); "to restore the USSR" (32 percent); and "to bring order in society by any means, including force" (26 percent). They were also more concerned with introducing Russian as a second state language (20 percent) than they were with strengthening the independence of the Ukrainian state (15 percent). Their preference for Ostankino television news was overwhelming at 85 percent; only 21 percent preferred UT-1. When asked to which category of the population they considered themselves as belonging first and foremost, only 34 percent named the population of Ukraine; 27 percent felt they belonged to the people of the former Soviet Union; and 23 percent, to their locality.

116. "Hromadska dumka naselennia Ukrainy u tsyfrakh," 21.

117. *Ibid.*, 15.

118. D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 62.

119. Iryna Bekeshkina, Ilko Kucheriv, and Viktor Nebozhenko, "Politychnyi portret Ukrainy: Pres-konferentsiia prysviachena pidsumkam opytuvannia hromadskoi dumky u travni-chervni 1994 roku," 9 June 1994.

Paul S. Pirie has suggested that national identity may be much more subtle and complicated than indicated by census data. He hypothesizes that “inter-ethnic marriage, language usage, and urbanisation are all factors which contribute to mixed self-identification.” Furthermore, “the main features of national identity of Eastern and Southern Ukraine— ... [its] ambivalence and instability—have remarkable parallels in the political life of the region.”¹²⁰ It is possible, he says, for self-identification to take four routes. An individual may have (1) a single identity; (2) a dual identity; (3) a marginal and ambivalent identity; or (4) a supranational identity (e.g., Soviet, Yugoslav, or Canadian). Accordingly, a 1993–94 study on identity showed that 57 percent of the population said they were Ukrainian, 11 percent, Russian, and 25 to 26 percent, both or mixed. He writes: “A 1995 sociological survey showed that the Donbass and the Crimea—the two regions with the highest proportion of ethnically mixed families—were by far the most ‘Soviet’ in their territorial identification.”¹²¹ From this perspective, it is a mistake to dichotomize the population of Ukraine into Ukrainian and Russian or to assume that whoever does not belong in the first category must necessarily be relegated to the second; in fact, significant proportions of the society have dual, ambivalent, or other identities.

Pirie further reports that a May 1995 survey conducted throughout Ukraine confirmed not only how lukewarm self-described “Ukrainians” are about identifying with their new country, but also how ethnically mixed parentage further dilutes this identification and how strongly language usage is related to national identity.¹²² In this study 56.9 percent of respondents who declared themselves to be Ukrainian by nationality identified with Ukraine, while only 28.3 percent of Russians did so. Similarly, 61.3 percent of those whose native language was Ukrainian identified with Ukraine, as did 29.7 percent of respondents whose native language was Russian. Where only Ukrainian was spoken at home, 66.7 percent identified with Ukraine, but where it was only Russian, the percentage dropped to 28.6 percent. The most striking differences were associated with parentage. The following were the percentages of respondents identifying with Ukraine for the four categories: for those claiming Ukrainian nationality with both parents being Ukrainian it was 60.0; for Russians with two Russian parents, 30.1. For

120. Paul S. Pirie, “National Identity and Politics in Southern and Eastern Ukraine,” *Europe-Asia Studies* 48, no. 7 (November 1996): 1079.

121. *Ibid.*, 1090.

122. *Ibid.*, 1093.

those of mixed parentage, it was 39.7 for respondents of Ukrainian nationality, but 27.5 for those of Russian nationality (a highly significant discrepancy, given that the two categories of respondents were ethnically the same).

Pirie's objective is to emphasize that the weakness of a Ukrainian national identity does not necessarily entail a strong Russian identity, especially in ethnically mixed regions of Ukraine. He concludes

that the political climate of Eastern and Southern Ukraine relative to Ukrainian statehood may be best described as ambivalent: the population is attracted by both Ukraine and Russia, but never fully content in its relations with either. Hence the political climate of the region is very much a mirror of the ethnic climate: neither fully pro-Ukrainian nor fully pro-Russian, but vacillating on the margin between the two.¹²³

His prognosis is correspondingly sensible:

A viable pro-Russian, separatist movement will be limited to Crimea, as this is the only area with a large proportion of individuals with a strictly Russian national identity. In areas such as the Donbass, where the national identification is more mixed, there will be continued support for close ties with Russia and the former Soviet Union, but this will not be sufficiently strong to sustain a full-fledged movement for the reintegration of Ukraine into Russia, as support for such an idea is likely to be as unreliable and ambivalent as support for Ukrainian independence has been.¹²⁴

A relatively weak sense of national identity among its people is just something that Ukraine and its political leaders will apparently have to live with.

Public opinion surveys of the Ukrainian public and especially young people, conducted in 1996, have confirmed their preoccupation with things material rather than symbolic. One such poll conducted in February found that in a sample of 3,082 citizens, a clear majority (62 percent) thought that "Ukrainian society should be improved by means of reforms, that is, by means of gradual, evolutionary changes," and that "the majority of citizens of Ukraine desires to live in a democratic, law-based society."¹²⁵ According to a survey of young Ukrainians in the same month, the factor

123. Ibid., 1099.

124. Ibid., 1099–1100. The Ukrainian political commentator and editor Mykola Riabchuk, writing in *The Ukrainian Weekly*, 6 June 1999, has voiced ideas along the same lines as those of Pirie. But Riabchuk's are more impressionistic and interpretive rather than empirical.

125. *Uriadovyi kur'ier*, 16 March 1996.

identified as constituting the greatest danger to Ukraine's independence was the absence of real economic reforms (58 percent). Corruption was second (57 percent); and the unformed nature of a nationally conscious elite was in eighth place with 11 percent.¹²⁶ On a scale of one to five, low incomes were rated as youths' greatest concerns at that moment, with a score of 3.45. For the time being, therefore, Ukraine may be only a titular or nominal nation, but it could be hoped that the recognized need for economic reform might yet unify its people.¹²⁷

In the latter half of 1998 a series of opinion polls in the newspaper *Den* affirmed that the Ukrainian public's primary preoccupation was still focussed on economic troubles rather than nation building, although it still supported independence. Fully 61 percent of respondents were in agreement with the statement "Although there are many obstacles on the path to our statehood, I nonetheless consider that Ukraine should be independent."¹²⁸ Only 19 percent disagreed. These results produced a net figure of plus 42 points in favour of independence, which is quite remarkable considering the circumstances. But towards the end of the year economic considerations had almost totally eclipsed the national question. In November 1998, in response to the question "Which of the problems facing Ukraine today concerns you the most?" 83 percent of respondents identified "people's living standards," while only 4 percent cited "rebirth of the Ukrainian nation." By comparison, in November 1994, 74 percent and 9 percent of those polled had given the corresponding responses.¹²⁹ The trend appeared to be clear. In December 1998, when people were asked "What worries you personally above all else today?" 76 percent identified their own financial situation, well ahead of all other considerations.¹³⁰

126. *Ibid.*, 21 May 1996.

127. *Uriadovyi kur'ier*, 10 March 1994.

128. *Den*, 16 July 1998.

129. *Ibid.*, 22 December 1998.

130. *Ibid.*, 12 January 1999. The other items, in descending order, were food prices, 40 percent; personal health, 39 percent; unemployment, 37 percent; crime, 23 percent; and corruption in the leadership, 12 percent. In a similar vein, Sarah Birch reports that "the proportion of the population that assessed the economic situation in Ukraine as 'very bad' rose from 38.4 percent in 1994 to 43.3 percent in 1997" (Birch, *Elections*, 102).

Conclusion

Successful economic reform might produce national unity. But progress on that score has been less than spectacular: economic reform is slow-paced, the leftist (old Communist) plurality in Parliament is set against it, and Ukraine is heavily dependent on Russia.¹³¹ Ukraine thus continues to depend on its past (its discontinuous history, as Mark von Hagen calls it),¹³² its nationally ambivalent people, and Russia for its existence and nationhood. The problem of nation building will therefore be sure to generate continuing confrontation.¹³³ Taras Kuzio sums it up best when he writes about the 1990s: "Nation-building, prevented in eastern Ukraine by both the tsarist and the Soviet regimes, was still a project in the process of implementation—the third (and perhaps final) attempt at creating a Ukrainian nation in over one hundred years."¹³⁴

Another possibility for the successful combination of national integration and democratic consolidation is that Ukraine's social cleavages may be more crosscutting than reinforcing and hence more conducive to the diminution of conflict. This is José Casanova's thesis. In one of his papers he sets out "to present the complex ethno-linguistic and religious pluralism in Ukraine as cross-cutting cleavages conducive to the integration of a democratic order in Ukraine rather than to conflictive polarization and disintegration."¹³⁵ While this is an attractive idea, which in the past was used to explain the differences between stable and unstable democracies, and today may engender cautious optimism about Ukraine's fate, it remains to be convincingly demonstrated. It would require individual-level (rather than aggregate-level) study of the identities and allegiances of a representative sample of Ukrainians, as well as their orientations to other ethnic groups of various categories, and, finally, their dispositions to action. It is an interesting and hopeful hypothesis, but nothing more.

131. The close link between nation and state building, on the one hand, and economic and democratic transformation, on the other, is emphasized at the conclusion of their chapter on nation building and national identity by D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 70.

132. Mark von Hagen, "Does Ukraine Have a History?" *Slavic Review* 54, no. 3 (Fall 1995): 658–73.

133. Wilson, *Ukrainian Nationalism*, 172.

134. Taras Kuzio, "Ukraine: Coming to Terms with the Soviet Legacy," *Journal of Communist Studies and Transition Politics* 14, no. 4 (December 1998): 23. For Kuzio's full-scale treatment of the present chapter's subject, see his *Ukraine: State and Nation Building*.

135. Casanova, "Ethno-Linguistic and Religious Pluralism," 81.

The susceptibility of Ukraine's nation-building process to outside influence was demonstrated at the end of 1999 and the beginning of 2000 by events that underlined how this process is necessarily more than a domestic issue to be determined only by domestic factors. In December 1999 the Constitutional Court rendered a decision in response to a reference on the status of Ukrainian as a state language. It said government officials at the centre and locally must use Ukrainian and all educational establishments must have Ukrainian as a language of instruction. This was protested initially by Communist parliamentarians and then by Russia's Ministry of Foreign Affairs and its Human Rights Commissioner as infringing on the rights not only of the Russian minority in Ukraine, but also the Russophone majority.¹³⁶ That the Russian government makes no provisions for the cultural needs of its own substantial (4.5 million) Ukrainian minority was overlooked by the indignant protesters. Ukrainian nation building is simply fuel for Russian imperialism.¹³⁷

In May 2000, when the composer Ihor Bilozir sustained fatal injuries in a brawl in a Lviv café with two Russian speakers who objected to his singing in Ukrainian, there were massive demonstrations in the city, which were followed by a wave of anti-Russian sentiment. The city council placed a moratorium on the public performance of singing in the Russian language, and radical nationalist volunteer groups went around monitoring observance of the new rule. Russia's Ministry of Foreign Affairs, the Russian ambassador to Ukraine, and the Russian Duma, quite ignoring the original incident, vociferously protested, implying that the Ukrainian government was encouraging inter-ethnic hatred and violating the rights of the Russian minority. The Ukrainian authorities strenuously rejected the allegations.¹³⁸ This inci-

136. See RFE/RL Newline, 22 December 1999; Peter Byrne, "Language Bill Angers Russians," *Kyiv Post*, 24 February 2000; "'Language War' Heats up in Ukraine," *Jamestown Foundation Monitor*, 23 February 2000; Raisa Stesyura, "Kiev Said to Ensure Minority Language Rights," ITAR-TASS (Moscow), 16 February 2000; and "Russian Language in Ukraine: Surrealistic Notes," *Research Update*, 21 February 2000; all in *The Ukraine List*, no. 75 (27 February 2000). See also Roman Solchanyk, "The Russian Language in Ukraine: A Look at the Numbers and Trends," *The Ukrainian Weekly*, 5 March 2000; and Volodymyr Malynkovych, "'De-Russification' as a Phenomenon of Aggressive Nationalism," *Region* (Kyiv), 4 March 2000; both in *The Ukraine List*, no. 76 (11 March 2000).

137. Ivan Dziuba, "Suchasna movna sytuatsiia v Ukraini," *Uriadovyi kur'ier*, 20 April 2000; and *Ukrainian News / Ukrainski visti*, 9–22 February 2000.

138. *Ukrainian News / Ukrainski visti*, 31 May–13 June, 28 June–25 July, and 26 July–8 August 2000; and Taras Kuzio, "Language and Nationalism in the Post-Soviet Space," RFE/RL Newline, 3 August 2000.

dent confirmed the close connection between Ukrainian and Russian nationalism, which creates ongoing conflict between the two states. Every time the Ukrainian dog barks, Russia jerks the leash. Ukraine's nation-building problem is also a foreign-policy problem, thanks to Russia's self-appointed role as overseer of its "compatriots'" welfare in the former Soviet Union.

To summarize Ukraine's progress in nation building since 1991 with reference to the various public opinion surveys reviewed in this chapter, we can say that for some time to come the country's political leaders will have to live with a population that has a weak sense of national identity. The Ukrainian public has been and still is highly complacent about nation building and its national identity. Existing policies, therefore, have had little effect on creating that shared sense of belonging, loyalty, and distinctness from Russia, all of which are part and parcel of the nation-building project. Naturally, for historical reasons policies of nation building in Ukraine are grounded in an ethnic formula, but an ethnically Ukrainian nation, as can be seen by now, is unlikely to emerge. Ukraine is more apt to develop into a bi-national state with a political identity. In any event, Ukraine's political leadership is actually pursuing the development of a political rather than ethnic nationality. It is encouraging a "European" identity in the population. Trying to convince people to identify with the prosperity, security, and stability of Europe is a better bet than taking the risk of arousing animosities between Russians and Ukrainians at home and between Russia and Ukraine externally. Such antagonism would inevitably occur if attempts were made to develop an ethnic identity for Ukrainians. The choice of a political nationality strategy displeases the national-democrats, but the leaders are wisely erring on the side of caution and pragmatism.¹³⁹

The language situation is in a state of delicate balance: education in Ukrainian is expanding, but youngsters and Russians prefer to speak Russian at home. Young people in general are indifferent to the national question, meaning that the outlook for generational change is not propitious as far as nation building is concerned. Young people are more interested in ecological issues and progress on economic reform. Regional differences with regard to national identity are great. But then national identity is not an either/or proposition. National identities may be dual or ambivalent, and patterns of adaptation to Ukrainian identity can be

139. Kataryna Wolczuk, "History, Europe and the 'National Idea': The 'Official' Narrative of National Identity in Ukraine," *Nationalities Papers* 28, no. 4 (December 2000): 686–8.

varied and flexible. People who do not identify themselves as Ukrainians are not ipso facto identifying themselves as Russians, and the southern and eastern regions of Ukraine are not necessarily “lost” to the Ukrainian nation-building project. Everyone concerned has to learn to live with ambiguity, distasteful though it may be to some.

CHAPTER 7

Parliament and Elections

Ukraine's Parliament in the post-Communist period is a continuation of the identically named Supreme Council (Ukrainian: *Verkhovna Rada*; Russian: *Verkhovnyi Sovet*) of the Soviet era.¹ After the first post-Communist elections in 1994 it changed substantially from its progenitor in personnel, societal representation, and political party composition, yet managed to maintain considerable continuity in terms of legislative activity and internal organization. Hence one of the most commonly used designations for democratic Ukraine's national assembly, "Supreme Soviet," harking back to that earlier era, has been not entirely inappropriate.

The Last Soviet Parliament (1990–94): Twelfth Convocation²

In October 1989 the Constitution and electoral laws of Ukraine were amended in lockstep with Mikhail Gorbachev's liberalization and limited democratization of legislative institutions at the USSR level. As

1. In October 1993, after years of debate, the Parliament of Ukraine finally decided to retain its old Soviet-era designation. It was confirmed as a single chamber with 450 deputies elected for a term of four years. See "Pro nazvu, strukturu i kilkisnyi sklad novoho parlamentu Ukrainy," *Vidomosti Verkhovnoi Rady Ukrainy*, 1993, no. 42: 1011 (statute 395). The designation, size, term, and unicameral nature of the legislature were reconfirmed in the 1996 Constitution (chap. 4). In the present chapter and throughout the book, the terms "Supreme Council," "Parliament," and "assembly," or "national assembly," are used interchangeably. Strictly speaking, however, "Parliament" (like "Cabinet") is inappropriate in the present Ukrainian context, because in a parliamentary system the legislative and executive branches are fused and interdependent. The government (the Cabinet) arises out of and depends for its survival on the assembly (Parliament). According to the 1996 Constitution of Ukraine, a type of presidential system has been institutionalized wherein cabinet ministers may *not* have seats in Parliament, and the fall of a government does not entail dissolution of the assembly.

2. On 1 February 2000 President Kuchma signed into law an act of Parliament renumbering the convocations of the Supreme Council so that the twelfth (1990–94) became the first, the thirteenth became the second (1994–98), and the Parliament that was elected in 1998 became the third. See "Pro vyznachennia poriadku obchyslennia sklykan Verkhovnoi Rady Ukrainy: Zakon Ukrainy," at <alpha.rada.kiev.ua>, consulted on 5 March 2000; also in *Holos Ukrainy*, 8 February 2000.

a result of these amendments, the first ever semi-competitive elections to the councils (Ukrainian: *rady*; Russian: *soveti*) were held at all levels, hitherto a pseudo-democratic facade legitimizing the Communist Party's dictatorship.³ After the Ukrainian elections of March–April 1990 the resultant national assembly, shown in tables 7.1 through 7.3, was somewhat different in composition from its predecessors. Earlier the makeup of all councils, faithfully reflecting the Communist Party's preferred image of Soviet society, had been determined by quotas set beforehand by the Party leadership and dutifully filled by local Party committees. Only those categories of the population, in specific proportions, that the Party considered should be represented were represented. In the 1990 national assembly, the turnover was almost 90 percent. Among the deputies now were *fewer* women, workers, and peasants, but *more* intellectuals (or at least persons with post-secondary educations) and *still more* Communist Party members. As soon as competition was allowed among the candidates and even a limited degree of choice was given to the electorate, equity was elbowed out of the way by social status.⁴

Even though approximately 85 percent of the deputies at the time of their election to Parliament were officially Communist Party members according to their known partisan affiliation, they were soon dispersed among several fractions (deputies' groups). By November 1990 there was a majority bloc of 239 diehard Communists, 122 or so adherents of Narodna Rada (a national-democratic opposition to the Communists including at its core 51 adherents of the Popular Movement Rukh), and about 88 uncommitted deputies.⁵ Further fragmentation resulted in the formation of no fewer than twelve officially registered groupings, as depicted in table 7.4, overlapping with twenty-six territorial groups based on the country's oblasts. The non-territorial groups ranged across the entire spectrum from the most traditional Communists and their somewhat reform-minded social democratic brethren at one end through various shades of centrists (industrialists and nomenklatura

3. "Ob izmeneniiakh i dopolneniiakh Konstitutsii (Osnovnogo Zakona) Ukrainsskoi SSR: Zakon Ukrainsskoi Sovetskoi Sotsialisticheskoi Respubliki," *Pravda Ukrainy*, 31 October 1989. The law on elections appeared in FBIS-SOV-89-235, 8 December 1989, 80–91, translated from *Pravda Ukrainy*, 1 November 1989.

4. The 1990 elections are analyzed in Birch, *Elections and Democratization in Ukraine*, chap. 4, as are the precedent-setting 1989 elections of the USSR Congress of People's Deputies (chap. 3).

5. Dominique Arel, "The Parliamentary Blocs," 108–54. See also *Chas*, 16 March 1994.

TABLE 7.1
OCCUPATIONS OF SUPREME COUNCIL DEPUTIES, 1990

Sector of Employment	Number	Percent
Production		
Industry, construction, transportation, and communications	104	23.2
Agriculture	39	8.7
Rank-and-file workers and peasants	55	12.2
Managers and technicians	88	19.6
Non-production		
Science	25	5.6
Culture, literature, and art	16	3.6
Public education	32	7.1
Health	16	3.6
Mass media	12	2.7
Administration and control		
Party work	95	21.2
Councils (government)	38	8.5
Trade unions	3	0.7
Komsomol	3	0.7
Military	14	3.1
Police and security	16	3.6
Other		
Religious ministry	1	0.2
Not specified (includes service sector and unemployed)	35	7.8
TOTAL	449	100

SOURCES: *Radianska Ukraina*, 18 May 1990. At the opening of the first sitting of this convocation of Parliament there was one vacancy.

businessmen) to radical democrats and nationalists at the other extreme. By the time of its dissolution in the fall of 1993 there would be more than thirty registered political parties outside Parliament contesting the upcoming elections.⁶

6. The Organization of Ukrainian Nationalists was registered as Ukraine's thirty-first political party. See *Demokratychna Ukraina*, 24 November 1993, trans. in FBIS-SOV-93-227, 29 November 1993, 65.

TABLE 7.2
EDUCATIONAL BACKGROUND OF SUPREME COUNCIL DEPUTIES,
1990 AND 1998

Level and Type of Education	Number (1990)	Percent	Number (1998)	Percent
Level				
Higher and incomplete higher	430	95.8	421	95.2
Advanced degree holders	77	17.1	106	24.0
Secondary	19	4.2		
Specialization				
Engineering	171	38.1	124	29.5
Economics	24	5.3	51	12.1
Law	20	4.5	46	10.9
Education	61	13.6	80	19.0
Medicine	23	5.1		

SOURCES: *Radianska Ukraina*, 18 May 1990; and *Holos Ukrainy*, 1 July 1998.

TABLE 7.3
SUPREME COUNCIL DEPUTIES BY AGE AND NATIONALITY, 1990,
AND BY AGE, 1998

Category	Number (1990)	Percent	Number (1998)	Percent
Under 30 years of age	20	4.5	11	2.5
30–40	75	16.7	91	20.6
41–50	189	42.1	203	45.9
51–60	148	33.0	104	23.5
Over 60	17	3.8	33	7.5
TOTAL	449	100.1	442	100.0
Ukrainians	337	75.1		
Russians	100	22.3		
Belarusians	5	1.1		
Other nationalities (4)	7	1.6		

SOURCES: *Radianska Ukraina*, 18 May 1990; and *Holos Ukrainy*, 1 July 1998.

TABLE 7.4
GROUPINGS OF SUPREME COUNCIL DEPUTIES, MARCH 1993

Name	Number
Narodna Rada	90
Agrarians of Ukraine	76
Rukh	49
For Social Justice	40
Congress of National-Democratic Forces	39
New Ukraine	36
Land and Freedom	34
Rada	31
Accord Centre	26
Non-party	24
Industrial workers	22
Democratic Rebirth of Ukraine	21

SOURCES: Bilokin et al., *Khto ie khto* (1993), 221.

TABLE 7.5
NOMENKLATURA OFFICIALS AMONG SUPREME COUNCIL DEPUTIES, 1990

Category	Number	Percent
Communist Party secretaries and other employees (apparatchiki)	128	28.4
Enterprise directors	55	12.2
Council and executive committee heads	44	9.8
Heads of other state establishments	39	8.7
Collective and state farm heads	30	6.7
Central government officials (ministers and heads of state committees)	19	4.2
Officers (police, KGB, army)	14	3.1
TOTAL	329	73.1

SOURCES: *Chas*, 16 March 1994.

The distinction between government and opposition in this 1990 Parliament was not discernible, owing not only to the assembly-style design of the institution but also to the fluid character of its fractions. President Leonid Kravchuk did endeavour to create a pro-government bloc in the Supreme Council,⁷ a “presidential party,” as it was called, and the term “party of power” even became a familiar epithet used by his opponents. But alignments continued to be evanescent since defections to and away from the government side persisted (attracted by power or repelled by corruption, as the case might be). Party fragmentation rather than consolidation was the order of the day throughout the life of this Parliament.

Lack of experience with parliamentary government and the inertia of existing institutional forms contributed to relatively sluggish progress in the Supreme Council’s transformation into a democratic legislature, even after the collapse in 1991 of both Communist rule and the USSR. It was not helped by the predominance among the deputies of officeholders from the nomenklatura patronage system—fully 72.8 percent, according to one report—with their habits of organization, patron-clientelism, command, and control (see table 7.5). Discussion took precedence over action and decision, but that in itself was an advance over perfunctory affirmation, the assembly’s sole function in the Soviet era.

The first session of the new Parliament was preceded by a meeting of the (presumably outgoing) Presidium of the Supreme Council, which formulated and considered the proposed agenda, procedures, and organization to be placed before the deputies.⁸ It worked out the order of business of the session, agreed on a set of temporary rules to govern the council’s operation, recommended the creation and composition of its permanent commissions (standing committees), and made a number of other decisions regarding administrative support for the chamber. The meeting was presided over by its chairperson, the veteran Communist apparatchik Valentyna S. Shevchenko, who had withdrawn her candidacy in the recent election after being personally criticized by the democratic opposition.⁹

On 15 May 1990 the opening of the first session of the Twelfth Convocation of the Supreme Council took place.¹⁰ First to address it and

7. Solchanyk, “Ukraine: Political Reform and Political Change,” 1–5.

8. *Pravda Ukrainy*, 6 May 1990.

9. “Shevchenko, Valentyna,” in *Encyclopedia of Ukraine*, vol. 4, ed. Danylo Husar Struk (Toronto: University of Toronto Press, 1993), 656.

10. *Pravda Ukrainy*, 16 May 1990.

declare it officially open was the head of the Central Electoral Commission, Vitalii F. Boiko, who summarized the election results. After a "stormy discussion," an interim five-person presidium was elected out of a slate of twelve candidates: four from what was later identified as the Communist bloc of "239," one from the uncommitted, and none from the national-democrats.¹¹ There ensued a debate on coverage of sittings by the electronic media, which was resolved by roll-call vote in favour. Consideration of the makeup of the Credentials Commission proceeded in a calmer manner, and a majority elected its twenty-seven members (presumably en bloc). The deputies then elected the Secretariat and the Auditing Commission and proceeded into a lengthy discussion of the agenda.

The secretary of the Presidium, Mykola H. Khomenko, introduced the proposed agenda, including the provisional Rules of Procedure.¹² The (outgoing) Presidium made its proposals on the assumption that this first session of Parliament would have to be an organizational one, during which questions of the formation of the government and administration and the structure and operation of the Supreme Council would have to be decided. In particular, the head of the Supreme Council (speaker, in the American, not Westminster, sense) and his deputies would have to be selected, permanent commissions (committees) created, the government (executive branch) and various other bodies brought into being, and the Supreme Court and other judges elected. A committee of constitutional oversight would have to be chosen. Various laws—on Parliament's Rules of Procedure, its permanent commissions, the status of deputies, and measures to support deputies' activities—would have to be adopted. Other pieces of legislation were foreseen, including Ukraine's sovereignty declaration, accession to the new Union Treaty, the Baltic situation, and changes to articles 6 and 7 of the Constitution. This proposed agenda provoked a "lively discussion" and occasionally a polarization of opinion. In the days that followed, Serhii Holovaty proposed an alternative agenda that included the matter of the Chornobyl disaster; other deputies made suggestions, such as the introduction of a presidency for the republic and laws on the multi-party system, land, local self-government, openness, and military service. As Valentyn K. Symonenko, a deputy from Odesa, put it, "We don't know what we want, and this will be our downfall."¹³ In the midst of this debate the Secretariat announced that

11. Arel, "The Parliamentary Blocs," 144–7.

12. *Radianska Ukraina*, 17 May 1990.

13. Ibid.

telephone hotlines for voters to call their deputies had been set up, and Deputy Mykola I. Porovsky from Rivne caused a furor by suggesting that the statue of Lenin be removed from the hall.

From newspaper accounts of the sittings it was not clear whether the agenda was finally adopted or when. On 17 May the head of the Secretariat, Volodymyr I. Zheliba, reported that 272 deputies had made proposals of items for inclusion in the agenda.¹⁴ Some of these were discussed and apparently voted on, but consideration of the agenda continued the following day, after which it was deferred until the following week.¹⁵ Thereafter its discussion was not taken up again until 31 May.¹⁶ In the meantime, the Temporary Rules of Procedure were once again debated for several days, and an ad hoc deputies' group was formed to sort out the more than 120 proposals pertinent thereto, which had been submitted by various parliamentarians and fractions. In addition, Parliament heard and discussed, among other things, a report by the head of the government, Chairman of the Council of Ministers Vitalii A. Masol.¹⁷

Consideration of candidates for the post of president (speaker) of the Supreme Council began on 31 May and continued for several days.¹⁸ Eventually, on 4 June, Volodymyr A. Ivashko, the first secretary of the Central Committee of the Communist Party of Ukraine and its nominee, was elected by a secret vote of 278 in favour (out of 341), thus defeating three others. Deputies of the "democratic bloc," about one-quarter of the assembly, boycotted the vote, considering it inappropriate for an incumbent to hold both Party and state positions.¹⁹ Two days later the "democratic bloc" announced that it was going over to the opposition; its candidate for the post of deputy president of the assembly, Ihor R. Iukhnovsky, withdrew. On 6 June Ivan S. Pliushch, an administrator in Kyiv oblast since 1982, was elected first deputy speaker; on 7 June, Vladimir Grinev, a professor of engineering, became deputy speaker.²⁰ Towards the end of June, after yet another

14. *Radianska Ukraina*, 19 May 1990.

15. *Ibid.*, 19 and 20 May 1990.

16. *Ibid.*, 1 June 1990.

17. *Ibid.*, 20 May to 1 June 1990. For Masol's report, see *ibid.*, 27 May 1990.

18. *Ibid.*, 1 June 1990; and *Pravda Ukrainy*, 2 June 1990. For the candidates' speeches, see *Radianska Ukraina*, 31 May 1990.

19. *Pravda*, 5 June 1990; and *The Globe and Mail*, 5 June 1990.

20. Pliushch received 204 votes out of 347; he defeated Vasyl V. Durdynets and Mykola H. Khomenko. Grinev obtained 237 out of 342; his unlucky opponent was Oleksandr I. Iemets. See *Pravda Ukrainy*, 9 June 1990.

stormy debate, the incumbent, Masol, was affirmed by Parliament as chairman of the Ukrainian SSR Council of Ministers.²¹

In the succeeding months, however, nearly all these appointments were undone. In July Volodymyr Ivashko was chosen as deputy general secretary of the CPSU, the newly created post of no. 2 man to Mikhail Gorbachev in Moscow.²² He therefore resigned as speaker of the Ukrainian Parliament; on 23 July Leonid M. Kravchuk, the second secretary of the CPU, replaced him.²³ Masol resigned in the autumn and was replaced as chairman of the Council of Ministers by Vitold P. Fokin, who in his turn was forced out a year later.²⁴ After Kravchuk won the presidency in December 1991, Pliushch succeeded him as speaker, and Vasyl Durdynets (chairman of the parliamentary Committee on Defence and Security) became first deputy speaker. Grinev resigned as deputy speaker in mid-1993; that post remained vacant until the end of the Parliament.

In a similarly cantankerous manner, the standing committees, or “permanent commissions” as they were still officially called following Soviet tradition, were eventually elected.²⁵ There were twenty-four of these, with seven to twenty-seven deputies. Altogether 424 deputies, or 94.2 percent of the total house, were included in the commissions, with no deputy serving on more than one commission. Partisan composition of the committees was anything but proportional and uniform. It was almost as though the Communist bloc and the national-democrats each had “their own” committees. Agro-industry, village life, construction, basic branches of the economy, planning, social policy, and local councils (all of the CPU’s traditional concerns) seemed to belong to the Communists, not to mention women, youth, and veterans (the Party’s old “transmission belts”). Human rights, culture, education, ecology, openness, and economic reform, on the other hand, were the democrats’ concerns. Indeed, at one point the Narodna Rada bloc declared that it was forming its own commission on parliamentary ethics because its

21. *Pravda Ukrainy*, 29 June 1990.

22. *The Globe and Mail*, 12 July 1990. In September 1989 Gorbachev had selected Ivashko to succeed Volodymyr V. Shcherbytsky as first secretary of the Central Committee of the Communist Party of Ukraine. Ivashko died at the age of 62 on 14 November 1994. See *Ukrainian News / Ukrainski visti*, November 1994.

23. *Pravda Ukrainy*, 24 July 1990. Later in the year Kravchuk resigned his Party post to devote himself to parliamentary work.

24. *Radianska Ukraina*, 15 November 1990. Fokin received 332 votes; forty-four voted against him. See *Pravda Ukrainy*, 16 November 1990.

25. Part of this dragged-out procedure was described in *Pravda Ukrainy*, 10 June 1990.

proposals had been disregarded.²⁶ Overall the three major blocs were represented fairly equitably on the commissions, but this could hardly be otherwise when 94 percent of the deputies served on them. Considered individually, only two commissions—Defence and Legislation—mirrored the partisan makeup of the assembly. Communists held the majority of chairmanships (thirteen out of twenty-four), which would have given them the predominant voice in the Presidium, made up as it was of all the chairmen of committees, the officers of the House (the speaker and his deputies), plus the editor-in-chief of Parliament's newspaper, *Holos Ukrainy*.²⁷ The commissions having been thus organized, there was considerable overlapping of subject matter between the Foreign Affairs Commission and the Commission on State Sovereignty and Inter-Republican and International Relations; between the Commission on Construction and Architecture and the Cultural Commission with its own Subcommittee on Architecture and Urbanism chaired by the Rukh leader, the architect Larysa Skoryk; between the Agro-Industrial Commission and the one on the Fate of the Village; and between the Commissions on the Basic Branches of the Economy, Economic Planning and Budgeting, and Economic Reform.

The commissions played an active part in the legislative process. In addition to the normal practice of scrutinizing government bills and reporting on them to the House, they often prepared entirely different alternate drafts for consideration by the assembly. Sometimes these passed, and the government version was defeated; sometimes the assembly directed the committee to amalgamate the two versions.²⁸ From the opening of the Twelfth Convocation of Parliament in May 1990 to the end of its sixth session in December 1992 (there were two sessions per year), 219 laws were adopted by the Supreme Council. According to First Deputy Speaker Vasyl Durdynets, 46 percent of these "were developed and introduced by the commissions," and "during the sixth session, out of 49 legislative acts adopted, the commissions worked out and introduced 29," i.e., 59 percent.²⁹ Whether this meant that commissions actually initiated the legislation in question was not clear.

Besides their legislative work, the commissions also monitored the implementation of parliamentary acts, heard reports thereon by government officials, and made relevant proposals either to the president,

26. Ibid., 15 November 1990.

27. Bilokin et al., *Khto ie khto* (1993), 208.

28. *Pravda Ukrainy*, 15–30 November 1990.

29. *Holos Ukrainy*, 6 January 1993.

government leaders, or even the Procuracy. When the powers of the Supreme Council were temporarily handed over to the government of Leonid Kuchma in the winter of 1992–93, the commissions were said to have worked closely with the Cabinet in the preparation of draft decrees to be issued by the prime minister. Their representatives would participate in Cabinet meetings, putting forward the parliamentarians' position.³⁰ This may well have infringed on the principle of separation of powers, but pending adoption of a new constitution it did not violate the original design of the Supreme Council, based as that was on the idea of assembly government and the full supremacy of the assembly.

Parliament's control over the government was more by way of blockage than outright withholding of confidence. For example, in April 1991 Prime Minister Fokin provided the deputies with information on the recent price increases and answered their questions, but no resolution on this matter was put forward by the assembly.³¹ On the other hand, in June, when Fokin presented for confirmation his list of Cabinet ministers, the Supreme Council rejected eight out of the thirty-three, each one having been voted on individually.³² Although Fokin, like Masol before him, of course, formally lost the confidence of Parliament, he was forced out of office primarily by the pressure exerted on him and the deputies by extra-parliamentary opposition. He was succeeded in September 1992 by Leonid Kuchma, who managed to secure from the assembly a grant of special powers for a period of six months and a suspension of Parliament's own powers in the economic realm. When this period lapsed, however, the special powers were not extended, nor was Kuchma's offer to resign accepted.³³ This peculiar relationship, wherein the prime minister's resignation was not accepted and Parliament would not pass a vote of non-confidence in the Cabinet, continued throughout the summer. "Finally, in September [1993], the Parliament accepted Kuchma's resignation and passed a vote of no confidence in the entire Cabinet of Ministers."³⁴

30. Ibid. The terms "chairman of the Council of Ministers of the Ukrainian SSR" was changed to "prime minister of the Ukrainian SSR," and the "Council of Ministers," to the "Cabinet of Ministers" in April 1991. It made the country sound more modern. See *Pravda Ukrainy*, 23 April 1991.

31. *Pravda Ukrainy*, 18 April 1991.

32. *Radianska Ukraina*, 7 June 1991.

33. Roman Solchanyk, "Ukraine: A Year of Crisis," *RFE/RL Research Report*, 7 January 1994, 39.

34. Ibid.

The parliamentary fractions often resorted to procedural devices to register opposition, occasionally to the point of stalling the assembly's work altogether. Sometimes, in order to prevent a quorum, deputies walked out of the chamber or were present in the building without formally registering.³⁵ Various groups, including both the Communists and the democrats, did this. At other times, deputies who were registered as being in attendance failed to participate in voting—on one occasion no fewer than forty-eight deputies engaged in this type of boycott.³⁶ In general, it appears that the time of the House was not effectively regulated: there was much wrangling over procedure, much time in plenary session was spent debating the agenda, and there was frequent shifting back and forth, with deputies returning to matters already discussed or decided. The deputies complained about the ineffectiveness of Parliament, all the while contributing to that very situation.³⁷

The status of deputies became regulated under an act of Parliament and was signed into law by President Kravchuk on 17 November 1992.³⁸ It had a number of interesting provisions from the point of view of parliamentarism, although they were quite normal for a regime of assembly government. All full-time officers of the Supreme Council and deputies engaged in full-time work in the assembly were forbidden other employment; all other deputies had to have full or partial leave from their place of employment. Deputies were assured of resuming their former career at the end of their service; the Supreme Council undertook to place such deputies in suitable posts and to continue to pay them during the placement process—at full rate for up to two years and fifty percent until normal retirement. This provision, which enabled members of the civil and military services to combine their career with that of politician, as is the case in France, seems to have been written specifically for bureaucrats wishing to feather their own nests.³⁹ However, deputies

35. *Holos Ukrainy*, 22 and 23 January and 3 March 1993; and *The Ukrainian Weekly*, 24 January 1993.

36. *Pravda Ukrainy*, 18 April 1991.

37. *Holos Ukrainy*, 17 March 1993.

38. "Pro status narodnoho deputata Ukrainy: Zakon Ukrainy," *Holos Ukrainy*, 23 December 1992.

39. Written into the act were specific provisions, such as free travel, a spending allowance, and other benefits (entitlement to an apartment for deputies and their families in Kyiv, free lodging in hotels, and the right to a private hotel room without making prior reservations). An amendment to the act, signed by President Kuchma on 26 July 1994, awarded parliamentary deputies 45 days' annual holiday and specifically extended the coverage of the civil-service law to deputies with regard

were specifically forbidden to act as expert advisers to criminal and judicial investigative organs, receive gifts from foreign governments, and serve in more than two elected councils at the same time. Furthermore, lawyers who were deputies could not be engaged in cases involving the state. In accordance with the assembly model, as opposed to the parliamentary model, cabinet ministers, judges, and state arbitrators could not be deputies—this being a measure of the formal separation of powers (article 85 of the Constitution).

The rights and duties of deputies were spelled out in excruciating detail in the act. It specified that a deputy was entitled to receive one copy of all official publications of the Supreme Council, something that in normal parliaments goes without saying. Deputies were entitled to attend meetings of all committees of the House, whether they were members or not. The deputy had the right of legislative initiative and written interpellation, as well as the right to join a deputies' group (fraction). The deputy also had duties—attendance at sittings, adherence to the Rules of Procedure (which, too, should go without saying), and responsibility for failure to carry out those duties—all of which make him seem more like a servant or employee of the assembly than a member. (This should not come as a surprise. After all, to this very day Ukraine's laws treat the public like petitioning serfs instead of citizens.) In the deputy's own constituency, the act provided for a long list of rights for the deputy to inform and be informed, including entitlement to instant appointments with local officials without waiting in anterooms. But the deputy was also obliged to make a report to electors not less than once a year. Deputies enjoyed immunity from criminal prosecution unless the Supreme Council granted permission to lift it.⁴⁰ In late 1994 a controversy

to careers and benefits. See *Uriadovyi kur'ier*, 3 September 1994. In January 1998 the parliamentarians again amended the act, adding a provision for the indexation of their pensions and backdating benefits to the start of the twelfth convocation. See *Vidomosti Verkhovnoi Rady Ukrainy*, 1998, no. 20, statute 105: 327.

40. The case of the deputy Stepan Khmara became a *cause célèbre* in this regard. He was arrested in November 1990 on what his followers insisted were politically inspired charges, imprisoned, and put on trial finally in May 1991. In August, under an amnesty issued by Supreme Council Speaker Kravchuk, Khmara and other political prisoners were released. See *Izvestiia*, 9 May 1991; *Ukrainian News / Ukrainski visti*, June 1991; and *Interfax*, 1700 GMT, 26 August 1991, in FBIS-SOV-91-166, 27 August 1991, 118. Khmara, a leader of the Ukrainian Helsinki Movement, became deputy head when it transformed itself into the Ukrainian Radical Party in April 1990. In May 1992 he left that party and created his own Ukrainian Conservative Republican Party, of which he became head in July of that year. See Bilokin et al., *Khto ie khto* (1993), 182–3.

More recently, in the fall of 1994, the Supreme Council, acting on the

developed over a proposal to abolish parliamentary immunity because of the prevalence of official corruption, and critics of the proposal saw this as the beginning of the end of parliamentarism in Ukraine.⁴¹

Functioning behind the scenes at the Supreme Council of Ukraine was its Secretariat. Its head, Mykola Khomenko, characterized the Secretariat in March 1991 as the “collective helper” of the Supreme Council.⁴² Under the Secretariat were placed all of the existing subdivisions of the assembly: the general department; legislative matters; editing and publishing; finance and economy; awards; the press centre; international ties; and a scientific consultants’ group. Altogether over 300 “responsible workers” were employed, among them 20 with post-graduate degrees, 70 lawyers, and 187 economists. The Secretariat was engaged in helping the chamber and its commissions in the researching, drafting, and editing of legislative proposals. Outside experts from law schools, institutes, and the Academy of Sciences would be brought in. It was anticipated that in the near future many processes would be computerized, and a data bank of legislation would be created. Each deputy was allowed to have one research assistant paid from the budget of the Supreme Council.

By September 1992, however, the Secretariat had been reorganized, and a new head, Leonid Ie. Horovy, was appointed. Whereas formerly the Secretariat had considerable influence on the substance and adoption of legislation and would even help deputies compose their speeches, its task now was to support and service (rather than supplant) the Supreme Council, its commissions, and individual deputies.⁴³ The Secretariat was reorganized into three services: legal, organizational, and documentation. The first of these was the most important, since this was where much legislative drafting was begun, and deputies were called in only thereafter. It was subdivided into a juridical (legal) department, a group of consultants, a centre for computerized information systems, and a department for co-ordinating the work of the

recommendation of its Commission on Organized Crime and Corruption, lifted the parliamentary immunity of Iukhym Zviahilsky, the former acting prime minister, against whom charges of illegal financial dealings were laid. By that time, Zviahilsky, a member of the Centre fraction in Parliament, reportedly fled to Israel. See *Ukrainian News / Ukrainski visti*, November 1994. He returned, however, and all was forgiven. In 1998 he was re-elected to Parliament as an independent candidate in Single-Member District no. 43. See *Holos Ukrainy*, 18 April 1998. From time to time his articles on the economy appear in the press.

41. *Holos Ukrainy*, 19 October 1994; and *Nezavisimost*, 21 September 1994.

42. *Pravda Ukrainy*, 19 March 1991.

43. *Holos Ukrainy*, 11 September 1992.

secretariats of the commissions.⁴⁴ The commissions each had secretariats with a staff of five to seven persons, and these were part of the larger Secretariat, which co-ordinated their work. The heads of commissions, meanwhile, independently planned their agendas, conducted their meetings, and selected personnel for their small secretariats. At the time of his interview, Horovy said that the staff of the Secretariat had been reduced by 102 positions to 298. Several functions—and presumably personnel—had passed to the Presidential Administration, notably those dealing with awards, citizenship, and pardons; an entirely separate business office had been set up for the Supreme Council. The Secretariat was directly subordinated to the Presidium of the Supreme Council.⁴⁵ The Secretariat was reported to be receiving seven hundred letters a day from the public—petitioners, as of old, requesting housing, employment, and the investigation of complaints against arbitrary officialdom.⁴⁶ In general, the posture of the Secretariat was being reoriented from that of employer or administrative watchdog over the deputies to one of support for and assistance to them.⁴⁷

By 1998 the parliamentary staff had an establishment of 1,050 personnel and was organized into (1) the Secretariat of the Supreme Council; (2) the Business Office; (3) the Legislative Institute; and (4) the parliamentary printing office. On the eve of the second session of the fourteenth Parliament, this staff was working on the preparation of 270 pieces of legislation; on average Parliament was scrutinizing fifty bills per month.⁴⁸

*The Parliament Elected in 1994: Thirteenth Convocation*⁴⁹

Under the cumbersome electoral law adopted in autumn 1993, only 49 deputies out of 450 managed to get elected during the opening round of voting on 27 March 1994. The following month 289 additional deputies were elected.⁵⁰ Therefore, on 11 May, when the first session of

44. Bilokin et al., *Khto ie khto* (1993), 222.

45. *Holos Ukrainy*, 11 September 1992.

46. *Ibid.*

47. *Ibid.*, 6 January 1993.

48. *Holos Ukrainy*, 13 August 1998.

49. Effective 1 February 2000, renumbered as the second convocation. See above, n. 2.

50. On the electoral law, Andrew Wilson writes: "the form chosen (no party lists, all seats elected in territorial constituencies on the second ballot system, workplace as well as party nomination of candidates) was designed to discourage party formation and favour the 'non-party' conservatives who still dominated

the thirteenth Parliament (the numbering of Supreme Council convocations, a Soviet practice, was continued until February 2000) began, only 338 seats were filled. According to Ivan Iemets, the head of the Central Electoral Commission, 168 of these (or 49.7 percent) belonged to various political parties at the time of their election; 170 were unaffiliated.⁵¹ (These 170, however, were reduced to 20 by the end of June—see below.) From the previous convocation there were fifty-six deputies, for a turnover rate of 83.4 percent. There were twelve women (3.6 percent). Representatives of thirteen nationalities had been elected: nearly 75 percent of the deputies were Ukrainians, and one-fifth were Russians. The percentage of those with post-secondary education—nearly ninety-six—was almost identical to the previous convocation. Selected occupational categories included engineers and technicians, 26.4 percent; educators, 18.4 percent; agricultural specialists, 14.0 percent; entrepreneurs, 8.9 percent; collective farm chairmen, 8.3 percent; local government officials, 7.1 percent; and other government employees, 6.8 percent.⁵² Additional elections were held in July and August. Thus, a total of 393 deputies had been elected by the time of the start of the second session on 15 September 1994; the balance was to have been elected on 20 November, but inadequate turnouts dragged out the by-elections into the early part of 1996 (21 April, in fact). On 6 March 1996 the Supreme Council, having come to the realization that the double-majority Soviet-style electoral system was not working, passed an amendment calling for a one-year moratorium on by-elections in those areas where there had been two failures to elect a deputy owing to lack of a majority. The law itself was not changed, but the electorate was given a rest. As of May 1996 there were twenty-four constituencies (half of them in Kyiv) where a twelve-month recess since the last try would be observed before another attempt was made to elect parliamentary deputies for the Thirteenth Convocation.⁵³

Parliament" (*Ukrainian Nationalism in the 1990s*, 135). A full and detailed account of the 1994 parliamentary elections and subsequent by-elections is found in Kuzio, *Ukraine under Kuchma*, chap. 1.

51. *Holos Ukrainy*, 13 May 1994.

52. About 10 percent were unaccounted for in the report delivered by Iemets.

53. *Holos Ukrainy*, 30 and 31 May 1996. According to Anders Åslund, all this agony was premeditated by Leonid Kravchuk, who at first, in the fall of 1993, "tried to cancel the elections, and for a long time it was unclear whether they would take place.... Finally, Kravchuk settled for a very complicated electoral system with no role for political parties and low campaign-spending ceilings.... His declared hope was that less than 50 percent of Ukrainian voters would participate in the parliamentary elections, thus rendering them invalid and leaving Ukraine with an

Vasyl Durdynets, head of an eighty-four-member initiative group, introduced organizational matters of immediate concern to the assembly at its first session.⁵⁴ The group had prepared proposals for the structure and composition of several bodies needed to get the session started: a temporary presidium to serve until election of the speaker, and three working bodies—a counting commission (for votes), a temporary credentials commission, and a secretariat for the first session. It was also proposed that the session conclude on 1 August, that plenary sittings be held daily from Tuesdays to Saturdays, and that after every three weeks of plenaries, the fourth week would be for deputies to spend time in their constituencies.

Regarding the Rules of Procedure, it was pointed out that the “temporary” rules of the previous convocation had lapsed with that parliament, but since the latter had not managed to endorse a permanent set of rules, those same “temporary” rules would have to serve this convocation as well.⁵⁵ Accordingly, because there were 338 deputies at the start of the first session, a quorum was to be two-thirds of this actual number, or 226. Constitutional amendments, meanwhile, required two-thirds of 450 votes, or 300. Ordinary laws needed a simple majority of the actual number of deputies, or 170 votes. One-third of all deputies (113) had to approve a motion for a matter to be added to the agenda. Procedural questions were to be decided by a simple majority of deputies present, and a motion for a roll-call vote, by one-third of those present.

Owing to a discrepancy between the Constitution and the electoral law, a pall was cast over the legitimacy of the Parliament. It had to do with whether the previous Parliament had been properly dissolved, whether it had adopted laws affecting the Constitution with the required majorities, and whether the president’s term was properly terminated.⁵⁶ Furthermore, there was some question as to which body was entitled to accredit deputies—was it the Temporary Mandates Commission or the assembly? Apart from this, two deputies—Pavel Kudiukin and Vladimir Grinev—remained unconfirmed throughout the first two sessions, in a kind of

elected president but no parliament” (“Eurasia Letter: Ukraine’s Turnaround,” *Foreign Policy*, no. 100 [Fall 1995]: 130). Voting patterns in the 1994 parliamentary elections are fully analyzed in Birch, *Elections*, 85–93.

54. *Holos Ukrainy*, 13 May 1994.

55. *Ibid.*

56. *Ibid.*, 14 May 1994.

limbo.⁵⁷ The idea of Parliament itself making decisions on whether deputies have been properly elected—a matter left in the hands of semi-judicial bodies or law courts in other countries—was like having it act as judge in its own cause. But this was quite in line with Soviet tradition, which had not yet been fully shaken off in post-Communist Ukraine.

The new Parliament proceeded to elect its officers. There were nine candidates for speaker, or president of the assembly, of whom only two had credible chances. After two days' debate, Oleksandr Moroz, the founder and head of the Socialist Party, obtained 171 votes out of 322, while Vasyl Durdynets received 103.⁵⁸ The democrats' hopes for a seat as one of the speaker's deputies were dashed as two former apparatchiki from the Soviet era—Oleksandr M. Tkachenko of the Agrarian Party and Oleg Domin, a nomenklatura businessman—were elected first deputy speaker and deputy speaker, respectively. In the process, eleven of twenty-eight articles of the Rules of Procedure were apparently violated.⁵⁹

In the formation of the standing commissions (committees) there was general agreement that the principle of proportionality of parliamentary fractions should be observed. It was also agreed that they should be of equal size, approximately fifteen deputies. This was difficult to achieve, however, because deputies' interests varied considerably. Only three signed up for health, but thirty-two for the one dealing with the CIS, and the fractions' ambitions for chairmanships exceeded their actual numbers (the Rukh bloc, which was entitled to two, claimed six; the Communists, who were entitled to six, demanded sixteen).⁶⁰

After some discussion as to the partisan affiliation of some of them, on 31 May the chairmanships of twenty-two of twenty-four of the standing commissions were voted on and approved.⁶¹ Two more were selected later.⁶² Every fraction in the Parliament of 1994 chaired at least

57. This has been explained as a spiteful act by the Communist-dominated Parliament directed at President Kuchma. Both deputies were associated with business circles, and Kuchma himself was head of the Ukrainian Union of Entrepreneurs and Industrialists (USPP) at the time of his nomination for the presidency. See Valerii Zaitsev, "Konflikty mizh hilkamy vlady v protsesi ikh stanovlennia (1991–1996)," in *Stanovlennia vladnykh struktur v Ukraini (1991–1996)* (Kyiv: Tsentrl politychnoho analizu hazety "Den," 1997), 10, 14, and 17–18.

58. *Holos Ukrainy*, 19 and 20 May 1994.

59. *Ibid.*, 26 May 1994.

60. *Ibid.*, 28 May 1994.

61. *Ibid.*, 1 and 2 June 1994.

62. On 2 June Heorhii Filipchuk of the Rukh fraction was elected chairman of the Ecology Commission. *Ibid.*, 3 June 1994. He was interviewed in *ibid.*, 15 July 1994.

one commission. The Communists, the Centre bloc, and the Agrarians were somewhat overrepresented (six, four, and three, respectively), while Reforms, Statehood, Unity, and the Socialists were underrepresented, with one each.⁶³ The number of committee chairmanships held by each fraction as of March 1995 is shown in table 7.6.

In his opening address Durdynets spoke of eliminating duplication. Parliament's original intention was to set up only nineteen commissions, but their number did not decrease from the previous convocation. Rather, the only changes that were made were the separation of the Commission for Combatting Organized Crime from the Law and Order Commission, and the Banking and Finance Commission from the Budgeting Commission (the term "planning" was dropped). In addition, two new bodies were created—one dealing with Fuel and Energy, and the other, with Nuclear Policy—all of which seemed to reintroduce duplication. Health was combined with Women's Affairs (motherhood and childhood), Rejuvenation of the Village with the Agro-Industrial Complex, and two other commissions were apparently discontinued (Building and Architecture and Pensioners and Invalids). A motion to create a commission on CIS affairs that would be separate from Foreign Affairs was defeated, to the consternation of Communist deputies, and the two were subsumed into one.⁶⁴ Five of the twenty-four chairmen (20.8 percent) in 1994 had been in the previous Parliament, which indicated a slightly higher level of prior experience than for deputies generally.

Iurii Kostenko, the original nominee for the post, in a move made clear by subsequent events, withdrew his candidacy in May; by July he had been named environment minister. *Ibid.*, 2 June and 29 July 1994. Serhii Drahomaretsky, a Communist, was chairman of the Privatization Commission, according to *ibid.*, 30 September 1994. A decision to create the latter commission, but not its composition, was taken on 28 June. *Ibid.*, 30 June 1994.

63. *Holos Ukrainy*, 1 and 2 June and 12 July 1994. A comparison of percentages of commission chairs and deputies in Parliament would produce the following figures: for the overrepresented, Communists—29.2 and 25.3, Centre—16.7 and 11.4, and Agrarians—12.5 and 10.8; for the under-represented, Socialists—7.5 and 4.2, Reforms—8.1 and 4.2, and Statehood—7.5 and 4.2. Rukh, with 8.1 percent of deputies and 8.3 percent of the chairmanships, was the most fairly represented. The full membership composition of the commissions was not immediately published in *Holos Ukrainy*. Presumably, however, these were voted on en bloc in the first instance; the entire Supreme Council voted on subsequent additions or replacements in a plenary session. On such personnel changes, see, for example, *ibid.*, 19 and 28 July 1994.

64. *Ibid.*, 27 May 1994.

TABLE 7.6
FRACTIONS AND GROUPS IN THE SUPREME COUNCIL AND AS HOLDERS
OF COMMISSION CHAIRMANSHIPS, MARCH 1995

Designation	Number of Deputies	Percent	Chairs	Percent
Communists	90	22.5	6	27.3
Agrarians	51	12.8	3	13.6
Centre	37	9.3	4	18.2
Unaffiliated	37	9.3	1	4.5
Reforms	36	9.0	1	4.5
Unity	34	8.5	1	4.5
Interregional	32	8.0	2	9.1
Socialists	28	7.0	1	4.5
Statehood	28	7.0	1	4.5
Rukh	27	6.8	2	9.1
TOTAL	400	100.0	22	100.0

SOURCES: *Khto ie khto v ukrainskii politytsi: Vypusk 2*, 243–61. One committee chairmanship was vacant at the time. The source indicates there were 23 committees, not 24.

TABLE 7.7
DISTRIBUTION OF JURISTS AMONG PARLIAMENTARY FRACTIONS, 1994

Fraction	Number of Deputies/Jurists	Percent
Reforms	6	24
Centre	4	16
Communists	3	12
Unaffiliated	3	12
Unity	2	8
Rukh	2	8
Interregional	2	8
Socialists	1	4
Agrarians	1	4
Statehood	1	4
TOTAL	25	100

SOURCES: *Holos Ukrainy*, 2 June and 12 July 1994.

Despite (or because of) the high turnover of deputies, and no doubt because of the very slow development of parties and a party system, the 1994 Parliament was nearly as fragmented as its predecessor. This is shown again in table 7.6, which indicates that as of March 1995 there were nine recognized fractions (in the previous Parliament there were twelve, not counting the twenty-six oblast caucuses). The Communists formed the largest, not quite one-quarter of the deputies (90 out of 400, or 22.5 percent). The Communist caucus had relatively little experience, however. Only two of its deputies had been in the previous Parliament; by contrast, ten of Rukh's twenty-seven members had been re-elected. To be recognized, fractions had to have at least twenty-five members; women were thus denied their own fraction not only on the basis of inadequate numbers (twelve), but also on the grounds that privileges (based on gender, in this case) should be disallowed.⁶⁵

The presence of lawyers in the new Parliament was not overwhelming. As of 1 July 1994 twenty-five (or 7.5 percent out of the 332 then deputies) had been elected. Although twenty-one of them had campaigned as "non-party," all but three gravitated towards one parliamentary fraction or another, as shown in table 7.7. No fraction was without its lawyer. The largest contingent joined up with Reforms, giving that caucus the greatest proportion of jurists. In July and August five more lawyers were added to Parliament, so that by 1 September the percentage remained at 7.6. All five ran as independents.⁶⁶ Whether these jurists by training—Soviet jurists schooled in Soviet law, as opposed to practicing lawyers in established liberal democracies—will be an asset to Ukraine's legislature in the present transitional period remains to be seen. It would certainly be stretching a point to call these people "lawyers," but as legislators or lawmakers they may have been better than laypersons.⁶⁷

On 16 June 1994 the Supreme Council, by a secret ballot vote of 199 out of 224 (was there a quorum?), elected Vitalii Masol as prime minister, thus closing the circle begun at the start of this chapter.⁶⁸ Leonid Kuchma

65. Ibid., 14 June 1994. Later a proposal that would have set a minimum of five percent of elected deputies as the criterion for the formation of fractions failed to get adequate support. Ibid., 27 July 1994. This would have lowered the barrier at that time to seventeen members.

66. *Uriadovyi kur'ier*, 16 August 1994.

67. Indeed, after reviewing the first month of the work of the thirteenth Parliament, one journalist suggested that to improve the level of professionalism jurists should fill the remaining 112 seats in the 24 July runoffs instead of "nice-looking people." See *Holos Ukrainy*, 11 June 1994.

68. *Holos Ukrainy*, 17 June 1994.

may not have agreed with his predecessor's choice, but he made no change in the appointment after being elected president in the runoff on 10 July. During the summer and autumn there was a major reshuffle of the Cabinet as the new president brought in his own team, but he retained Masol as prime minister.⁶⁹

Some progress was made towards the finalization of the Rules of Procedure. On 31 May an appropriate bill was given first reading, and Speaker Moroz expressed the hope that it would be quickly reviewed in committee and approved within a month.⁷⁰ Debate on a second reading took place at the end of July. Many amendments were proposed, but few passed. Controversy erupted over provisions to enforce greater discipline on deputies, specifically whether they should be permitted to register and then not attend the sittings. At least one parliamentarian, Serhii Holovaty, compared the spirit of the proposed regulations to that of a corrective-labour colony. Ultimately, two sections of the act received a third reading, but the debate continued and was adjourned unresolved.⁷¹ Finally the House rules were agreed upon and published at the end of the summer.⁷²

In his opening address to the second session, Speaker Moroz directed attention to the need for organizational changes in Parliament.⁷³ In particular, he asserted that the links between commissions and between the Presidium and Supreme Council officers had to be rearranged. So, too, did the administrative staff (*aparat*) of the House. The legislative process needed scientific grounding, planned co-ordination, and the creation of close ties with other bodies initiating legislation, including especially the president and the government. He set the end of the year as a target date by which time the Presidium should have moved on the creation of a Legislative Institute and a National Parliamentary Publishing House and Library, and on the rationalization of the structure of the Secretariat.⁷⁴ The work of all

69. This has been described as a process whereby Kuchma "barricaded" Masol by surrounding him with his (Kuchma's) own supporters, thus weakening Masol's influence on the government. See Zaitsev, "Konflikty," 19.

70. *Holos Ukrainy*, 1 and 2 June 1994.

71. *Ibid.*, 27 and 28 July 1994.

72. *Vidomosti Verkhovnoi Rady Ukrainy*, 1994, no. 35: 979–1093.

73. *Holos Ukrainy*, 17 September 1994.

74. Earlier in the year Deputy Speaker Oleksandr Tkachenko stated in an interview that the Secretariat was already (still?) in the process of structural rearrangement. In particular, he noted that "our own" people would replace foreign experts and consultants employed hitherto. *Ibid.*, 28 July 1994. Whether this would

elements of the Supreme Council, Moroz said, should be placed "on a planned basis," a phrase redolent of a return to that hopeless condition of Soviet complacency and incompetence from which it was thought Ukraine was slowly escaping. But he probably meant that it needed systematization.

As in the preceding Parliament, the Supreme Council's Presidium, comparable to a steering committee, continued to play a very crucial part. Made up of the chairmen of the standing commissions plus the speaker and his deputies, this body planned and directed the work of Parliament. Under the chairmanship of the speaker or one of his deputies, it met regularly (every Monday, if not more frequently; hence the Tuesday-to-Saturday scheduling of plenary sittings). It decided on the weekly business of plenary sessions and the commissions, as well as their agendas; specific bills to be considered, their content, and how they were to be dealt with; the makeup of proposed committees; and international agreements to be passed on to the Supreme Council for ratification. It also heard various progress reports and took note of them.⁷⁵ At the opening of the first session of the 1994 Parliament there had been some discussion about the wisdom of retaining the Presidium. However, it was a required body under the current Constitution. Hence, in keeping with the opinion of all parliamentary groupings, it was proposed to retain the Presidium as a "deliberative and co-ordinating body, which would assure the organization and co-ordination of the work of the commissions and committees of the Supreme Council." It was also proposed that the leaders of the various parliamentary fractions, in addition to commission chairmen, could be added to its membership.⁷⁶ How a body so unwieldy and politically fragmented (see again table 7.6) could reach decisions was difficult to understand, as was the redundancy of the Supreme Council's deliberations after the Presidium's meetings.⁷⁷ Indeed, there may have been more than a grain of truth

help Ukraine in its transition to a democratic Parliament was a moot point. At its meeting on 31 October the Presidium confirmed the structure and staffing of the Secretariat, but its decision was not available to this writer. See *Uriadovyi kur'ier*, 3 November 1994.

75. *Holos Ukrainy*, 5, 12, and 19 October 1994. According to Speaker Moroz, in order to defuse political battles on the floor of the House other deputies were permitted to attend, but not participate in, the meetings of the Presidium. *Ibid.*, 12 October 1994.

76. Report of Vasyl Durdynets, head of the Preparatory Initiative Deputies' Group. A statute was to have been adopted on this by the Supreme Council, but it had not yet appeared as of the time of this writing. *Ibid.*, 13 May 1994.

77. For instance, on 28 June the Supreme Council examined and approved its agenda for the week (28 June–1 July), which had been previously vetted by the Presidium. *Ibid.*, 29 June 1994.

in a critical newspaper article that compared the Presidium with the old Politburo of the Communist Party of Ukraine.⁷⁸

The 1996 Constitution made no provision for a Presidium of the Supreme Council (the Ukrainian name *Verkhovna Rada* was, of course, retained), and it was abolished.⁷⁹ This brought Ukrainian parliamentarism more in line with foreign practice. Responsibility for direction of the operation of the assembly was placed on the shoulders of the speaker, who would chair its sittings, organize the agenda, sign its adopted acts, represent the assembly before other domestic and foreign institutions, and arrange the work of the staff (article 88).⁸⁰ Therefore, the chapter in the House rules (4.5) dealing with the Presidium had to be rescinded, especially since it made reference to the Presidium's powers and composition being spelled out in the Constitution.

Interpretation

David Olson says that democratic legislatures have essentially two functions—representation and legislation.⁸¹ These two concepts provide foci for assessing Ukraine's Parliament, the Supreme Council. The basic question is whether the legislature in Ukraine is evolving in the direction of a democratic institution or is still a captive of its Soviet past.

Representation

With the end of the Communist Party's monopoly of power, the Parliament of Ukraine without a doubt became an elite body that was no longer representative of Ukrainian society in the sense of being its mirror. It was, furthermore, a largely male preserve. The high level of education—practically every deputy had been to college—certainly distinguished this body from its predecessors, as well as from the electorate. That, according to Michael Mezey's theory of legislatures,⁸² should have created pressure for more professionalism, a more active role for legislators, and a more prominent part for the legislature (by comparison with political parties), all of which would have been a welcome development if only it were happening.

78. *Nezavisimost*, 14 September 1994.

79. Zaitsev, "Konflikty," 27.

80. *Uriadovyi kur'ier*, 13 July 1996.

81. David M. Olson, *Democratic Legislative Institutions: A Comparative View* (Armonk, N. Y.: M. E. Sharpe, 1994), 1.

82. Michael L. Mezey, "New Perspectives on Parliamentary Systems: A Review Article," *Legislative Studies Quarterly* 19, no. 3 (August 1994): 437.

In terms of partisan-political representation, the situation was much less clear. Fully half the deputies were elected as non-party independents, but nearly all quickly gravitated to one of the parliamentary fractions. These fractions were still in a state of fission, fusion, and confusion during the Thirteenth Convocation. As shown in table 7.8, there were nine officially recognized groupings, apart from the unaffiliated, as of 1 July 1994. Two years later there were twelve, and the unaffiliated contingent had nearly doubled in size while the number of deputies had increased by only slightly more than one-quarter. In the meantime, the Agrarians had split in two, the parent group renaming itself the Peasant Party of Ukraine, corresponding to the selfsame party outside Parliament, and the dissidents calling themselves Agrarians for Reforms. A group of self-styled Independents was formed around a core of the formerly unaffiliated, while former adherents of the Interregional bloc and Unity created a fourth fraction, Social-Market Choice. Rather than consolidation, further fragmentation seemed to be occurring.⁸³ On the eve of the 1998 elections there were still nine registered fractions, but they were not all the same ones as two years earlier, and in the meantime the number of unaffiliated deputies had doubled to seventy, indicating the chronic fluidity of the parliamentary party system (see table 7.8).

Nor were these fractions identical in their development of party discipline. An opportunity sample of twenty roll-call votes and attendance, published in 1995–98, and an ad hoc index developed to measure relative rather than absolute party discipline clearly indicate that there was a large gap in variation among the parliamentary groups in the Thirteenth Convocation (see table 7.9). According to this measure, the best disciplined were the Communists: on average only 11.8 percent of them voted against their own caucus. The second most disciplined were the Socialists after their merger with the Peasant Party. In third place was

83. Despite the fragmentation, there was reported to be a certain amount of cooperation, particularly among the centre-right fractions. For example, there were regular daily meetings to agree on a common position between the Centre, Reforms, Statehood, Rukh, Unity, and Interregional Bloc. See *Holos Ukrainy*, 15 February 1995. In the two first two years of its life the 1994 Parliament experienced an increase within it in the “effective number” of political parties (if that is what we can call its fractions) from six to sixteen. Contributing to this fragmentation was the decline in the overall share of seats held by the Communists—from one-quarter to one-fifth—and the increase in the number of fractions, not to mention the surprising increase in the size of the unaffiliated group. The “effective number” of political parties is measured according to the following formula: it is the reciprocal of the sum of the squares of the percentage of seats held by each of the parties or fractions. See below, n. 130.

Statehood (14.7 percent), followed closely by Rukh (14.9 percent). The least disciplined were the deputies of the Centre bloc, more than one-quarter of whom (27.1 percent) deviated from their fellow deputies, thus displaying a level of indiscipline not even exceeded by the officially unaffiliated, who had absolutely no reason to show caucus solidarity. Here, then, was a source of the relative strength of the Communist fraction in Parliament and the weakness of the centre and the pro-government right.⁸⁴

What did these fractions represent outside the chamber? In mid-1996 only four out of the twelve parliamentary fractions carried names corresponding to registered political parties.⁸⁵ What the other eight represented was less than transparent. Certainly the only fractions with strong organizational ties to extra-parliamentary constituencies were the Communists and the Socialists. More exactly, it was the parties at the extremes of the ideological spectrum that had distinct bases; fractions of the centre were totally "disorganized." In January 1997, for example, 85 out of 86 members of the Communist fraction were CPU members, or 99 percent. Seventy-two percent of the Socialist fraction were members of the Socialist Party of Ukraine (SPU); 12 out of 24 Agrarians were from the Peasant Party of Ukraine (SPU); and 81 percent of the Rukh fraction adhered to the Popular Movement (*Rukh*) of Ukraine. In the centre, by contrast, the Interregional fraction of twenty-eight comprised nineteen (68 percent) unaffiliated deputies, with the rest drawn from five different parties; the Social-Market Choice bloc, 58 percent and three; Unity, 70 percent and four; Reforms, 76 percent and two; and the Constitutional Centre, 64 percent and five, respectively.⁸⁶ Three left-wing caucuses and one on the right could be said to represent parties outside Parliament, while the centre caucuses represented only themselves.

In the autumn of 1993 the Communists and Socialists in Parliament, aware of their strength, pushed through the majoritarian electoral law, which they expected would give them an advantage in view of their organizational strength. They were therefore assured of greater recognition by the public and of dominance in the assembly. Meanwhile, when the bill was being considered, the democrats, who favoured proportional representation, walked out of Parliament in protest and

84. D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 159–60.

85. These were the Communists of Ukraine for Social Justice and Popular Power, Rukh, the Socialists, and the Peasant Party fraction.

86. Mykhailo Biletsky and Mykhailo Pohrebynsky, "Politychni partii u vzaïemodii zi strukturamy vlady," in *Stanovlennia vladnykh struktur v Ukraini (1991–1996)*, 62.

TABLE 7.8
FRACTIONS AND GROUPS IN THE SUPREME COUNCIL, JULY 1994–MARCH 1998

Fraction or Group	1 July 1994	March 1995	21 February 1996	7 March 1997	3 March 1998	Remarks
Communists	84	90	89	86	79	
Centre	38	37	29	55	51	Constitutional Centre
Agrarians of Ukraine	36	51	—	37	27	Agrarian Party
Peasant Party	—	—	26	—	—	Merged with Socialists
Agrarians for Reform	—	—	25	—	—	
Rukh	27	27	29	26	25	
Reforms	27	36	30	30	30	Forward, Ukraine!
Socialists	25	28	24	25	40	
Unity	25	32	24	37	33	
Statehood	25	28	29	—	—	
Interregional	25	28	21	28	32	Regional Rebirth
Independents	—	—	25	24	—	
Social-Market Choice	—	—	31	25	25	
Unaffiliated	20	37	34	41	70	
TOTALS	332	394	416	414	412	

SOURCES: *Holos Ukrainy*, 12 July 1994; *Khto ie khto* (1995), 243–61; and *Holos Ukrainy*, 22 February 1996, 12 March 1997 and 21 March 1998.

TABLE 7.9
RANKING OF PARLIAMENTARY FRACTIONS BY IMPUTED DEGREE OF
PARTY DISCIPLINE, SUPREME COUNCIL OF UKRAINE,
THIRTEENTH CONVOCATION, 1995–98

Fraction	Party Discipline Score
1. Communists	11.8
2. Socialists (after merger with Peasants, 1997) (9)	13.6
3. Statehood (to 1996) (9)	14.7
4. Rukh	14.9
5. Independents (15)	17.1
6. Socialists (before merger with Peasants, to March 1997) (11)	17.3
7. Agrarians of Ukraine, later Peasant Party (to 1996) (9)	18.3
8. Unity	18.9
9. Rebirth of Agro-Industrial Complex (active 1997 only) (4)	19.8
10. Reforms; later Forward, Ukraine!	20.5
11. Unaffiliated	22.1
12. Agrarians for Reform; later Agrarians of Ukraine; later still Agrarian Party (19)	22.8
13. Interregional	23.4
14. Social-Market Choice (16)	24.7
15. Centre, later Constitutional Centre	27.1
Overall average	19.1

SOURCES: As in Table 7.8, plus *Holos Ukrainy*, 2 March and 13 December 1995; 25 January, 20 and 23 July 1996; 7 February, 12 March, 24 September, 9 October, 21 November, and 25 December 1997; and 5, 11, and 12 February and 21 March 1998.

METHOD: Taking the twenty roll calls and votes published in these sources, I calculated the index of party discipline as follows: first, the number of deputies of each caucus voting "for" was calculated as a percentage of all that caucus's members registered as "present." Assuming perfect party discipline, a group should either have scored 100 or 0 percent (either 100 percent of deputies present voting in favour of the motion or else 0 percent for). Any scores above 50 were then subtracted from 100, and scores below 50 were recorded as is, to indicate how far a group was from ideal on each occasion. These were summed up and averaged, and the results shown in this table. The lower the score the tighter the discipline. Since the data were only an opportunity sample rather than a random one, the

results only give an impression of the relative degree of discipline among the caucuses, not absolute values. In the case of caucuses that have had a shorter lifespan than that covered by the data set, the actual number of roll calls participated in, if less than twenty, is indicated in parentheses.

subsequently suffered.⁸⁷ At the same time, the string of interminable runoff elections lessened the public's interest in politics in general and in democracy in particular; this loss of interest was reflected in the steadily decreasing turnout.⁸⁸ In a public opinion poll conducted on the eve of the 1994 elections, 68 percent of respondents said they were not familiar with any party's program; only 13 percent reported that they were. These results are thus a measure of the parties' failure to reach the electorate.⁸⁹

In the 1991–93 period public knowledge of and attitudes towards Parliament and political parties could best be summed up as abysmal, amorphous, and ambivalent. In a series of national surveys of voting intentions carried out between January 1991 and June 1993, support for the Communists dropped from 27 percent to 4.5. The concurrent proliferation of movements and parties and the public's general ignorance of their programs prevented any new group from recapturing the Communists' dominance. Thus, in the last poll of that series only two parties surpassed the 5 percent mark—7.3 percent of respondents chose Rukh, and 5.6 percent, the Democratic Party. The non-existent Order and Justice Party, invented for this survey, was preferred by 3.7 percent of respondents. Accordingly, the surplus of distrust in parties increased correspondingly from 36.5 percentage points in January 1991 to 59.7 in June 1993.⁹⁰ In another survey done in mid-1993, the Green Party

87. Jaroslaw Martyniuk, "The Demographics of Party Support in Ukraine," *RFE/RL Research Report*, 3 December 1993, 36.

88. Curiously, a poll conducted among Kyivans in July 1993 found that 48.8 percent preferred the double majority electoral system. So the confirmation of that system by Parliament in the fall may not have been far out of line with public opinion, quite apart from any strategic considerations of the Communists and Socialists. See *Pravda Ukrainy*, 30 July 1993, translated in FBIS-USR-93-110, 23 August 1993, 26–7. But by December 1994 a national survey showed that only 23.4 percent of Ukrainians thought the electoral laws were working well, and 34.9 percent considered that they needed reform. See IFES National Survey of the Ukrainian Electorate [December 1994], at <freelunch.feenet.kiev.ua/IFES/survey/december.htm>.

89. "Politychnyi portret Ukrainy: Liutyi-berezen 1994 roku," 14. The "don't know" category was 15 percent.

90. Ievhen Holovakha, "Politychnyi portret Ukrainy: Zahalni tendentsii rozvytku," *Politychnyi portret Ukrainy*, no. 1 (1993): 3–5.

emerged with the highest positive rating—15.6 percent. It was followed by Rukh (7.7 percent), the Socialist Party (5.3 percent), and the Communists (4.5 percent). Even so, 10.5 percent of respondents had not heard of Rukh, and 19.3 percent, the Communists!⁹¹ The deficit of trust (or surplus of distrust) in the Supreme Council in May–June 1993 was 48.7 percentage points. Only 1.8 percent of respondents reported having full trust in that institution, i.e., slightly less than the distrust shown in political parties.⁹²

On the eve of the 1994 elections only 13 percent of respondents in a national survey of voting intentions said they would vote for the same candidate as last time, which may help explain the high rate of turnover that year. Furthermore, 54 percent did not believe the elections would be democratic. Candidates independent of political parties were preferred: 15.2 percent said they would vote for an independent candidate, 6.5 percent for a Rukh candidate, and less than 5 percent each was gleaned by other recognized political parties.⁹³ The aversion to partisan politics was also evident when respondents were asked which characteristics of a candidate would influence their choice. They said they were attracted by such factors as the candidate being a woman, advocating Ukraine's unification with Russia, being a member of no particular party, having support from entrepreneurs, and being a professional politician working on the staff of a party. They were repelled by or least interested in a candidate who was an adherent of Ukrainian nationalism, an advocate of authoritarianism, the same candidate for whom they voted in the previous elections, or the recipient of support from the present-day government.⁹⁴

91. *Demokratychna Ukraina*, 17 August 1993, translated in FBIS-USR-93-131, 12 October 1993, 6–7.

92. Bekeshkina et al., "Hromadska dumka pro stan demokratii," 3. Kyiv's residents were more negative in their assessment of the Supreme Council. In June 1993, 74.2 percent reported no trust in that body, and only 7.0 percent trusted it, for a net figure of 67.2 points on the debit side of the ledger. See Vyshniak et al., *Referendum doviry*, 3. These same respondents were equally cynical towards parliamentarians: 64.2 percent said that personal interests motivate deputies to the Supreme Council (see *ibid.*, 4.) By September 1993 the level of distrust had risen to 81 percent, while trust remained at 7 percent, for a net negative rating of 74 points. See *Nezavisimost*, 8 October 1993, trans. in FBIS-USR-93-137, 25 October 1993, 20.

93. "Politychnyi portret Ukrainy: Liutyi-berezen 1994 roku," 14–15.

94. *Ibid.*, 16. Obviously such results have to be taken with a grain of salt in view of the fact that some preferences were mutually contradictory and that some—like voting for a woman candidate—clearly were not manifested in actual behaviour subsequently.

A study of the Ukrainian electorate conducted in 1994 by Canadian researchers thus concluded that "diffuse support for electoral institutions is only weakly developed."⁹⁵ Assessing the meaning of elections among respondents, they found that accountability and self-interest (defined as "the extent to which people feel that gaining *benefits* is an important function of elections for them" [372]) were "the most important predictor of political and electoral interest.... Thus, over and above people's personal characteristics or circumstances, and in addition to their political attitudes about the government, a feeling that elections themselves provided a way of holding the government accountable to the people, a way of keeping politicians honest and a way of advancing personal self-interest contributed substantially to the structure of opinion on the elections of ... 1994."⁹⁶ Because support for elections is so specific, these researchers reasoned, "then one can expect that alienation from the electoral process will continue to grow for a significant proportion of the electorate if the character and policies of the government are not deemed more satisfactory."⁹⁷

After the marathon of parliamentary elections, repeat elections, runoffs, and by-elections got under way in March 1994⁹⁸ and the new Supreme Council began operating, public opinion still did not improve greatly. In December 1994 the deficit of trust in the national Parliament among residents of Kyiv was reported as 52.7 points, a slight deterioration from the same researchers' measurement of it in January when it stood at 54.1.⁹⁹ Another survey at the end of that year said that 42 percent of the capital's inhabitants "trust nobody — neither the right nor the left, neither partisans nor non-partisans. And 42 percent consider that supplementary elections to the Supreme Council or the Kyiv City Council should not be carried out at all, because nobody needs them."¹⁰⁰ At the end of January 1995, 61

95. Jon H. Pammett and Joan DeBardleben, "The Meaning of Elections in Transitional Democracies: Evidence from Russia and Ukraine," *Electoral Studies* 15, no. 3 (August 1996): 378.

96. *Ibid.*, 377.

97. *Ibid.*, 378.

98. For an explanation of the discrepancy between the election of a leftist Parliament and a centrist president that year, see Sarah Birch, "Electoral Systems, Campaign Strategies, and Vote Choice in the Ukrainian Parliamentary and Presidential Elections of 1994," *Political Studies* 46, no. 1 (March 1998): 96–114.

99. *Holos Ukrainy*, 28 January 1995. In January the figures were: trust, 3.4 percent, and no trust, 57.5 percent; and in December, 3.3 percent and 56.0 percent, respectively.

100. *Vechirniy Kyiv*, 28 December 1994. The same poll also showed that 46 percent of respondents thought that a new electoral law was needed.

percent of Kyivans did not trust Parliament, while 57 percent had no faith in political parties.¹⁰¹ Researchers who conducted a national opinion survey in March 1995 concluded that the public still distrusted Parliament. This was based on the fact that only 10.2 percent of respondents chose the Supreme Council as the most powerful branch of government, by comparison with the executive.¹⁰² Parliament scored the lowest of five institutions when people's confidence in them was polled in April 1995 (the deficit of trust was 60 percentage points), placing last after the church, the military, the presidency, and the judiciary.¹⁰³ On a five-point scale, the residents of four Ukrainian cities in May 1995 rated the Supreme Council and political parties as the very least trusted of seventeen leaders and institutions. They scored an average of 2.1. God was most trusted, with a score of 4.0.¹⁰⁴ In common with other parts of the country, the inhabitants of Kharkiv indicated in June 1995 that they distrusted most the Cabinet and Parliament. They distrusted least the local city council, which suggests that in Ukraine democracy might have a better chance being built from the bottom up rather than from the top down.¹⁰⁵

Legislation

There was no improvement in the 1994 Parliament over its predecessor in terms of deputies using procedural ploys to register opposition.¹⁰⁶ This indicated the weakness of the parliamentary opposition and the

101. *Uriadovyi kur'ier*, 18 February 1995.

102. IFES National Survey of the Ukrainian Electorate, March 1995 Update, at <freelunch.feenet.kiev.ua/IFES/survey/march.htm>. Most respondents (35.7 percent) thought that both should have equal power; exactly one-third, that the executive should be more powerful; and 20.8 percent had no opinion or did not answer.

103. Jaroslaw Martyniuk, "The Shifting Political Landscape," *Transition* (Prague), 28 July 1996, 11.

104. *Post-postup*, 16–22 June 1995. Between the two extremes, in descending order of trust, were other compatriots, the church and clergy, the army, the Security Service, President Kuchma, leaders of state enterprises, Western nations, private entrepreneurs, trade unions, Prime Minister Marchuk, the police, Russia's leaders, the government, and Parliamentary Speaker Moroz. On balance, most of these were not trusted. With the cutoff being 3.0, the Security Service of Ukraine just made it into the trusted category; President Kuchma, with 2.9, fell just short. The cities surveyed were Kyiv, Lviv, Donetsk, and Simferopol.

105. *Nezavisimost*, 19 July 1995. The surplus of distrust in percentage points was as follows: the Cabinet of Ministers, 62; the Supreme Council, 61; the oblast council and administration, 50; the president, 43; and the city council, 34.

106. *Holos Ukrainy*, 1 June 1994, reports the Rukh fraction leaders justifying their actions in this regard. See also *ibid.*, 21 and 25 May 1994.

rules that facilitated such behaviour. Much time was still wasted at the start of every week and every day in debating the agenda.¹⁰⁷ The derailing of debate onto other matters and the general waste of the chamber's time seemed usual, suggesting much room for improvement.

At first the organization of Parliament into caucuses (nine as of 1994) showed signs of increased consolidation, by comparison with both the preceding convocation (thirty-eight) and the number of nominal party affiliations of deputies when first elected (sixteen).¹⁰⁸ By 1996, as mentioned earlier, there were twelve fractions, so the prospects of consolidation were becoming more remote, and the efficiency of Parliament correspondingly impaired. Furthermore, the assembly's failure to rein in the number of standing commissions (committees) helped to maintain the tradition of including virtually all deputies in their work, as in Soviet times.¹⁰⁹ The more prominent part played by the commissions, as compared with their Westminster analogs, and the anomalous position of the Presidium have already been noted. Representation of all fractions in commissions and the Presidium meant that Parliament was run by the fractions and commissions, not the governing party or dominant coalition.

Representation of fractions and groups on the standing committees in 1995 was such that the 23 committees included 92.8 percent of the then 400 deputies in the chamber. There was noticeable duplication and overlapping: four committees dealt with the law; five, with various aspects of the economy; and three, with nuclear and ecological matters. While the very largest committees contained representation from virtually all fractions, several others were again obviously the preserve of particular caucuses. For example, the Communists had an absolute majority of members in four committees (State Building, Freedom of Speech, Youth, and House Rules); the Agrarians had twenty out of thirty-two members of the committee dealing with the agro-industrial complex; and the Centre deputies' fraction commanded a majority on the Health Committee. Legislation emerging out of these committees would therefore reflect the preferences of a given caucus rather than of the whole house, thus defeating the purpose of legislative committees. The unevenness and overlapping of representation of fractions in the committees assured conflict rather than smooth and efficient law-making.

107. See, for instance, *ibid.*, 12 October 1994.

108. The latter figure is from Dominique Arel and Andrew Wilson, "The Ukrainian Parliamentary Elections," *RFE/RL Research Report*, 1 July 1994, 12–13.

109. For the current law on the standing commissions, see *Holos Ukrainy*, 8 June 1995.

A further anomaly was the presence in the committees of not only officers of the assembly, but also ministers of the government and their employees. This feature was at odds with normal practice wherein committees do not include either the chamber's speakers (because they already have duties as chairmen of the full Parliament or of committees of the whole House) or government front-benchers, but are reserved on the government side for backbenchers. Thus, in early 1995 ex-President Kravchuk and Mykola Zhulynsky, his ex-vice-prime minister for humanitarian affairs, were members of the Commission on Culture and Spirituality. Minister of the Economy Roman Shpek, along with one of his vice-ministers, Viktor M. Kalnyk, and a member of the presidential council on economic reform, were all serving on the Economic Policy Commission. First Vice-Prime Minister Viktor Pynzenyk was also a member of the finance and banking commission. First Vice-Minister of Foreign Economic Ties Viktor D. Hladush was serving on the Energy Commission. Similarly, the environment minister, Iurii M. Kostenko, sat on the Nuclear Policy Commission, and the first vice-minister of internal affairs, Maj.-Gen. of Police Leonid V. Borodych, was a member of the Law and Order Commission. That commission, by the way, was well padded by policemen and prosecutors (six out of fourteen members), as was the Commission on Organized Crime and Corruption by the Security Service of Ukraine (seven out of twenty-five members, including the chairman). On the Agro-Industrial Commission sat the minister of agriculture, Iurii M. Karasyk, a vice-minister of agriculture, Mykhailo V. Parasunko, fourteen collective-farm heads and administrators, as well as an employee of the Cabinet staff. Another vice-minister of agriculture, Valentyn P. Iakovenko, was on the Defence and Security Commission, six out of twenty-seven members of which were in the armed forces or the Security Service of Ukraine. Thus, the principle of separation of powers enshrined in the 1996 constitution (article 6) was honoured more in the breach—another vestige of the Soviet legacy with its quaint tradition of assembly government, where separation of powers was deliberately avoided—than in its observance in the makeup of parliamentary committees.

The likelihood that the committees would retain their prominent function in the legislative process under the new constitution was doubtful at the time this book was being written. Some idea of the scope of their activity hitherto can be gained from statistics covering just the fourth session (September to December 1995) of the Thirteenth Convocation. The commissions held 347 meetings, considered nearly 1,400 questions (or four

per meeting, on average), and looked at 8,500 various communiqués.¹¹⁰ Of these 1,400 items, 250 made it to the floor of the House, and 70 laws and 86 decrees were also passed during the session. At the beginning of the fifth session (January 1996), the commissions submitted over 200 legislative proposals, 85 of them having to do with economic and social policy.¹¹¹ The 1996 Constitution restricted legislative initiative to the president, the parliamentary deputies, the Cabinet, and the National Bank, superseding the earlier law that also gave this right to the commissions.¹¹² On the other hand, Parliamentary Speaker Oleksandr Tkachenko advocated more powers for committees of the Supreme Council.¹¹³

The legislative activity of Parliament as a whole has grown considerably by comparison with the pre-independence era. Whereas during 1991 the Supreme Council passed 47 laws, its output increased to 131 in 1992 and to 156 in 1994. In 1995 and 1996 the numbers were 152 and 158, respectively, indicating some normalization or natural levelling-off process. It passed 261 decrees in 1992, and 272 in 1994. This number then declined to 174 in 1995 and to 144 in 1996. Decrees of its Presidium were also down from 209 in 1992 to only 39 in 1993. In 1995 there were nineteen decrees, and in 1996, four.¹¹⁴ Nevertheless, all of this legislative activity appeared dispersed and unco-ordinated within the Parliament and between it and other institutions.

Because Parliament was not organized into partisans of government and its opposition, procedures were not predictable, nor was the assembly's relationship with the executive. Rather than checks and balances, there was often close co-operation. The president, who was non-partisan, therefore had no base in Parliament, and the prime minister and his ministers frequently reported matters for information to the Supreme Council and its Presidium rather than for approval and expression of confidence. For a long time the parliamentarians could not even agree on the Rules of Procedure, models of which were available from foreign jurisdictions.

Public opinion on the Parliament of Ukraine has been relatively modest, and its approval of the institution is probably declining. For

110. *Holos Ukrainy*, 30 January 1996.

111. *Ibid.*

112. Article 6, section 1, of the law on the standing commissions gave them this right. See *Holos Ukrainy*, 8 June 1995. In a step in the direction of normal parliamentarism, the 1996 Constitution changed the terminology from *komisii* (commissions) to *komitety* (committees).

113. *Holos Ukrainy*, 13 May 1999.

114. *Narodnyi deputat*, 1992, no. 12: 75–6; and *Vidomosti Verkhovnoi Rady Ukrainy*, supplements to no. 52 in 1992, 1994, 1995, and 1996.

instance, in a survey conducted in May–June 1992, 30 percent of respondents stated that they had full or partial confidence in the Supreme Council, as compared with 37 percent with little or no confidence; the deficit in confidence was therefore 7 percentage points. Meanwhile, 44 percent reported confidence in President Kravchuk.¹¹⁵ Another survey conducted in May–June 1993 gave Parliament a confidence deficit of 48.7 points.¹¹⁶ After the first two rounds of elections in the spring of 1994, an opinion poll of Kyiv residents found that 29 percent were altogether uninterested in who had been elected to the Supreme Council, and 36 percent did not know the disposition of political forces in the new Parliament.¹¹⁷

In view of the above, it was hardly surprising that in 1994 the opposition press in Ukraine depicted the Communists as either in the process of usurping power or having in fact already done so.¹¹⁸ Parliament, dominated by its left-wing majority—the Communists, Socialists, Agrarians, and their fellow-travellers—was solely concerned with satisfying its own interests and restoring a totalitarian system. Its reason for raising minimum wages with every increase in inflation was not the welfare of citizens, but the fact that deputies' salaries were tied to this minimum and parliamentary deputies did not pay income tax.¹¹⁹ A further dose of cynicism was added by the revelation that the Supreme Council had demanded information from the borough councils of Kyiv on the building and completion of new apartment blocks, obviously with a view to requisitioning these for parliamentary deputies and employees of Parliament. The Standing Commission on Rules of Procedure and Ethics had sought this information.¹²⁰

The Parliament Elected in 1998: Fourteenth Convocation¹²¹

In line with the 1996 constitution, a new electoral law passed by Parliament came into effect on 24 September 1997, in time for the spring

115. Kathleen Mihalisko, "Public Confidence in the Ukrainian Leadership," *RFE/RL Research Report*, 30 October 1992, 9–10.

116. Bekeshkina et al., "Hromadska dumka pro stan demokratii," 3.

117. *Holos Ukrainy*, 18 May 1994.

118. *Shliakh peremohy* (Munich), 4 June 1994; and *Nezavisimost*, 14 September 1994.

119. *Nezavisimost*, 14 September 1994.

120. *Vechirnyi Kyiv*, 25 October 1994.

121. Effective 1 February 2000, renumbered as the third convocation. See n. 2 in this chapter.

1998 elections.¹²² The law embodied significant changes, not the least of which was the dropping of the requirement for a majority of electors to attend the polls in order to legitimize the result, or rather it lowered it to 25 percent. It also instituted a mixed electoral system—225 deputies to be elected by proportional representation (PR) in one country-wide district and 225 by simple plurality in single-member districts (SMDs). On the PR side, parties would require 4 percent of the vote to receive representation. Both PR and SMD ballots were to include as a choice the voter's rejection of all candidates or parties.

On the eve of the election, which took place on 29 March 1998, thirty political parties were officially registered, putting forward 3,539 candidates for the PR list; 4,116 candidacies were registered for the single-member districts.¹²³ No political party managed to nominate a full slate of candidates for the 225 SMDs. This was symptomatic of their general organizational weakness. A few came close: the Communist Party of Ukraine, 224; Hromada, 223; Rukh, 219; the electoral coalition of labour and liberal parties, 210; and the Peasant and Socialist bloc, 199. In the PR list, only two parties put forward a full complement of 225 candidates—Symonenko's Communists and Lazarenko's Hromada; Rukh under V'iacheslav Chornovil managed 224. The turnout on the day of the elections was 71.27 percent.¹²⁴

In the PR race, twenty-two parties failed to attain the 4 percent threshold. Of the eight that succeeded, the Communists were far in the lead with 24.7 percent of the vote, followed by Rukh with 9.4 percent and

122. *Orientyr: Informatsiinyi dodatok*, 1997, no. 3, supp. to *Uriadovyi kur'ier*, 25 October 1997.

123. Since 1,364 individuals were listed in both places, the total number of persons contesting the election was 6,291. See *Holos Ukrainy*, 30 June 1998. The average number of candidates per SMD was an astronomical 18.3. This large number helps explain the greater number of parties produced by the SMD ballot, as opposed to the PR with its 4 percent cut-off. For succinct accounts of the elections, see, for instance, Sarah Birch and Andrew Wilson, "The Ukrainian Parliamentary Elections of 1998," *Electoral Studies* 18, no. 2 (June 1999): 276–82; and the Commission on Security and Cooperation in Europe, "Ukraine's Parliamentary Election, March 29, 1998" (Washington, D. C., April 1998).

124. There were 37,540,092 eligible electors, 26,754,184 of whom voted. See *Holos Ukrainy*, 30 June 1998. Voter turnout was highest in western Ukraine, specifically in the oblasts of Ternopil (83.7 percent), Khmelnytskyi (79.0 percent), Rivne (79.0 percent), Volyn (78.3 percent), Ivano-Frankivsk (77.9 percent), and Zhytomyr (77.7 percent), and lowest in the cities of Sevastopol (50.3 percent) and Kyiv (58.5 percent). In Crimea the turnout was 63.3 percent. See *Ukraina sohodni*, 2 April 1998, at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1998/0402u.html>, consulted on 18 April 1998.

TABLE 7.10
PARTIES SUCCESSFULLY CONTESTING THE 225 PROPORTIONAL REPRESENTATION SEATS
IN UKRAINE'S 1998 PARLIAMENTARY ELECTIONS

Name of Party or Electoral Bloc (and Its Component Parties)	Leader	No. of Candidates on the PR List	% of Full Slate	% of Votes Won	No. of Seats Obtained
Communist Party of Ukraine	Petro Symonenko	225	100.0	24.7	84
Rukh	V'iacheslav Chornovil	224	99.6	9.4	32
Socialist and Peasant Electoral Bloc	Oleksandr Moroz	201	89.3	8.6	29
Greens	Vitalii Kononov	77	34.2	5.4	19
Popular Democratic Party (PDP)	Anatolii Matviienko	189	84.0	5.0	17
Hromada	Pavlo Lazarenko	225	100.0	4.7	16
Progressive Socialist Party	Nataliia Vitrenko	83	36.9	4.0	14
Social Democratic Party of Ukraine (Unified)	Vasyl Onopenko	185	82.2	4.0	14

SOURCES: *Holos Ukrainy*, 12 December 1997–27 January and 8 April 1998; and *Uriadovyi kur'ier*, 4 and 9 April 1998.

TABLE 7.11
PARTIES UNSUCCESSFULLY CONTESTING THE 225 PROPORTIONAL REPRESENTATION SEATS
IN UKRAINE'S 1998 PARLIAMENTARY ELECTIONS

Name of Party or Electoral Bloc (and Its Component Parties)/Leader(s)	No. of Candidates on the PR List	% of Full Slate	% of Votes Won
Agrarians / Kateryna Vashchuk	188	83.6	3.7
Reforms and Order/Viktor Pynzenyuk	191	84.9	3.1
Toiling Ukraine (UPS and HKU) / Serhii Chervonopysky and Serhii Dovhan	117	52.0	3.1
National Front (KUN, URP, and UCRP) / Iaroslava Stetsko, Bohdan Iaroshynsky, and Stepan Khmara	181	80.4	2.7
Labour and Liberals / Volodymyr Shcherban and Valentyn Landyk	219	97.3	1.9
Forward, Ukraine! / Viktor Musiiaka	151	67.1	1.7
Christian Democrats / Vitalii Zhyravsky			1.3
Democratic Bloc (Democratic Party and Party of Economic Rebirth) / Volodymyr Iavorivsky and Volodymyr Sheviov	172	76.4	1.2
Party of National Economic Development / Valentyna Nakonechna	53	23.5	0.9
Social Liberal Alliance—SLON (Interregional Bloc for Reforms and Constitutional Democratic Party) / Vladimir Grinev and Anatolii Zolotarov	62	27.6	0.9

Regional Rebirth / Volodymyr Rybak	104	46.2	0.9
All-Ukrainian Party of Toilers / Leonid Vernyhora	87	38.7	0.8
Soiuz / Svitlana Savchenko	30	13.3	0.7
All-Ukrainian Party of Women's Initiatives / V. Iu. Datsenko	27	12.0	0.6
Republican Christian Party / Mykola Porovsky	98	43.6	0.5
Ukrainian National Assembly / Oleh Vitovych	42	0.4	
Social Democratic Party of Ukraine / Iurii Buzduhan	127	56.4	0.3
Defenders of the Homeland / Iurii Karmazin	43	19.1	0.3
Spiritual, Economic, and Cultural Progress / Ivan Burdak	60	26.7	0.2
Muslims / Rashid Braham	19	8.4	0.2
Fewer Words (Social National Party and State Independence of Ukraine Union) / Iaroslav Andrushkiv and Roman Koval	44	19.6	0.2
Ukraine's European Choice (LDPU and USelDP) / Iurii But and Viktor Prysiachniuk	81	36.0	0.1

SOURCES: As in table 7.10 and "Parti Ukrainy," on the Internet at www.kmu.gov.ua/Party.htm, consulted on 5 March 2000.

NOTE: UPS — Ukrainian Party of Justice; HKU — Civic Congress of Ukraine; KUN — Congress of Ukrainian Nationalists; URP — Ukrainian Republican Party; UCRP — Ukrainian Conservative Republican Party; LDPU — Liberal Democratic Party of Ukraine; USelDP — Ukrainian Peasant Democratic Party.

TABLE 7.12
PARTIES SUCCESSFULLY CONTESTING THE 225 SINGLE-MEMBER
DISTRICTS AND TOTAL NUMBERS OF SEATS WON IN PR AND SMD
CONTESTS IN UKRAINE'S ELECTIONS, MARCH 1998

Party or Electoral Bloc	Deputies Elected in SMDs	Percentage (of 222)	Seats Won in PR and SMDs
Communists	39	17.6	123
Independents	114	51.4	114
Rukh	14	6.3	46
Socialist Peasant Bloc			34
Socialists	3	1.4	
Peasants	2	0.9	
PDP	11	5.0	28
Hromada	7	3.2	23
Greens	0	0	19
PSP	2	0.9	16
SDPU(O)	2	0.9	16
Agrarians	8	3.6	8
Reforms and Order	3	1.4	3
Congress of Ukrainian Nationalists	3	1.4	3
Christian Democrats	3	1.4	3
Ukrainian Republican Party	2	0.9	2
Soiuz	2	0.9	2
Justice Party	1	0.5	1
Liberals	1	0.5	1
Ukrainian Christian Democratic Party	1	0.5	1
Christian Popular Alliance	1	0.5	1
Democrats	1	0.5	1
Interregional Bloc for Reforms	1	0.5	1
Social National Party	1	0.5	1
Totals	222	100	447

SOURCES: *Uriadovyi kur'ier*, 4 and 9 April 1998. After by-elections in August, a full complement of 450 deputies was obtained. See Birch, *Elections and Democratization in Ukraine*, table 7.1, 106–7, for a more settled and accurate count.

the Socialist Peasant bloc with 8.6 percent. Four new parties with no representation in the previous Parliament were next: the Greens with 5.4 percent; the pro-presidential People's (or Popular) Democratic Party (PDP) with 5.0 percent and Valerii Pustovoitenko at the head of its list; the anti-presidential Hromada with 4.7 percent; and the Progressive Socialists (PSP) with 4.05 percent. The Social Democratic Party of Ukraine (Unified) was last, with just barely 4.01 percent.¹²⁵ Nearly 35 percent of the votes were effectively wasted, going to those 22 parties and blocs that failed to pass the threshold. The 225 PR seats were distributed as follows: the Communist Party, 84; Rukh, 32; the Socialist Peasant bloc, 29; the Greens, 19; the PDP, 17; Hromada, 16; the PSP, 14; and the Social Democratic Party of Ukraine, 14 (see tables 7.10 and 7.11).

According to Birch and Wilson, "several of the eight parties eventually successful on the list ballot, could more accurately be described as 'front parties' representing regional clans, governing cliques and/or new business interests; or 'spoiler parties,' created before the election primarily to erode the support bases of existing parties." One example of such "front parties" was Hromada, described as "essentially a vehicle for the Dnipropetrovsk clan of Pavlo Lazarenko and his ally Yuliya Tymoshenko's United Energy Systems gas trading company." Another was "the Greens, a party founded in 1990, but whose leaders had sold their name and good image to banking interests, who paid for a slick and professional television campaign."¹²⁶ The Progressive Socialist Party, the Agrarians, and several others, which are believed to have been set up by Kuchma's forces to siphon votes from the main leftist parties, were examples of "spoiler parties."¹²⁷

On the SMD side, the big winners were the independents, who obtained 114 seats, better than half the total. The rest were divided among twenty-one parties. The strongest (relatively speaking, of course) of these were the Communists (39 seats), Rukh (14), the PDP (11), the Agrarians (8), and Hromada (7) (see table 7.12). The rest (sixteen parties) obtained an average of two seats each, varying from one to three. Party recognition was evidently not yet well developed among the voting public in Ukraine.¹²⁸

125. *Rukh Insider* 4, no. 1 (1 April 1998). Nearly 1.4 million voters, or 5.3 percent, rejected all the parties and Blocs presented on the PR ballot. See *Holos Ukrainy*, 8 April 1998.

126. Birch and Wilson, "Ukrainian Parliamentary Elections," 278.

127. *Ibid.*, 279.

128. In her analysis of the 1998 elections Sarah Birch regards the most notable development to have been the filling in of the centre of the political spectrum and the greater definition of the support bases of individual political parties. Indeed,

Therefore, according to the election results, the Communist Party under Petro Symonenko was the clear winner, with 123 seats out of 450. Next, of course, came the so-called independents. Trailing a long distance behind, but in second place among the nominal parties, was V'iacheslav Chornovil's Rukh, which managed to capture a total of forty-six seats. The Socialist Peasant bloc, led by the former speaker Oleksandr Moroz, received thirty-four; the pro-Kuchma PDP managed twenty-eight; while Pavlo Lazarenko's anti-Kuchma Hromada obtained twenty-three. The Greens, shut out of the single-member race altogether, retained their nineteen seats; the PSP, under Nataliia Vitrenko, and the Social Democrats (Unified), with Kravchuk and Marchuk at the head of their PR list, each picked up two SMD members and were tied with a total of sixteen seats each.¹²⁹ The remaining thirty-one seats went to no fewer than eleven parties, an average of fewer than three each. A total of nineteen parties was ostensibly elected to Parliament, along with the already mentioned large contingent of independents (see again table 7.12). As in so many other areas where Ukraine has been imitating post-Soviet Russia, and contrary to the conventional wisdom on the effects of electoral systems on party systems, the "effective number" of parties in terms of seats produced by PR was actually much smaller. In fact it was one-fifth of the number of such parties produced by the SMD constituencies. The "effective number" of parties in terms of seats produced by PR was 5.0, and by the SMDs, 25.¹³⁰

After the newly elected Parliament had begun its first session of the fourteenth convocation on 12 May 1998, the duly elected deputies rearranged themselves into a slightly more compact number of fractions than had existed as parties and blocs during the election campaign.¹³¹

"Ukrainian parties came into their own as organizations in 1998," but at the same time "only about a tenth of the electorate based its views on the ideological tendencies of a candidate." So "party labels do not yet count for much at the grass-roots constituency level" (*Elections*, 117).

129. *Uriadovyi kur'ier*, 4 and 9 April 1998; and *Holos Ukrainy*, 8 April 1998.

130. In calculating the "effective number" of parties, I am following the work of Rein Taagepera and Matthew Soberg Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems* (New Haven and London: Yale University Press, 1989), chap. 8; and Rein Taagepera, "Effective Number of Parties for Incomplete Data," *Electoral Studies* 16, no. 2 (June 1997): 145–51. For the effects of the similarly mixed electoral system in Russia on the number of parties, see Robert G. Moser, "The Impact of Parliamentary Electoral Systems in Russia," *Post-Soviet Affairs* 13, no. 3 (July–September 1997): 284–302.

131. As of 14 May, 413 deputies were in attendance and registered in the fractions. A further thirty-seven deputies' elections had been invalidated or challenged and were to have been repeated. See *Holos Ukrainy*, 16 May 1998; and *Ukrainian News / Ukrainski visti*, 22 April–5 May 1998.

TABLE 7.13
REGISTERED FRACTIONS IN THE PARLIAMENT OF UKRAINE,
14 MAY 1998

Name	Number of Deputies	Percentage of Total Registered Deputies
Communist Party of Ukraine	119	28.8
PDP	84	20.3
Rukh	47	11.4
Hromada	39	9.4
Left Centre (Socialist Peasant bloc)	35	8.5
Green Party	24	5.8
SDPU(O)	24	5.8
Unaffiliated	24	5.8
PSP	17	4.1

SOURCES: *Holos Ukrainy*, 18 April and 16 May 1998.

The cohort of independents was reduced to twenty-four as the other ninety quickly gravitated to their natural homes in the official fractions. For most of them their “independence” had been a ruse to escape the odious reputation held by parties among the voting public. Thus the nominal results of the election were immediately misleading. The Communists suffered a handful of defections and their fraction was reduced to 119, but it was still by far the largest. In second place was the PDP with eighty-four members, having obviously captured the lion’s share of the erstwhile “independents.” Lagging a considerable way behind were Rukh, with 47 deputies; Hromada, 39; the Socialist Peasant bloc, 35; the Greens and the Social Democrats (Unified), 24 each; and the PSP, 17 (see table 7.13). Thus, out of a nominal number of thirty parties contesting this election, the “effective number” of parties in Parliament was reduced—by the electoral system, plus the politics of caucus formation—to 6.1 parties, still a formidable number, but fewer than the 8.3 in the closing days of the preceding Parliament.¹³²

While this reduction in the “effective number” of parties, based on the number and size of official fractions, gave the impression of consolidation of the country’s party system, it too was misleading. Although the nominal number of registered fractions did decrease from nine (plus a contingent of seventy independents) at the beginning of

132. *Holos Ukrainy*, 21 March 1998.

March 1998 to eight (and a complement of just twenty-four independents) at the start of the Fourteenth Convocation, there was in fact a considerable discontinuity in these fractions. Only three fractions were carried over from the earlier convocation: the Communists, Rukh, and the Socialist Peasant bloc. Six fractions had disappeared altogether (Constitutional Centre; Forward, Ukraine!; Unity; Regional Rebirth; Social-Market Choice; and the Agrarians), and five entirely new fractions were formed (the Greens, the PDP, Hromada, the PSP, and the SDPU[O]).¹³³ Except for the three major formations, the parliamentary parties in Ukraine were still far from stabilizing.

According to Mykhailo Riabets, the head of the Central Electoral Commission, the initial results of the balloting showed that in terms of social composition a younger Parliament, with twice as many women, had been elected.¹³⁴ His commission registered 442 deputies as having been elected. This rejuvenation of the body of parliamentarians, when compared with the Parliament elected in 1990, occurred not so much through a significant influx of younger deputies as through a great reduction of the 51–60 age category (see again table 7.3). The turnover in 1998 was two-thirds, still very high comparatively speaking, but down from the 83.4 percent that occurred in 1994. But in comparison with the 1990 Parliament, while the overall level of education remained steady (95 percent had higher or post-secondary educations), there were noticeably fewer engineers and correspondingly more teachers, economists, and jurists. This was indicative of a transition in the political elite from the Soviet pattern to one that was more normal for a liberal democracy in an industrial society, and the number of persons with advanced (post-graduate) degrees increased by one-third (see again table 7.2).

It took some twenty tries (even astute observers lost count of the exact number) and nearly two months before the new Parliament managed to elect its speaker on 7 July 1998, because until then no candidate was able to garner the simple majority of 226 votes. This protracted process has rightly been identified as evidence of the continuing lack of consolidation of parliamentary parties, notwithstanding the reduced number of fractions.¹³⁵ It could also be taken as a sign of

133. As of 13 May 1998 the minimum number of deputies required to form a fraction (caucus) was reduced to fourteen. See *Vidomosti Verkhovnoi Rady Ukrainy*, 1998, no. 22, statute 120: 376.

134. *Holos Ukrainy*, 1 July 1998.

135. Birch, *Elections*, 107. She describes Oleksandr Tkachenko, the eventual choice, as "an uninspiring compromise candidate unlikely to enhance the stature of the legislative chamber as an institution."

a continuing lack of elite consensus. The honour eventually fell to Oleksandr Tkachenko, leader of the Peasant Party. But it was made possible only by the withdrawal in his favour of Petro Symonenko of the Communists from an original field of fourteen candidates and by the collapse of an informal aggregation of centrists (Rukh, PDPers, SDs, and Greens). A veteran of the Soviet nomenklatura, Tkachenko had served as first deputy speaker in the previous parliament. His election garnered the votes of 232 deputies.¹³⁶ Two leftists were also elected as Tkachenko's deputies. They were Adam Martyniuk (first deputy speaker), a history and social studies teacher and second secretary of the present-day CPU Central Committee; and Viktor Medvedchuk (deputy speaker), a one-time presidential adviser on tax policy and a lawyer, holder of a doctoral degree, and deputy head of the Social Democrats (Unified).¹³⁷

Following an agreement worked out (politically, not mathematically) among the leaders of the fractions as to which of them would have the right to chair what parliamentary committees, the House approved the formation of twenty-two committees and the appointment of their chairmen. Generally the number of chairmanship allocations was proportional to each fraction's weight in Parliament. Hromada was given the right to name four chairs (18.2 percent, whereas its percentage of the assembly was only 9.4); it actually nominated five (22.7 percent). Yet the PSP and unaffiliated were allotted none. Therefore, not everyone was satisfied with the eventual allocation.¹³⁸ In the event, some fractions nominated unaffiliated

136. *Holos Ukrainy*, 16 May and 8 and 9 July 1998; *Uriadovyi kur'ier*, 9 July 1998; and *Ukrainian News / Ukrainski visti*, 15 July–11 August 1998.

137. *Uriadovyi kur'ier*, 11 July 1998; and *Holos Ukrainy*, 14 July 1998. The two deputy speakers, born in 1950 and 1954 respectively, represent a new generation of Ukrainian politicians appearing on the political stage in the 1990s. On the other hand, Tkachenko, who was born in 1939 and had risen to the post of first vice-head of the Council of Ministers by 1991, was practically at the end of his political career at the time of independence. For more on Medvedchuk, see Bondarenko, *Atlanty i kariatydy*, 16–32.

138. In particular, the Rukh fraction had wanted its candidate, Hennadii Udovenko, as chair of the Committee on Foreign Affairs and Relations with the CIS; and Nataliia Vitrenko, the PSP leader, was disappointed that she, holder of a doctorate in economics, did not get to chair the Economic Policy Committee. See *Holos Ukrainy*, 11, 14, and 28 July 1998. In October the Peasant Party deputies broke away from their parliamentary alliance with the Socialists and formed a separate fraction. They were dissatisfied that the Socialists had obtained two committee chairmanships, including the chairmanship of the agriculture committee. See *Ukrainian News / Ukrainski visti*, 7–20 October 1998. The official list of committees was published in *Vidomosti Verkhovnoi Rady Ukrainy*, 1998, nos. 27–8, statute 186: 525.

deputies as part of their quota, so the nominal distribution of committee headships was further distorted from the composition of the assembly. Only one woman, Iuliia Tymoshenko of the Hromada fraction, the chair of the Budget Committee, was among the twenty-two. The partisanship of the eight ostensibly independent committee chairs, however, was patently obvious from the colouring of the group that had nominated them.¹³⁹ Unlike the parliamentarians in general, only one-third of whom was returned from the previous convocation, 59 percent of committee chairs had been in the preceding Parliament.¹⁴⁰ The experience of the new heads of committees was evident in the fact that among them were a former prime minister, the speaker of the previous Parliament, a former vice-prime minister, several ministers, and the newly resurrected first secretary and Politburo member of the Soviet-era Communist Party of Ukraine before it was banned in August 1991. In terms of nomenclature, nearly all the committees retained their designations from the previous convocation (see again table 7.11), an indication of some slight but welcome degree of institutionalization.¹⁴¹

139. Out of the eight nominally unaffiliated deputies proposed and approved as committee heads, the Communists, Hromada, and the PDP nominated two each; Rukh and the SDPU(O) put forward one apiece. Only two individuals were genuinely unaffiliated: Vasyl Sirenko, an academic, who was the CPU's candidate for chairmanship of the Legal Reform Committee, and Hennadii Udovenko, a career diplomat and ex-foreign minister, who was nominated by Rukh for the post of chairman of the Human Rights, National Minorities, and International Relations Committee. Among the other members, the most patently not "unaffiliated" was Stanislav Hurenko, the last first secretary of the CC CPU of the Soviet era and member of the last Politburo, who was sponsored by the Communists to head the Committee on Economic Policy, Management of the National Economy, Ownership, and Investment. The other was Ievhen Marchuk, the former prime minister and KGB general, who was the Social Democrats' nominee for head of the Social Policy and Labour Committee. The two candidates put forward by Hromada were Ivan Krylenko, an alumnus of the Dnipropetrovsk nomenklatura, who was formerly with the Unity fraction, and Iurii Karmazin, a Procuracy employee turned judge, who was a member of the Reforms fraction and its successor, the Constitutional Centre. The PDP's nominees also included one former member of the Constitutional Centre fraction and one from the short-lived Independents. See *Holos Ukrainy*, 14 and 28 July 1998; *Uriadovyi kur'ier*, 6 August 1998; and *Khto ie khto* (1998), *passim*.

140. *Holos Ukrainy*, 21 March 1998.

141. The following committees were added: the Committee on Industrial Policy and the Committee on Construction, Transportation, and Communications. The latter partially resurrected the Committee on Construction, Architecture, and Communal Housing of the 1990–94 Parliament. The Committee on Nuclear Policy and Safety disappeared; and the Committee on Ecological Policy, Natural Resource Use, and Liquidation of the After-Effects of the Chornobyl Catastrophe replaced two separate

Owing to the delay in getting the organization of the assembly underway and to the summer recess, the question of forming a new government was also delayed. The government of Valerii Pustovoitenko thus remained in place. In autumn 1998 further delay was incurred when the assembly failed to pass a vote of non-confidence in Pustovoitenko's government. Sponsored by the Communist, left-centre, and Hromada fractions, the motion obtained the support of 202 deputies, 23 short of the number required. Parliament therefore did not have the votes to oust the government; but neither did the government enjoy a reliable majority in Parliament. Nor was Parliament successful in ousting the head of the National Bank, Viktor Iushchenko, whom Communist deputies blamed for the country's economic difficulties.¹⁴² It also failed, but only by two votes, in its attempt to abolish the presidency in January 1999.¹⁴³ In general, this was a distinctly anti-presidential and anti-governmental Parliament, but in the eyes of some it was typical of the chronic, unresolved, and unresolvable conflict between branches of government in Ukraine.¹⁴⁴

Indeed, from that point in time it continued to be a distinctly ornery Parliament, particularly in its relationship with the executive branch.¹⁴⁵ For failing to deal with the economic crisis, in July it again attempted to pass a vote of non-confidence in the Pustovoitenko government. Between July and November it killed or rejected a number of bills coming from the government or the president, including the 2000 budget on its first reading, and overrode presidential vetoes of several laws or attempted to do so. In its customarily populist mood, Parliament repeatedly tried to outbid the president in raising minimum pensions. Parliament even issued an appeal to the Ukrainian people in October, urging them not to vote during the presidential election for the incumbent Leonid Kuchma in order to ensure democracy.¹⁴⁶

The president, for his part, was not above showing his disdain for Parliament by deciding, most importantly, to conduct his second inauguration on 30 November in a concert hall rather than in the Parlia-

committees of the thirteenth convocation. See *Holos Ukrainy*, 14 July 1998.

142. *Ukrainian News / Ukrainski visti*, 21 October–3 November 1998.

143. RFE/RL Newsline, 14 January 1998.

144. Zaitsev, "Konflikty," 7.

145. The factual basis for what follows is obtained from RFE/RL Newsline, July 1999–December 2000, and is supplemented by *Holos Ukrainy*, *Uriadovyi kur'ier*, and *Ukraine Today / Ukraina sohodni* at <www.ukrainet.lviv.ua/infobank>.

146. *Ukraine Today*, 11 October 1999, consulted on 2 December 2000 at <www.ukrainet.lviv.ua/infobank/1999/1011e.html>.

TABLE 7.14
PARLIAMENTARY COMMITTEES AND CHAIRMEN, FEBRUARY 2000

Committee	Chair	Party Fraction
Legal Policy	Oleksandr Zadorozhny	Revival of Regions
State Building and Local Self-Government	Iulii Ioffe	Labour Party
Social Policy and Labour	Valentyna Hoshovska	Independents
Health, Motherhood, and Childhood	Vitalii Chernenko	Homeland
Youth Policy, Physical Culture, Sports, and Tourism	Valerii Borzov	Homeland
Science and Education	Heorhii Filipchuk	Rukh-UNR
Culture and Spirituality	Leonid Taniuk	Rukh-Udovenko
Economic Policy and Investment	Oleksii Kostusiev	Labour Party
Budget	Oleksandr Turchynov	Homeland
Finance and Banking	Valerii Aloshin	Rukh-UNR
Industrial Policy and Entrepreneurship	Mykhailo Brodsky	Iabluko
Fuel, Energy, and Nuclear Policy and Safety	Oleksandr Hudyma	Rukh-UNR
Construction, Transportation, and Communications	Iurii Kruk	Greens
Agrarian Policy and Land Relationships	Kateryna Vashchuk	Revival of Regions
Foreign Affairs	Ihor Ostash	Reforms-Congress
Ecological Policy, Resource Development, and Chornobyl	Iurii Samoilenko	Greens

Law and Order	Ivan Bilas	Rukh-UNR
Organized Crime and Corruption	Iurii Karmazin	Hromada
National Security and Defence	Borys Andrusiuk	SDPU(O)
House Rules, Ethics, and Parliamentary Organization	Viktor Omelych	Hromada
Freedom of Speech and Information	Oleksandr Zinchenko	SDPU(O)
Human Rights, National Minorities and Inter-Nationality Relations	Hennadii Udovenko	Rukh-Udovenko
Pensioners, Veterans, and Invalids	Valerii Shushkevych	Homeland
Special Oversight Commission on Privatization	Oleksandr Riabchenko	Greens

SOURCES: *Uriadovyi kur'ier*, 3 February 2000; *Holos Ukrainy*, 5 February 2000; and *Vidomosti Verkhovnoi Rady Ukrainy*, 2000, no. 8, statutes 64 and 65.

ment building. In protest, about 160 deputies—Communists and other leftists—refused to attend. This visible split was followed in December by an agreement among eleven fractions, except for the leftists, to form a majority. This had been a fervent wish of President Kuchma's since at least the summer of 1999. In mid-January 2000 a centre-right majority of 241 deputies, headed by ex-President Kravchuk, was created; it pledged to support and co-operate with the executive branch.¹⁴⁷ Several weeks of turmoil followed. Both Deputy Speaker Martyniuk and Speaker Tkachenko were ousted, but Tkachenko refused to step down. The majority then adjourned to another place, and on 1 February it elected Ivan Pliushch as speaker and Stepan Havrysh as deputy speaker. For about a week the two groups held parallel sittings, with the leftist minority physically occupying the parliamentary hall proper.¹⁴⁸ There was a forcible seizure of the Parliament building by the majority, after which deliberations continued. But the leftists refused to register. They rejoined the fold on 15 February, except for the Progressive Socialists. It appeared that the president's backers had finally secured for him a more moderate and co-operative parliament. If this disruption had prevented Parliament from meeting, there was a possibility of constitutionally mandated dissolution.

In the course of the year 2000 this traumatically realigned Parliament behaved in a more constructive manner. On 23 February it abolished capital punishment, and on 8 June it replaced the death penalty with life imprisonment, thus ending a moratorium on the death penalty imposed in March 1997. In April it conditionally approved the government's program of action; having done so, it was constitutionally prevented from voting non-confidence in the government for an entire year. Privatization of the telecommunications firm Ukrtelekom was first rejected (in June), then approved (in July). The immunity of two deputies, Nikolai Agafonov

147. This majority was comprised of deputies from the following fractions: the Social Democrats (Unified), Revival of Regions, Homeland, Popular Democrats, Labour Party, Greens, both Rukh caucuses, Hromada, Reforms-Congress, and Independents. The Communists, Peasants, Socialists, and Progressive Socialists were excluded. See RFE/RL Newsline, 28 December 1999.

148. Havrysh, an unaffiliated deputy but a member of the Revival of Regions fraction who was first elected in 1998, was born in 1952. He holds a doctoral degree and is a professor at the National Juridical Academy. Viktor Medvedchuk of the Social Democrats (Unified) was elected first deputy speaker, having migrated with the centre-right majority. See *Holos Ukrainy*, 3 February 2000; *Uriadovyi kur'ier*, 4 February 2000; and *Ukrainian News / Ukrainski visti*, 9–22 February 2000. Their appointments were promulgated in *Vidomosti Verkhovnoi Rady Ukrainy*, 2000, no. 8, statutes 62 and 63. The ouster ("recall") of Tkachenko and Martyniuk is in *ibid.*, statutes 56 and 57.

and Viktor Zherdytsky, both of whom were accused of embezzlement, was lifted, but an investigation of Oleksandr Tkachenko for misuse of funds was blocked. The 2001 budget was passed on its third and final reading on 7 December, but the president had threatened Parliament and the Cabinet with dire consequences back in October. By mid-September, however, the pro-government majority was no longer reliable. By that time only six of the original eleven constituent groups were considered dependable.¹⁴⁹ By the end of the year the majority was clearly facing a breakup.¹⁵⁰

At that time some changes took place in Parliament's composition and internal organization. In the midst of its New Year's turmoil the Supreme Council managed to elect the chairs of its committees (see table 7.14); under the circumstances leftists were altogether excluded from these positions. Two previously unsuccessful candidates for the presidency, Iurii Karmazin and Hennadii Udovenko, were among the committee chairmen. In February 2000 the Peasant Party and Hromada fractions dissolved, as had the Progressive Socialists before them, owing to insufficient numbers (fewer than fourteen deputies). Meanwhile, a new pro-government fraction calling itself Solidarity emerged.¹⁵¹ Ten by-elections were held in June, one to replace a deceased member, the rest owing to departures of parliamentarians to work for the government. Among those elected were Serhii Tyhypko, the ex-vice-minister of the economy (Dnipropetrovsk); Raisa Bogatyreva, the ex-minister of health (Donetsk); Ihor Bakai, the founder of the Revival of Regions caucus (Zhytomyr); and Taras Chornovil, son of the late Rukh leader V'iacheslav Chornovil and editor of *Chas* (Lviv).¹⁵²

President Kuchma's relationship with Iushchenko, the new prime minister, remained consistently sour throughout 2000, with the president continually criticizing the government for its performance. The relationship between president and Parliament reached an unprecedented low

149. Homeland, both Rukh caucuses, and Reforms-Congress only supported the majority when it suited their fancy. See RFE/RL Newsline, 15 September 2000.

150. "2000: Summing Up," *Research Update*, 4 January 2001.

151. This was made up of six Social Democrats (Unified), five Peasant Party members, and three each from Homeland, Independence, and the PDP, under the leadership of Petro Poroshenko. By mid-July it had twenty-seven parliamentarians, including some Socialists. See RFE/RL Newsline, 19 July 2000.

152. *Ukraine Today*, 3 July 2000, at <www.ukrainet.lviv.ua/infobank/2000/0703e.html>, consulted on 2 December 2000. On 5 July Tyhypko's resignation from his position as minister of the economy in the Cabinet was accepted; on 9 August Vasyl Rohovy, who was minister of the economy in 1998–99, was appointed as Tyhypko's replacement. Tyhypko joined the Toiling Ukraine fraction, which was reportedly the second largest in Parliament by November.

at the end of the year, when audio tapes purportedly implicated Kuchma in the disappearance of a troublesome journalist. Then videotaped testimony was presented implicating Kuchma in the attack on Vitrenko during the presidential election campaign. Parliamentarians called in vain for the resignation of the chiefs of the Security Service and Customs, as they had earlier when they demanded the firing of law enforcement authorities for having used their resources in support of Kuchma's re-election.¹⁵³ President Kuchma's response to the allegations of his complicity in violent acts against political opponents was: "It's a provocation" —the Ukrainian equivalent of U. S. President Richard Nixon's famous remark, "I am not a crook."¹⁵⁴

Conclusions

Much has been learned during the first three convocations of Parliament in independent Ukraine, but there is still a long way to go. True, the assembly is organized into caucuses and committees, and its work is supported by a parliamentary Secretariat. The assembly has its own House rules, elects its own officers, and passes legislation. Yet its function of representation is still obscure, and its legislative function remains chaotic. Relations with the executive branch are irregular and far from productive. Separation of powers, instead of encouraging cooperation between legislature and executive, has produced intransigent opposition and undying hostility.

Enthusiastic experimentation with and adaptation to the atmosphere of openness and democratization characterized the first convocation of what became independent Ukraine's Parliament elected in 1990. There was understandably much procedural wrangling, little caucus discipline, and a great eagerness to participate in law-making. New laws were

153. Where was the pro-presidential majority in Parliament when these resolutions were passed? Remarkably, practically no one defended the chiefs of the Security Service and Customs from the accusations against them or voted against the resolutions, which passed easily. Five fractions—Toiling Ukraine, Revival of Regions, the PDP, the Social Democrats (Unified), and the Greens—seemingly all that was left of the eleven-fraction majority cobbled together at the beginning of the year, did not vote. The Homeland fraction, both Rukh wings, Reforms-Congress, and part of Solidarity thus went along with the leftist opposition. It was a real turning point. See Mykola Nesenjuk, "U stani napivrozpadu perebuvaie zaraz parlamentska bilshist," *Den*, 16 December 2000, consulted on 29 December 2000 at <www.day.kiev.ua/2000/232/1-page/1p1.htm>; and RFE/RL Newline, 15 December 2000.

154. RFE/RL Newline, vol. 4, no. 247, pt. 2, 22 December 2000. Transcripts of the "Moroz tapes" were accessible at the *Ukrainska pravda* website <www.pravda.com.ua>.

written, including one on the rights and duties of parliamentarians, according to which deputies did not hesitate to feather their own nests. Nearly every parliamentarian became a committee member, and nearly every caucus acquired at least one hobby-horse committee. Instead of controlling government through votes of non-confidence, the caucuses used procedural ploys to block government initiatives. Intransigence substituted for principled opposition.

The Second Convocation, which began in 1994, demonstrated the lack of connection between parliamentary parties and the public: half the members elected in the first two rounds of voting had run as independents. The long-drawn electoral process, a product of the ingenious electoral law passed in 1993, inflicted further harm on the legitimacy of democratic institutions. In any event, the Communists became the largest caucus in this Parliament. They and their leftist allies were then able to dominate the speakerships, hold numerous committee chairmanships, and, thanks in part to their greater degree of party discipline, give a definitely oppositional cast to Parliament for the rest of its tenure. Opposition now took on the meaning of promoting populist measures (preserving employment, raising pensions, protecting state-owned enterprises from privatization, and preventing the sale of farm land) against the government's program of economic reform (see chap. 9). In the committees the representation of institutional, as opposed to party and, by extension, public interests, became consolidated. In terms of caucuses, or "fractions" as they were called, this Parliament was as fragmented, and the caucuses as fluid, as before. Few caucuses represented parties outside the walls of Parliament. The public was very poorly informed about political parties, and it entertained a high level of mistrust and cynicism regarding Parliament, a situation that was in part warranted by the self-seeking behaviour of parliamentarians.

The Third Convocation, elected under a new voting system in 1998 copied from Russia, showed little improvement in its partisan composition in terms of consolidation, co-operation, and stable performance. Contrary to the expectations of electoral-systems designers, the single-member districts produced an increase of parties in the new parliament, while the proportional representation side of the ballot produced fewer parties. Nevertheless, the Communists still had the largest contingent, while the second-largest contingent of deputies was comprised of independents. The turnover was very high. Once it began sitting, this Parliament settled into a smaller number of caucuses than existed at the close of the previous one, but there was little continuity (only three caucuses survived from the previous Parliament). The instability of this Parliament's partisan makeup was demonstrated in the extraordinary delay in electing a speaker.

Relations between the executive and legislative branches during the Second Convocation had been unpredictable. In order to remedy this, after the 1999 presidential election a pro-government majority was formed in Parliament at the instigation of the president and with his blessing. Its effects, far from coalescing and consolidating, were explosive, generating a parliamentary crisis that lasted for weeks. During that time Ukraine had two parliaments: one with a centrist majority and the other with a leftist minority, each claiming to be the country's legitimate assembly. After ousting the leftist parliamentary leadership and installing centrist and rightist committee chairmen, the majority managed to pass several key governmental measures, even after the return of the leftist contingent. In fact, the 2001 budget was approved before the start of the year in question for the first time since the Soviet era.¹⁵⁵ However, by the autumn and even more so at the end of 2000, the pro-government majority in the third Parliament was dissolving, and unpredictability again loomed over executive-legislative relations.

The president, the prime minister, and the parliamentarians have still not found a way to preserve the separation of powers while co-operating to make effective policy. The construction of the short-lived pro-governmental majority in 2000 showed that what President Kuchma really wants is a *parliamentary*, not *presidential*, system. In a parliamentary system a coalition of parties forms a majority and hence the government. Its leader becomes the prime minister, and so long as the coalition holds together this prime minister can dominate the assembly and successfully steer through it the governmental program by the threat of dissolution, appointments, and other means. President Kuchma actually wants to be prime minister, but, like every post-Communist leader, he is mesmerized by the word "president." Well, every banana republic must have its president, and so must Ukraine. But not every president has to preside over a banana republic. In France, the president *in fact* has either managed to engineer a majority of support for himself in the National Assembly or tolerated a condition of cohabitation (with a prime minister from a different party). Unfortunately, except for its size, Ukraine is not France. Executive-legislative relations in Ukraine have not been properly worked out so as to create stability and predictability. And no one, as we have seen in this chapter, is working on this problem. Instead, each side would prefer to eliminate the other: the president wants to do away with an obstreperous Parliament, and Parliament wants to do away with a dictatorial president.

155. "2000: Summing Up," *Research Update*, 4 January 2001, a useful review of the year 2000 in Ukrainian politics.

CHAPTER 8

Party Systems, Presidential Elections, and the Public

In established liberal democracies there is usually some recognizable pattern both to the distribution of political parties in terms of ideological space and to their interaction in terms of competition or co-operation. There is no such pattern, or hardly any, in Ukraine. In normal liberal democracies parties are usually classified according to where they stand on the left-right spectrum, and party systems are distinguished according to the number of parties and ideological distance between them or, if possible, the intensity of those ideological differences. The classic scheme proposed in 1976 by Giovanni Sartori¹ includes five categories of competitive party systems: (1) hegemonic (Mexico); (2) predominant (Japan and India); (3) two-party systems (the United States, the United Kingdom, and New Zealand); (4) moderate pluralism (Federal Republic of Germany and Belgium); and (5) polarized pluralism (Italy, Finland, the Netherlands, and Switzerland). In attempting to update Sartori's scheme for the 1980s for Western democracies, Klaus von Beyme has modified it into four types. He reserves the category of two parties alternating in government (1) for the United States and New Zealand alone. The moderate pluralism classification (2) is subdivided into three subtypes, namely (a) countries like Canada and Great Britain, which have alternating wing parties without coalitions; (b) Australia and West Germany, where until 1983 there were alternating wing parties with permanent coalition partners; and (c) Belgium, Iceland, the Netherlands, Sweden, Greece, Norway, and Switzerland, which have had moderate pluralism with centre or grand coalitions. The polarized pluralism category (3) is bifurcated into those with a weak or absent centre (historical examples are the Weimar Republic and the Second Spanish Republic) and those with a stronger centre and weakening extremist wings (e.g., France, Israel, Spain, Finland, and Italy). Finally he lists Ireland, the Republic of India, and Japan (4), which have one hegemonial

1. Giovanni Sartori, *Parties and Party Systems: A Framework for Analysis*, Vol. 1 (Cambridge: Cambridge University Press, 1976), *passim*.

party in a situation of polarized pluralism.² Polarized pluralism is connected with less stable or predictable politics than moderate pluralism. In an early—and indeed premature—effort at classifying the party system of contemporary Ukraine, Artur Bilous, a political scientist and parliamentarian, has said that it is in the process of being transformed from a condition of atomized pluralism to polarized pluralism. Later in this chapter we shall have occasion to revisit this claim.³

With regard to Ukraine, it is probably still too early to speak of a stable array of political parties and system of parties or their bases in society. Not only are parties still forming, splitting, and disintegrating, the alteration of the electoral system adds a further complicating discontinuity to the study of this phenomenon. An approximate understanding of the nature of political parties and their ties to the electorate in Ukraine can be gained by examining the results of voting for the party lists on the PR ballot in the 1998 general election and the relative strengths, platforms, and origins of these parties. As Sarah Birch correctly points out, “It was not till 1998 that Ukraine can be said to have possessed anything resembling a national party system ... capable of mediating between the preferences of the electorate and the structure of parliament.”⁴ Therefore, after reviewing the array of parties that survived the 1998 elections, this chapter will assess the evidence regarding the social bases of political parties as presented in various studies of public opinion and of parliamentary and presidential elections.

Which parties did the people of Ukraine prefer most in the elections of 1998? Of course, we need to distinguish between parties in the electorate and parties in Parliament. We begin with the former. Referring back to table 7.12, we may sketch in the relevant historical, structural, and programmatic details about them in order.⁵

First in popularity was the Communist Party of Ukraine (CPU), which won nearly one-quarter of the votes. This was an indirect rather than direct descendant of the ruling party of the same name from the Soviet era. When that party was suspended after the failed August 1991

2. “Competitive Party Systems,” in *The Blackwell Encyclopaedia of Political Institutions*, ed. Bogdanor, 123–36.

3. Artur O. Bilous, *Politychni ob’iednannia Ukrainy* (Kyiv: Ukraina, 1993), 92–3.

4. Birch, *Elections*, 15.

5. Organizational and historical data for the parties covered in this section are taken from *Khto ie khto v ukrainskii politytsi: Vypusk 3*, 378–460; Vasyl Iablonsky, *Suchasni politychni partii Ukrainy: Dovidnyk* (Kyiv: Leksykon, 1996), passim; and M. Biletsky and M. Pohrebynsky, “Politychni partii u vzaiemodii zi strukturamy vlady,” in *Stanovlennia vladnykh struktur v Ukraini (1991–1996)*, 30–65.

coup, in November of the same year some of its members established the Socialist Party (about which see below), which was the same thing in all but name. In June 1993, however, at a congress of 544 disenchanted Socialist delegates and after the lifting of the ban on its activities, a restored CPU was created. Its program described it as a working-class party convinced of the victory of socialism—a party of fighters for communism. Its aims were the displacement of the bourgeois-nationalist and anti-socialist forces now in power; the restoration of the councils (soviets) of toilers' deputies; social ownership and state direction of the economy and social processes; leading the country out of its crisis; and the renewal of the fellowship of nationalities. Since its inaugural convention in 1993 the CPU leader has been Petro Symonenko, a mining engineer born in 1952. This former Komsomol and Party apparatchik was elected to Parliament in 1994 and again in 1998 and became the head of its parliamentary fraction.⁶ In 1999 Symonenko, who ran second to Leonid Kuchma in the presidential election, attributed his defeat to the corruption of his adversary. Zenovia Sochor described the CPU as having the orientation of a “disloyal opposition” and a vision appealing mostly to an older, nostalgic generation.⁷

In the 1998 campaign the CPU deplored the ruin brought upon the country by the restoration of capitalism and emphatically distinguished itself from its earlier incarnation, said to have contained nothing but timeservers who, in the guise of pseudo-democratic parties, have been feeding at the state trough. It offered to replace by constitutional means the “new Ukrainians” now in power and return that power into the hands of the toilers (restoration of “soviet power”), wage a fierce war against shady business, organized crime, and corruption, and protect working people from foreign exploitation. Its appeal was addressed specifically to a comprehensive list of social categories: workers, peasants, managers, scientists and technicians, intellectuals, women, youth, soldiers and policemen, veterans, invalids, Chornobyl victims, and the private producer who does not exploit labour. The Communists promised to restore people's lost savings, pay wages and pensions on time, give more autonomy to local governments, cleanse the Ukrainian language of diaspora impurities, publish the names of those who have stolen the nation's wealth, and ensure the supremacy of the law. Its call

6. Here and throughout this section biographical details are taken from *Khto ie khto* (1998), *passim*.

7. Zenovia A. Sochor, “From Liberalism to Post-Communism: The Role of the Communist Party of Ukraine,” *Journal of Ukrainian Studies* 21 nos. 1–2 (Summer-Winter 1996): 157–60.

to the voters ended with a stunning flourish: "The Leninist Communist Party goes towards the elections under the Red Banner of socialist construction and the Victory over fascism.... WE ARE CONVINCED VICTORY WILL BE OURS!"⁸ The people evidently responded more favourably to this message than to that of any other single party.

The second most popular party in 1998 was Rukh, or the Popular Movement of Ukraine (NRU), which obtained 9.4 percent of the vote for the party lists. Created as a social movement in 1989, ostensibly to support Mikhail Gorbachev's perestroika initiative, it transformed itself into a political party in 1992 and contested the subsequent parliamentary elections.⁹ A national-democratic party, it strongly supports Ukrainian sovereignty and independence while, at the same time, embracing liberal values and the goal of a market economy. Its program calls for a parliamentary system with a figurehead president (rather than one with executive powers); privatization of productive enterprises, including land; encouragement of small business; and effective armed forces. In the 1998 campaign Rukh promised to bring order into government by introducing professionalism and patriotism into the public service and cutting back on the number of ministries. Like the Communists, it vowed to wage a fierce struggle against organized crime and corruption. In foreign policy, it offered to work for Ukraine's integration into Europe and to enhance the country's security by overcoming the energy crisis and upgrading the equipment of the armed forces. On the domestic scene, it promised to implement genuine economic reforms, including reinforcing the right to own land and developing small and medium-sized businesses. Other promises concerned an integrated system of education, improvements to health, and more help for women, families, and youth. Its program ended with a call to create a political (i.e., not exclusively ethnic) Ukrainian nation on the basis of patriotism, unity, common interests, and the sense of a common fate.¹⁰ From 1992 the leader of Rukh was V'iacheslav Chornovil, who was born in 1937. He

8. *Uriadovyi kur'ier*, 24 February 1998.

9. For background on the pre-independence formation of Rukh and other proto-parties, see Bilous, *Politychni ob'iednannia Ukrainy*, 42–56. Documents from the earliest days of Rukh have been published as *The Popular Movement for Restructuring, RUKH, Program and Charter* (Kyiv, 1989); and *Druhi Vseukrainski zbory Narodnoho Rukhu Ukrainy, 25–28 zhovtnia 1990 roku: Dokumenty* (Kyiv, 1990; Newark, N. J.: Proloh, 1991). A biographical directory of Rukh leaders as of 1996 is available as *Ukrainskyi nezalezhnyi tsentr politychnykh doslidzhen, Narodnyi Rukh Ukrainy: Informatsiia stanom na 1 veresnia 1996 roku, Seriia personalii* (Kyiv: Fond demokratii, 1996).

10. *Holos Ukrainy*, 18 March 1998.

was active in the dissident movement of the 1960s and 1970s and was harassed, imprisoned, and exiled in the process. He was also a participant in the formation of the Ukrainian Helsinki Union in the 1980s. In the December 1991 presidential election he placed second, with 23 percent of the vote.¹¹ Chornovil's death in March 1999 coincided with a split in the party. By January 2000 two Rukh parties were registered: a mainstream wing led by Hennadii Udovenko, which adopted the name Popular Rukh of Ukraine, and a dissident wing led by Iurii Kostenko, which called itself Ukrainian Popular Rukh. Efforts at reunification were unavailing.¹²

The electoral bloc of the Socialist and Peasant Parties took third place in 1998, garnering 8.6 percent of the vote. As previously mentioned, the Socialist Party was formed in October (and registered in November) 1991 by members of the once-ruling Communist Party after it was banned in connection with the failed August coup against Gorbachev in Moscow. From its inception the SPU has been headed by Oleksandr Moroz, an agricultural specialist and Party apparatchik from the Soviet era, who was born in 1944. He has been a full-time parliamentarian since 1990, heading his party's fraction, and was a contender for the presidency in 1994 and 1999, obtaining 13 and 11 percent of the vote, respectively. In its program the Socialist Party, while critical of the Soviet Party-state bureaucracy whose interests prevailed over those of society, nevertheless condemns the dissolution of the USSR as unconstitutional. It also distinguishes itself from its predecessor in stressing the importance and centrality of the individual rather than society. A just socialist society makes the realization of full individuality possible, its program states. In other respects, however, the SPU is the direct

11. Chornovil was killed in a traffic accident on 25 March 1999. He had been ousted as fraction leader and party chairman the previous month because of his alleged authoritarianism. This caused a split in the party, with the dissident majority following Iurii Kostenko and the minority faction calling itself Popular Rukh of Ukraine-1. There was a dispute over which wing had the right to the Rukh name. Chornovil, however, was posthumously vindicated when the Ministry of Justice confirmed that his wing of the party had the legitimate right to this name. Hennadii Udovenko was named leader of the Chornovil wing on 31 March. *Ibid.*, 27 March 1999; *The Ukrainian Weekly*, 11 April 1999; and RFE/RL Newsline, 23 February 1999 and 1, 3, and 26 March 1999. An insider's view of the breakup is given in Vitalii Shevchenko, "Khto i yak rozkoliuvav Rukh," *Holos Ukrainy*, 20 April 1999.

12. On 25 November 2000 a new political party, Popular Rukh of Ukraine for Unity, led by Bohdan Boiko, was announced, but the two existing wings failed to send official delegations to its founding congress. See RFE/RL Newsline, 4 January and 27 November 2000.

continuator of the CPU of Soviet times, with its emphasis on the priority of the state sector of the economy and labour. It believes in a socialist, state-dominant economy and an egalitarian, socialist society. In its orientation to the present regime it is anti-presidentialist and anti-reformist, as well as pro-labour and pro-trade union. It was the SPU's Moroz who in late November 2000 broke the news of President Kuchma's alleged complicity, along with that of his chief of staff Volodymyr Lytvyn and Minister of Internal Affairs Iurii Kravchenko, in the disappearance and murder of the journalist Heorhii Gongadze.¹³

The Peasant Party, established in January 1992, in effect comprises the agrarian wing of the socialist (i.e., ex-Communist) tendency. Its program describes it as a defender of the interests of the rural population and those employed in the so-called agro-industrial complex. It supports Ukraine's sovereignty and integration into the CIS. While it also supports the gradual transition to a market economy, it categorically opposes the sale and purchase of land, as well as the headlong rush to privatization. In fact, the Peasant Party is the defender of the interests of the entrenched managerial elite of the existing system of state and collective farms, which is adamantly opposed to private ownership and the marketization of agriculture.¹⁴ Since 1993 the leader of the Peasant Party has been Serhii Dovhan. This agricultural specialist with a candidate's degree, who was born in 1952, was a state-farm director at the time of his first election to Parliament in 1994. In 1996 Oleksandr Tkachenko was elected deputy leader, and from July 1998 to 1 February 2000 he held the post of parliamentary speaker. Tkachenko was also a candidate for the presidency of Ukraine in 1999, but he withdrew in favour of Petro Symonenko, the Communist Party leader; he also led the short-lived minority revolt against the parliamentary majority in January–February 2000.

In the 1998 parliamentary elections the Socialists and Peasants campaigned together under the banner "For Truth, For the People, For Ukraine!"¹⁵ Their joint platform characterized the current regime as bandit rule (*bandokratiia*) and offered to restore "Ukraine as an economically powerful, democratic, and socially just state that serves its own people and every one of its citizens" rather than the personal interests of its state leaders. Their aims were to halt the economic crisis; rejuvenate production (which production—of the Soviet era or that which might be

13. *Ukraine Today*, 4 December 2000.

14. Bilous, *Politychni ob'iednannia Ukrainy*, 57.

15. *Holos Ukrainy*, 13 March 1998.

appropriate for the present-day global economy—was not specified); regulate markets and prices; raise the population's purchasing power; curtail the influence of foreign financial institutions; and destatize (but not privatize) property so as to assure production, employment, and budgetary income. In the agricultural realm they would make this the priority sector of the economy by increasing investment and changing price and credit policies. They would also support large-scale production; halt imports while increasing state orders for wheat, sugar beets, sunflower seeds, and flax; facilitate exports to CIS countries; and, of course, never allow the sale or purchase of land. They would raise wages and salaries and assure people a decent living standard. Like all other parties and electoral blocs, the Socialist Peasant bloc promised to eliminate crime and corruption. In the sphere of foreign policy they vowed never to allow Ukraine to become an adjunct of NATO. Taking their first steps in Parliament, they were committed to renationalizing the industrial enterprises that form the basis of the (smokestack) economy; developing agriculture on the basis of full state protectionism and provision of social guarantees for its labour force; reclaiming the proceeds of criminal gains salted away in foreign bank accounts; and bringing to justice those who have brought the country to ruin. The Peasant Party caucus in Parliament was dissolved on 29 February 2000 because its numbers fell below fourteen.¹⁶

The Greens, with 5.4 percent of the vote in 1998, were the fourth most popular party (if one can speak meaningfully of popularity with this level of support). This party, which developed as the political arm of the Green World ecological movement, was not its replacement. Founded in 1990, it was registered with the Ministry of Justice in May 1991; it has been a member of the European Federation of Green Parties since 1994. It did not take part in elections until 1998. The Greens' program emphasizes the need to balance development with conservation; the priority of ecological principles over those of an ideological or political nature; the renunciation of violence; the need for demilitarization; the primacy of the individual over the state; and the necessity of demonopolization, destatization, and decentralization. For the sake of effectively safeguarding the environment and restoring the economy, the

16. It was replaced by a new caucus called Solidarity, combining five deputies from the Peasant Party, six deputies from the Social Democrats (Unified), and three each from the Homeland, Independence, and Popular Democratic Party fractions. Led by Petro Poroshenko, it had a pro-government, pro-majority orientation. By July the new caucus had twenty-seven members. See RFE/RL Newsline, 1 March 2000 and 19 July 2000; and *Research Update*, 6 March 2000.

party rejects absolutely all forms of nuclear energy, whether for power or weapons; it demands reduction of the armed forces and the military-industrial complex; and condemns the sale of arms abroad. The Green Party wants a restructured, demonopolized economy that would make rational use of resources and employ technologies that are not harmful to the environment. It advocates a global system of ecological security. In 1992 Vitalii Kononov replaced Iurii Shcherbak as head of the party; Kononov, who was born in 1950, is a specialist in organic chemistry and was an unsuccessful candidate for Parliament in 1994.

The Greens' 1998 election platform represented the party as one that was not vying for power but rather preparing to act as overseer on behalf of society.¹⁷ First on its list of concerns was the well-being of the population. It offered to establish a living wage; ensure that wages were paid weekly; create a "green army of labour" for the relief of the unemployed; restructure the economy (giving priority to such sectors as agriculture, services, tourism, telecommunications, and recycling); reduce taxes (to a maximum rate of 20 percent, but no taxes for employees of state enterprises); and institute a unified tax regime to stimulate entrepreneurship and small business. It offered to institute free child care and severely punish all forms of violence against children. Free health care for the elderly and children, a system of medical insurance, free distribution of syringes, rehabilitation of persons suffering from addictions, and compulsory inoculations against children's diseases—all this was promised in the area of health. On defence matters, the party's program called for the abolition of the military draft; the creation of a professional army; expansion of alternative service opportunities; and creation of a standing Ukrainian UN peacekeeping contingent. It called for the closure of the Chornobyl Atomic Energy Station and for better monitoring of such power plants. As far as state administration was concerned, it favoured a decentralized, albeit unitary, administrative system; and replacement of the Soviet-style councils (*rady*) locally with counsellors (*radnyky*), who would be some sort of elected experts.

The pro-presidential Popular Democratic Party (PDP) ran fifth in the 1998 PR poll, gaining only 5 percent of the vote. This party, which came into being in 1996, combined three pre-existing formations: the Labour Congress of Ukraine (TKU), the Party of Democratic Rebirth of Ukraine (PDVU), and the umbrella group New Ukraine.¹⁸ In its program it was

17. *Uriadovyi kur'ier*, 19 February 1998.

18. Some brief information on these three pre-existing formations is essential. (1) The Labour Congress of Ukraine (TKU: *Trudovyi Kongres Ukrainy*) was registered as a political party in September 1993, having emerged initially as a socio-political

characterized as a centrist party based on the time-tested values of European social democracy and liberalism. Recognizing the individual as being most important, it called for a radical reform of all aspects of social life and the acceleration of the transformation of the economy by means of the market. The state must withdraw from direct intervention in the economy, limiting itself to setting up the rules of the game and creating a favourable climate for business. Since private property is the basis of economic development, the party advocates shareholding and corporate ownership; it supports small business. Accordingly, it calls for the transfer of collective and state farms into shareholding enterprises, the rapid absorption of the agricultural sphere into the market economy, radical land reform, and the expansion of private ownership and the land market. Endorsing all forms of ownership, it urges long-term leasing and the privatization of land. It wants industry to be consumer-oriented, modernized, and competitive. It makes a perfunctory nod in the direction of environmental protection. On the international scene, the program stresses the primacy of Ukraine's economic independence and says that Ukraine must become a leading European state. In the

association in the spring of that year. Its leader from then until 1996 was Anatolii Matviienko. It had no representatives in the 1994–98 Parliament. Its program stressed the need for economic revival and a social-market economy combining a market economy and active social policy of the state, and endorsed the separation of powers. In international relations it opposed neutrality and wanted to see a highly effective, professional army. (2) The Party of Democratic Rebirth of Ukraine (PDVU: *Partiia Demokratychnoho Vidrodzhennia Ukrainy*) was created in December 1990 on the basis of the "Democratic Platform" of the then-ruling Communist Party of Ukraine. Its registration, however, took place only in September 1993. Its leader was Volodymyr Filenko, an agricultural specialist and former Komsomol and Party apparatchik, who was born in 1955. Its program was pro-reform, pro-private enterprise and ownership, and pro-privatization. (3) The New Ukraine (*Nova Ukraina*) association was an agglomeration of parties and organized interest groups dating from 1992. Its first leader was Vladimir Grinev (a.k.a. Volodymyr Hryniv), who in 1995 became the leader of the Interregional Bloc for Reforms, which he created with Leonid Kuchma; Grinev was simultaneously a member of the PDVU. In 1995 it chose Evgenii Kushnarev as leader (appointed head of the Presidential Administration in December 1996) and Matviienko as deputy leader. Some twenty organizations and parties became collective members. Other parties came and went (notably, two social democratic parties, the SDPU and SDPU[O], departed during this time). New Ukraine was pro-reform; it advocated a law-based democratic state with an active citizenry and a highly effective economy. Its aim, it has been said, was to combine the political influence of its component party leaders with the weight of its entrepreneurial structures' finance capital. See *Holos Ukrainy*, 30 March 1993; *Molod Ukrainy*, 29 February 1996; Bilous, *Politychni ob'iednannia Ukrainy*, 58; Iablonsky, *Suchasni politychni partii*, 64–6; and *Khto ie khto* (1996), 417 and 421–2.

meantime, protectionism is necessary in order to develop the country's export potential. Regulation, however, must be through economic means, not administrative ones. NATO is seen as a collective security body or one that needs to be transformed into such a body. Within the country the party promises to promote the creation of a strong and dominant middle class and a civil society. It sees the Ukrainian nation in civic, not ethnic, terms; advocates a bicameral Parliament with the second chamber to give territorial representation; and supports a unitary state with what it calls a presidential-parliamentary republic. It says that less money should be spent on the government bureaucracy, the armed forces, and ineffective enterprises, and that it opposes the printing of money to meet government obligations. The program urges the consolidation of all democratic and reform-minded forces (under its leadership, of course) to assure the radical reform of the country. The leader of the PDP is Anatolii Matviienko, born in 1953; a graduate of an agricultural institute and a former Komsomol apparatchik, he was elected to Parliament in 1990 and returned in 1998.

In its platform for the 1998 elections the Popular Democratic Party offered a step-by-step return to normality from the current economic crisis.¹⁹ It promised to assure economic growth in 1999 through increased production and development of the market. Its idea of a market economy, however, entailed the fusion of various forms of property ownership; privatization must pay off in terms of investment and employment. In agriculture, a market in land was required, but food imports at the expense of domestic production had to be curtailed. It advocated capitalizing on Ukraine's prowess in military industry to capture a share of the global market. The PDP promised to pay back wages and guarantee their future timely payment. It offered to set pensions at 70 percent of the average wage, tax the rich, provide free housing for the needy, and maintain free state medicine. The platform acknowledged the middle class as the foundation of social stability and endorsed the goal of a civil society. With respect to crime and corruption, the party platform promised an Italian-style "clean hands" campaign, including lifting the immunity of officials and parliamentarians compromised by criminal activity. It advocated a multidirectional foreign policy, including the development of friendly relations with other CIS states as well as with the European and world communities, and support for the transformation of NATO into a collective security system.

Created in December 1993 and registered three months later, the Hromada (Community) party came sixth in the proportional representa-

19. *Uriadovyi kur'ier*, 29 January 1998.

tion race in 1998. Ostensibly a Christian Democratic party, Hromada was formed by elements of New Ukraine (itself an outgrowth of the Democratic Platform of the old CPU) and like-minded individuals from entrepreneurial circles.²⁰ The party's aim was the development of an effective national economy, civilized societal relations, and the improvement of citizens' well-being. Its program proposed steps to rescue Ukraine by replacing the government's "economic terror" with support for business development, reducing the tax burden, and developing the country's export potential. It would turn privatization from a system of thievery into a means of economic growth; assure the people of Ukraine with adequate food and strengthen Ukraine's position as exporter of agricultural products; provide the country's fuel and energy needs; create an efficient public service; fight crime; and halt the deterioration of the armed forces. Three months after Prime Minister Lazarenko was relieved of his post in July 1997, he assumed leadership of Hromada, replacing Oleksandr Turchynov.²¹

Hromada's platform contained some of the most specific promises of the 1998 election campaign.²² Taking a stance in direct opposition to the current government, the party offered a strategy of rejuvenation for Ukraine. It included the creation of a civil society; establishment of all necessary conditions for satisfying the needs of individuals and families; a guarantee of full equality of all forms of property ownership; a halt in 1998–99 to the decline of production, and reduction of unemployment to one-fifth; the restoration of economic growth starting in 2000; and the elimination of all wage arrears. It not only promised but guaranteed to raise the salaries of teachers and others; restore people's lost savings; pay wages, pensions, and stipends on time; and bring privatization under public control for public benefit. A long-term program of improving competitiveness of production on the global scene was also promised, as was the restoration of markets in the CIS. Taxes would be cut by 50 percent, and pensions would be raised to 98 hryvnias by May 1998 and

20. Iablonsky, *Suchasni politychni partii*, 92–3.

21. Turchynov, born in 1964, is a former Komsomol and Party apparatchik and member of the Dnipropetrovsk clan, who served as prime ministerial adviser in 1993–94. He was active in the formation of both the Democratic Platform of the CPSU and the New Ukraine group. *Ibid.*, 94. His doctoral dissertation was on the shadow economy. See *Khto ie khto* (1998), 407. In the wake of Lazarenko's arrest in the United States, the Hromada fraction suffered a split. Under the leadership of Iuliia Tymoshenko, the dissidents formed a group calling itself Homeland (Batkivshchyna). See RFE/RL Newslines, 5 March 1999.

22. *Uriadovyi kur'ier*, 5 February 1998.

to 141 a year later. In 1998, 1.3 billion hryvnias would be allocated for rural social development, and in 1999, 1.8 billion. A program of employment for youth would be worked out for the period 1998–2002. The formation of “a single, political nation in Ukraine” was promised. In foreign relations, it offered to hold to a course of integration into European and world institutions and to develop a strategic partnership with the United States and friendly relations with CIS countries, especially Russia. Like all parties, it promised action on crime and official corruption; like the Peasant Party, however, it was forced to dissolve its parliamentary fraction on 29 February 2000 owing to an insufficient number of deputies.

The last two parties to win representation on the PR ballot in 1998, with four percent of the vote each, were the Progressive Socialists and the Social Democrats (Unified). The Progressive Socialist Party was formed in May 1996 by dissidents expelled from the Socialist Party for their opposition to its leader's (Moroz) co-operation with President Kuchma on the Power Bill and the Constitution. The party was officially registered in July of the same year. The head of the Progressive Socialist Party since its inception has been Nataliia Vitrenko, who holds a doctorate in economics; its deputy head has been Volodymyr Marchenko. Both had held high positions in the Socialist Party.²³ Vitrenko was a candidate in the 1999 presidential election. In the 1998 election the Progressive Socialists campaigned under the slogan “We shall build a Soviet and Socialist Ukraine!”²⁴ Their platform advocated a return to soviet (*rada*) rule, liquidation of the presidency, empowerment of trade unions, and renunciation of the country's agreements with the IMF. It promised to ensure employment, raise minimum wages, introduce effective direction of the state sector of the economy, and bring in protectionist measures for the domestic economy. Within a month it would pay out all outstanding pensions, and within three months, all wage arrears. In foreign policy, the Progressive Socialists called for a strategic partnership with the Russian Federation and Belarus and a denunciation of the special partnership with NATO.

The Social Democratic Party of Ukraine (Unified) (SDPU[O]) grew out of the Social Democratic and other parties, which it hoped to supersede. This plan failed, and the social democratic forces and their presumed allies have remained fragmented, competing against each other in the 1998

23. *Holos Ukrainy*, 24 January 1996 and 18 September 1998; Sochor, “From Liberalism,” 162; *Khto ie khto* (1996), 378; and *ibid.* (1998), 63 and 244.

24. *Uriadovyi kur'ier*, 3 February 1998.

election.²⁵ The party advocates strengthening Ukraine's independence and sovereignty, reinforcing the civil society, and creating a socially oriented market economy whereby various forms of property would be recognized and social welfare would be assured. The leader since its inception has been Vasyl Onopenko (born in 1949), who is a jurist and former justice minister (1991–95).²⁶ Onopenko was also a candidate in the 1999 presidential election. In their 1998 election platform the Social Democrats (Unified) pointed to the social democratic experiences of the Nordic countries and Austria as an illustration of what they hoped to achieve for Ukraine.²⁷

It is interesting to note briefly the continuities and changes between 1991 and 1998 in the complement of major political parties in Ukraine (see above, chap. 1). An almost total make-over has occurred. The Democratic Party, Republican Party, and right-wing Ukrainian Popular Democratic Party (not to be confused with the pro-presidential Popular Democratic Party [PDP], established in 1996 to support President Kuchma), have all disappeared from the parliamentary arena. The Social Democrats split into mutually antagonistic splinters, one of them being today's "unified" Social Democrats. The other, the Party of Democratic Rebirth of Ukraine (PDVU), folded itself into the PDP. Only the communists, who are dispersed among the CPU, SPU, and the Peasant Party, however, and Rukh (bifurcated in 1999) remained on the scene, but in somewhat disaggregated form.²⁸

The location of parties, blocs, and movements on a left-right continuum has been attempted periodically by various observers of the Ukrainian political scene.²⁹ Even if these observations are mostly impres-

25. At its initial founding convention, the party claimed to be the successor to the Social-Democratic (SDPU), Justice, and Human Rights parties and to have brought them together. But quarrels continued, as some of the SDPU leaders refused to be homogenized. The result was that the Social Democrats (Unified) were refused registration, and their party had to be refounded in May 1996. Their hope thereafter has been to co-operate with the likes of the Party of Economic Rebirth, the Labour Party, and the Democratic Party. See Iablonsky, *Suchasni politychni partii*, 54. This hope went unrealized in the 1998 elections.

26. *Ibid.*, 54–6.

27. *Holos Ukrainy*, 18 March 1998.

28. A study should be done of the organizational structure and inception of Ukraine's political parties to see how these factors affect their survival. Such a study should follow the lines suggested by Angelo Panebianco in his excellent book *Political Parties: Organization and Power* (Cambridge: Cambridge University Press, 1988).

29. Bilous, *Politychni ob'iednannia Ukrainy*, 63–87; John Huber and Ronald Inglehart, "Expert Interpretations of Party Space and Party Locations in 42 Societies," *Party Politics* 1, no. 1 (1995): 108; A. K. Tolpygo, "Ukrainian Political

sionistic, they demonstrate a reasonable degree of consistency, which allows at the very least four major "families" to be distinguished. From left to right, they are communists, social democrats, liberals, and conservatives. Using the overall results of the voting for the 225 proportional representation seats (from tables 7.12 and 7.13), but without correcting for the votes cast against all parties or spoiled ballots, one can make an approximate characterization of the strength of parties within these four families in the electorate and of the electorate's ideological tendency. As shown in table 8.1, the distribution of political preferences in Ukraine in 1998 was anything but normal: communists attracted 41.7 percent of the votes; social democrats, 19.1 percent; liberals, 22.8 percent; and conservatives, only 7.9 percent.³⁰ This distribution across the spectrum challenges a number of conventional assumptions. While there may be a plurality of political parties in Ukraine and, by certain measures, a bipolar distribution of the electorate, there is definitely no polarization (contrary to Artur Bilous's early prognosis).³¹ The Ukrainian electorate is very much skewed to the left-hand side of the ideological spectrum. Nor is there a convergence in the centre (as prescribed for democratic polities by Anthony Downs in his classic economic theory of politics) or any appreciable strength to the much-discussed Ukrainian nationalism, which features so prominently in caricatures of the country's politics.³²

The elected Parliament had even more of a leftward tilt than the voters. The elections on the party list and in the single-member districts

Ideologies," *Russian Social Science Review* 36, no. 5 (September–October 1995): 34–50, translated from "Ukrainskie politicheskie ideologii," *Polis*, 1944, no. 1: 113–20; Volodymyr Skachko, "Kudy poplyve ukrainskyi partkovcheh, v iakomu zibralsia vsi: Vid neobilshovykiv do neonatsystiv," *Holos Ukrainy*, 26 February 1994; Taras Kuzio, "The Multi-Party System in Ukraine on the Eve of Elections: Identity Problems, Conflicts and Solutions," *Government and Opposition* 29, no. 1 (Winter 1994): 109–27; Iablonsky, *Suchasni politychni partii*, 5–11; Biletsky and Pohrebynsky, "Politychni partii," 30–65; and Ievhen [Evgenii] Kushnar[e]v, "Politychni partii: faktor muzhinnia ukrainskoi demokratii," *Holos Ukrainy*, 23 April 1997.

30. Since these add up to 91.5 percent and 5.25 percent of the votes were cast "against all," this leaves 3.25 percent unaccounted for; these must have been spoiled ballots.

31. Bilous, *Politychni ob'iednannia Ukrainy*, 93.

32. Birch and Wilson have reached the following conclusion: "The predominance of economic issues and of perceived economic hardship obviously favoured the left. On the other hand, the left parties also gained extra strength from dormant, but still powerful, ethnic issues. Ethnic Russians were twice as likely to vote for the Communists as ethnic Ukrainians, 32.3% as opposed to 16.7%" ("The Ukrainian Parliamentary Elections of 1998," 279).

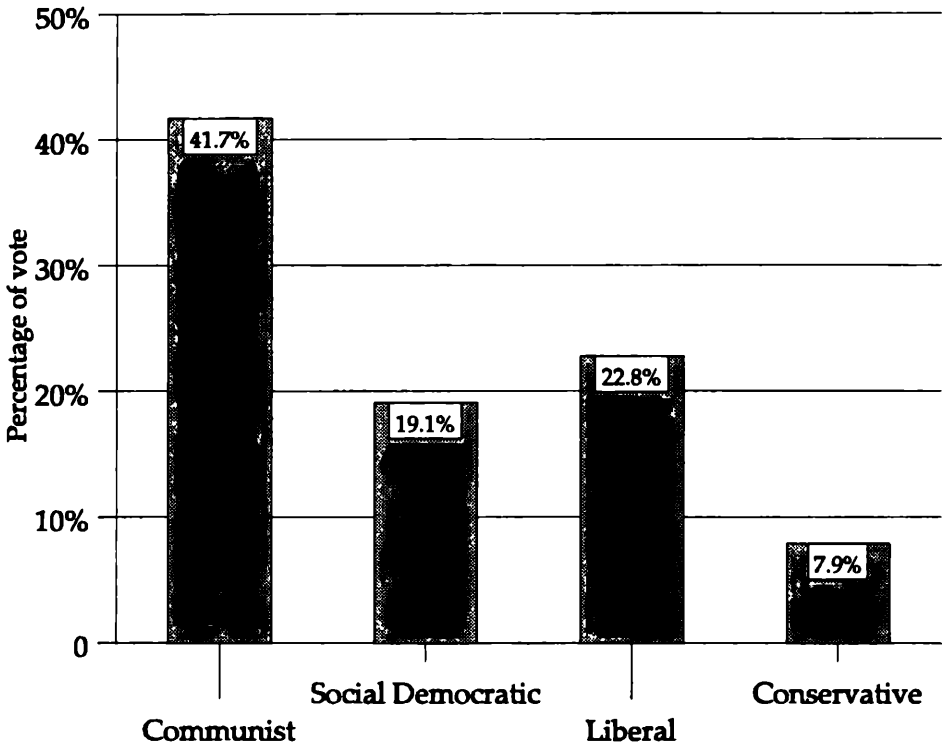
TABLE 8.1
LEFT-RIGHT PLACEMENT OF UKRAINIAN POLITICAL PARTIES
AND THEIR ELECTORAL SUPPORT, 1998

Category	Party	PR- elected	Under Threshold	% of Popular Vote
LEFT				
Communist	CPU	24.7	Agrarians 3.7	41.7
	SPU+SelPU	8.6	Soiuz 0.7	
	PSP	4.0		
Social Democratic	SDPU(O)	4.0	Toiling Ukraine 3.1	19.1
	PDP	5.0	All-Ukr. Party of Toilers 0.8	
	Greens	5.4	SDPU 0.3	
			Defence of the Homeland 0.3 PDESP 0.2	
Liberal	Rukh	9.4	Reforms and Order 3.1	22.8
	Hromada	4.7	Labour and Liberals 1.9	
			Democratic Bloc 1.2	
			Party of National Economic Development 0.9	
			SLON 0.9	
			Women's Initiative 0.6	
			European Choice 0.1	
Conservative			National Front 2.7	7.9
			Forward, Ukraine! 1.7	
			Christian Democrats 1.3	
			Regional Rebirth 0.9	
			Republican Christian Party 0.5	
			UNA 0.4	
			Muslims 0.2	
RIGHT			Fewer Words! 0.2	

SOURCES: tables 7.12–7.14.

NOTE: PDESP—Party of Spiritual, Economic, and Social Progress; SLON—Social Liberal Alliance; UNA—Ukrainian National Assembly.

FIGURE 8.1
LEFT-RIGHT PLACEMENT OF POLITICAL PARTIES
AND THEIR ELECTORAL SUPPORT, UKRAINE, 1998



Communists: CPU: 24.7%; SPU & SeIPU: 8.6%; PSP: 4.0%
Under threshold: Agrarians: 3.7%; Soiuz 0.7%

Social Democrats: SDPU(O): 4.0%; PDP: 5.0%; Greens: 5.4%

Liberals: RUKH: 9.4%; Hromada: 4.7%
Under threshold: Reforms & Order: 3.1%; Labour & Liberals: 1.9%; Democratic Bloc: 1.2%; Party of National Economic Development: 0.9%; SLON: 0.9%; Women's Initiative: 0.6%; European Choice: 0.1%

Conservatives:
Under threshold: National Front: 2.7%; Forward Ukraine: 1.7%; Christian Democrats: 1.3%; Regional Rebirth: 0.9%; Republican Christian Party: 0.5%; UNA: 0.4%; Muslims: 0.2%; Fewer Words!: 0.2%

SOURCES: Tables 7.12–14

combined to produce one major and one minor anomaly, when compared to the results of the PR ballot alone: 25.5 percent of deputies were “independents.” The remainder of the seats was distributed so that while communists were fairly represented, the other three categories were noticeably under-represented (social democrats, 14.3 percent, liberals, 16.8 percent, and conservatives, 2.5 percent; see table 7.14). After the deputies organized themselves into fractions, the consolidation of the left was complete. With only 5.8 percent of deputies remaining unaffiliated, communists held their own at 41.4 percent, social democrats doubled their strength from the nominal electoral results to 31.9 percent, and liberals managed to hold onto 20.8 percent. But the conservative representation was reduced to zero (see table 7.15). It was not a Parliament that would rush ahead with economic reforms, reorient Ukraine’s relations away from Moscow, or hasten to do the IMF’s bidding.

What parts of the country and the population do these parties represent? What are their territorial and societal support bases? And to what extent, if any, do individual voters identify with these parties? Definitive answers are not yet available, but researchers are probing for them.

Regional and Social Bases

Studies of electoral behaviour in Ukraine, beyond the purely descriptive, are usually divided into two types methodologically. One uses aggregate voting results and matches these up with census data on the population in the geographic units concerned. This has the advantage of working with the actual votes cast by the electorate and the total population rather than with samples. But it has several disadvantages. One is that the last census, completed in 1989, might be out of date, not to mention that it probably asked different questions from the ones in which the researcher is interested. Another is that the census data may not correspond to the demographic profile of the electorates and still less of the actual voters, although this is often overlooked. The other methodology uses a representative sample of the electorate, and the respondents either recollect or anticipate their vote choice and describe their attitudes and situation. This method depends for its validity on the representativeness of the sample, the reliability of the questionnaire, and the truthfulness and accurate memory of the respondents. People have been known to report opinions on things they know nothing about, even on non-existent organizations. Flawed instruments can produce only approximate knowledge.

Researchers using one or (rarely) both of these methodologies have been probing the Ukrainian electorate for answers to the above ques-

tions. Their hypotheses and findings deal mostly with whether party identification is taking place and whether socio-economic status or region is the primary determinant of voting behaviour. Ultimately they are looking for signs of democratization and stability.

One frequently cited study employs the results of two surveys conducted at the end of 1993 and early 1994.³³ Its authors say that in comparison with the presidential and referendum voting in December 1991, they found "sharply contrasting patterns of regional support for the parties of the left and right" in the parliamentary elections of 1994.³⁴ It needs to be emphasized, however, that this generalization was made on the basis of the distribution of seats in Parliament rather than of votes in the electorate. The two are seldom identical, except in pure PR systems. Furthermore, the dichotomization of parties into "left" and "right" introduces a considerable simplification. Nevertheless, they designate the country as being regionally polarized in 1994 between left and right, east and west.³⁵ Applying factor analysis to the responses of one of the surveys, Khmelko and Wilson assert that the political orientations, rather than socio-economic features, of the Ukrainian voting public correlate with the pattern of regional political polarization (70). Thus, the political significance of regionalism would seem to override other social cleavages, and a policy of "nationalizing" the country could lead to disintegration (76).

It would be difficult to accept such a one-shot study as definitive. Therefore, using surveys carried out in 1992 and 1995, Arthur H. Miller and his colleagues have attempted to portray a more dynamic picture.³⁶ They look at two dichotomies: elites and masses and east and west. On a range of political and economic attitudes, they find through factor analysis that east versus west does not have a significant impact on public or elite attitudes, but that the views of elites differ significantly from those of the

33. Valeri Khmelko and Andrew Wilson, "Regionalism and Ethnic and Linguistic Cleavages in Ukraine," in *Contemporary Ukraine*, ed. Kuzio, 60–80.

34. *Ibid.*, 64.

35. *Ibid.*, 66. Sarah Birch has a similar interpretation of the 1994 parliamentary elections. According to her, they demonstrated "a sharpening of the regional polarization of the country, with the nationalist, anti-Russian west pitted against the more socialist-minded, pro-Russian east" ("The Ukrainian Parliamentary and Presidential Elections of 1994," *Electoral Studies* 14, no. 1 [March 1995]: 93).

36. Arthur H. Miller, Thomas F. Klobucar, and William Reisinger, "Establishing Representation: Mass and Elite Political Attitudes in Ukraine," in *Ukraine: The Search for a National Identity*, ed. Sharon L. Wolchik and Volodymyr Zviglyanich (Lanham, Md.: Rowman and Littlefield, 2000), 213–35.

public everywhere.³⁷ One has to be careful generalizing about regional and specifically east-west differences in Ukrainian politics.

An interesting set of findings is based on surveys that were carried out in 1995 and 1997.³⁸ Questions were asked about a series of issues and support for parties; the issues showing the greatest east-west polarization were analyzed. Analysis showed that in terms of political-party identification polarization was greatest between supporters of the extreme left and the centre rather than between left and right extremes; as far as regional polarization is concerned, this declined from 1995 to 1997. These are both reassuring findings in terms of the imminent explosions that some observers keep predicting for Ukraine. Nevertheless, region was still the prime factor in 1997.³⁹ When respondents were asked about their party support in the 1994–95 parliamentary elections, it was learned that their attitude towards Russia and the Russian question was generally the strongest influence (among others) in identifying with a political party.⁴⁰

To test whether voters recognize the differences between and identify with political parties, surveys were carried out in 1998 in both Russia and Ukraine.⁴¹ Contrary to common belief, the respondents displayed an unusually high degree of familiarity and indeed identification (termed “partisans” in the study) with each country’s political parties. Although attitudinal and behavioural differences were marked

37. As they say, “the hypothesized determinant, East or West, has no significant impact on prodemocratic or promarket support for either the elite or the masses.” So, all things considered, “a geographic ‘political culture’ variable does not provide a major cleavage differentiating how Ukrainians think about the new political and economic systems. Other demographic variables occasionally correlate with these political and economic attitudes expressed by Ukrainian citizens, but the greater divide is that found between the views of the masses and the elite” (ibid., 225–6).

38. Vicki L. Hesli, William M. Reisinger, and Arthur H. Miller, “Political Party Development in Divided Societies: The Case of Ukraine,” *Electoral Studies* 17, no. 2 (June 1998): 235–56. Again, though, the party spectrum is simplified to just three categories.

39. “Our 1997 data demonstrate that place of residence should be put ahead of ethno-linguistic group as being the most important factor explaining issue positions” (ibid., 249).

40. Specifically, for instance, “the Communist party bloc received most of its support from those who are positive toward Russians, negative toward pro-Ukrainian nationalists, and who report a worsening financial situation” (ibid., 251).

41. Arthur H. Miller and Thomas F. Klobucar, “The Development of Party Identification in Post-Soviet Societies,” *American Journal of Political Science* 44, no. 4 (October 2000): 667–85.

between the partisans (identifiers) and non-partisans (non-identifiers), both categories closely agreed in their ratings and assessments of the relative positions of political parties. On the left-right spectrum the Ukrainian respondents placed the Communist Party on the far left, Rukh on the right, the Progressive Socialists on the moderate left, and the Social Democrats (Unified), Hromada, the Greens, and the Popular Democratic Party in the centre. The crystallization of a party system in Ukraine could be said to have begun.⁴²

Probably the most sophisticated and comprehensive study of electoral behaviour in Ukraine, covering the entire period 1989 to 1998, is that of Sarah Birch.⁴³ She attempts to measure not only the support bases of Ukraine's political parties, but also the individual-level identifications of Ukrainians and the salience of region. For the 1998 elections Birch used a survey of twenty-five constituencies to match population characteristics against the vote; in all the preceding instances aggregate demographic data from the 1989 census were used. According to her overall findings, (1) *ethnicity* has had "considerable influence," but not in the 1994 parliamentary elections; it was more prominent in 1998; (2) *region* has a strong influence on vote choice independently of socio-demographic factors; not all regions are equally distinct or consistently influential; the west is the most distinct region; (3) *Communist Party membership* was more important early on, but has become less so lately; (4) on the whole, *production sector employment* does not have much influence; (5) *education* and *age* are inconsistent or unclear as factors; but (6) *urban/rural residence* "consistently exerted a significant impact on vote choice."

Birch analyzes the 1998 elections first by grouping the political parties into three major categories—left, centre, and right—and then detailing results for some specific members of each category.⁴⁴ Voting for the left is

42. Miller and Klobucar write: "The results of our analysis, while quite preliminary, call into question the findings of those who maintain that the development of a party system in post-Soviet Russia and Ukraine will take many years, or even one generation. The Russian and Ukrainian citizenry understands the need for parties in a democracy, clearly comprehends the complexities associated with an ideologically diverse party system, and even uses party identification to assist in making political decisions. Clearly these party systems are still developing, but they are developing at a much faster rate than previous theories suggested was possible" (ibid., 684).

43. Birch, *Elections*. All parliamentary elections, two referenda, and the two presidential elections of that period are included.

44. The left includes Communists, the Socialist-Rural (i.e., Peasant) bloc, and the Progressive Socialists; the centre includes the Greens, the PDP, Marchuk's Social Democrats (Unified), and Lazarenko's Hromada; Rukh alone is on the right.

influenced mostly by region, with disproportionate support in the east and least in the west, and less so by (Russian) ethnicity and size of settlement (rural). Region (strongest support in the west, greatest antipathy in the south) is also one of the chief determinants of voting for right parties; it is preceded by religion and followed by education and gender. The centre (not the right) is the mirror image of the left: "younger voters, those with higher incomes, and those resident in other parts of the country [than the east] tended to opt for the centre."⁴⁵

When the parties are disaggregated, their particular support bases stand out. On the left, the Communist Party is unusually attractive to the elderly, those on low incomes, and ethnic Russians; the Socialist Peasant bloc, to members of Russian-associated churches, Russian speakers, and those with less education. In regional terms, these two parties have complementary patterns of support: except for the west, they can count on support everywhere.⁴⁶ Rukh, for its part, could count on supporters characterized by "western residence, non-Russian ethnicity, male gender, and manual employment."⁴⁷ The parties of the centre are a disparate and fragmented collection, their only positively associated factor being youth (except for the PDP) and higher income. Birch reaches the conclusion that "ethnic, religious, and regional variables ... do not play an important role" in their popular support.⁴⁸ The filling in of the centre of the political spectrum and the greater definition of individual parties' support bases figure in her reckoning as the two most notable developments associated with the 1998 parliamentary elections.⁴⁹

45. *Ibid.*, 111. In the 1994 elections the left had additional support in the south. National-democratic supporters had no distinct demographic profile.

46. Whereas the Communists obtained unusual support only in the south and faced adversity in the Left Bank and the west, their colleagues did poorly in the south, but better than average in the east and the Left Bank. In 1994 only the following variables were relevant for these parties: lacking higher education (Communist); native Russian speaker and not an urban resident (Socialist); urban resident (Rukh); and of retirement age (Republican). The Socialists had no regional pattern of support; the Communists (weak in the west, strong in the east) and Rukh were opposites. *Ibid.*, 87.

47. *Ibid.*, 114.

48. *Ibid.*, 115. "These are the voters of the future," however. Regionally, the only impression these parties made is that Hromada did exceptionally well in the south, where the PDP did exceptionally badly; the Greens fared extremely badly in the east.

49. *Ibid.*, 117.

Emerging from these studies is an impression that the nascent party "system" in Ukraine not only is not "polarized," but it also does not operate along a one-dimensional continuum. It is rather a two-dimensional space in which the relational aspect of the "system" is better conceptualized as a triangle.⁵⁰ There is a three-way pattern of conflict and co-operation, changing according to the issue at hand, rather than a predictable two-way confrontation between "left" and "right" with the "centre" in the middle. It is the "left" against the "right" on state- and nation-building issues, with the "centre" on the sidelines; it is the "left" against the "centre" on economic (reform) questions, with the "right" sidelined; and the "right" plus the "centre" against the "left" on foreign-policy matters (pro-West versus pro-Russia and pro-CIS, respectively).

Paul Kubicek weighs into the debate on the significance of regionalism in Ukrainian politics with a study utilizing the Central and Eastern European Eurobarometer surveys from 1992 to 1996.⁵¹ Contradicting such scholars as Taras Kuzio, who maintains that regionalism ought not to be equated with separatism,⁵² Kubicek argues that while regionalism shows no signs of becoming more acute, it is nonetheless not subsiding. His analysis, however, is actually more nuanced than this simple thesis statement. Region is important, but it is important in different ways on different issues at different times. For instance, he finds important regional differences on foreign relations and on the domestic situation. "Over time," he writes, "it is hard to ascertain a general pattern.... In general, the evidence suggests that region is an important variable in public opinion, but there is no overarching, clear trend in any direction" (280). Even when he tests for the effect of region independently of other socio-economic variables, the results show that region is most important only in foreign policy orientations, is secondary to other variables in satisfaction with one's life, and has virtually no effect on preference for a free market (280–2). His examination of voting patterns confirms the evident regional patterns in 1994 and 1998, but an analysis of the effect of region independently of other factors produces only one significant observation: the west is the only region that makes a difference

50. Ibid., 116–17; Miller and Klobucar, "Development of Party Identification," 677–80; and Melvin J. Hinich, Valeri Khmelko, and Peter C. Ordeshook, "Ukraine's 1998 Parliamentary Elections: A Spatial Analysis," *Post-Soviet Affairs* 15, no. 2 (April–June 1999): 149–85, esp. 182–3.

51. Paul Kubicek, "Regional Polarisation in Ukraine: Public Opinion, Voting and Legislative Behaviour," *Europe-Asia Studies* 52, no. 2 (March 2000): 273–94.

52. Kuzio, *Ukraine: State and Nation Building*, 79–81.

politically.⁵³ The idea of "regionalism" as a permanent alignment of one or more parts of the country in a posture of hostile opposition to other parts, a commonly implied but never defined caricature (which Kubicek himself does not advance), is not a reality in Ukraine. Both sides in the debate are right: regionalism persists in Ukraine, but it takes on a variety of forms that makes it relevant but unpredictable.

Presidential Voting and Ukraine's Democratization

One further aspect of Ukrainian politics that undoubtedly contributes to the country's democratization is the election of the president. Not only does the president symbolize and represent the nation, but elections of the chief executive also affect national unity and the party system and contribute to public trust in institutions and habituation to democratic practices. The conduct of incumbents in office can have a similar impact on public trust and on incentives for all relevant actors to play by the rules of the game.

The 1991 and 1994 presidential elections have been described and analyzed by other scholars,⁵⁴ so there is no point in going over familiar ground. Suffice it to say that these first two elections contributed little to the emergent party system, but they did bring out regional differences. As has been well documented, in 1991 Leonid Kravchuk obtained 61.6 percent of the vote on a turnout of 84.2 percent, while his nearest rival, V'iacheslav Chornovil, managed only 23.3 percent. This was an early indication of the minority position of the national-democrats in the country as a whole, a situation persisting to the end of the decade. In both regional and social terms, the support bases of Kravchuk and Chornovil were mirror images of each other: voters in western Ukraine, Ukrainian speakers, and urban residents supported Chornovil, while Communist Party members avoided him; for

53. Briefly, "a statistically identifiable unique voting pattern by region is present only in the west" ("Regional Polarisation," 288). Further analysis of voting for parties shows just two main generalizations: Russians and urban dwellers overwhelmingly support the Communists and do not support the nationalists. Kubicek adds: "For votes for centrist parties, no regional variable was significant, reflecting how region acts as a polarising factor [solely] between the left and right" (287).

54. Kuzio, *Ukraine: Perestroika to Independence*, 194–201; idem, "Kravchuk to Kuchma: The Ukrainian Presidential Elections of 1994," *Journal of Communist Studies and Transition Politics* 12, no. 2 (June 1996): 117–44; Birch, "Electoral Systems," 96–114; idem, "Elections of 1994," 93–9; and idem, *Elections*, chaps. 5–6.

Kravchuk, it was the opposite.⁵⁵ During his term of office Kravchuk squandered that support and came to be adopted by and identified with the national-democrats.

In the 1994 election only one of seven candidates, Oleksandr Moroz, stood as a member of a political party. Neither the Communists nor Rukh sponsored candidates. The Association of Industrialists and Entrepreneurs (USPP) supported former Prime Minister Leonid Kuchma. The dearth of political parties in this contest certainly did not help to launch the democratic game or develop a recognizable party system. In the first round Kravchuk obtained 37.7 percent of the vote that came, remarkably, from those who had rejected him in 1991—native Ukrainian speakers and residents of the western region. Meanwhile, Communist Party members and residents of the south and east voted heavily against him. Kuchma's regional support was the opposite of Kravchuk's.⁵⁶ Kuchma received 31.3 percent in the first round, but scored an upset in the second round with 52.1 percent to Kravchuk's 45.1 percent. One should not make too much of the shrinkage of Kravchuk's regional support—he did win a majority in half the country's oblasts.

Presidential elections normally work to consolidate and simplify party competition, especially in those countries with a majoritarian electoral system. The presidency is the highest political prize: to win it, a candidate must win at least half the votes; the contest usually comes down to two individuals, each representing a different party or bloc. Even France has experienced this kind of evolution in its party system, but then the Fifth Republic was founded in 1958. Judging by the 1999 presidential election, Ukraine remains somewhere on the learning curve, short of institutionalizing a straight two-way race for the office of chief executive.

In the first round on 31 October there were thirteen names on the ballot.⁵⁷ Obviously, realistic chances of winning were not a deterrent to

55. Birch, *Elections*, 78–9.

56. Ibid., 97. It is certainly an inconsistent form of “regionalism” when part of the country—in this case, the west—votes overwhelmingly against and, three years later, in equally overwhelming numbers for the same individual.

57. Originally, fifteen were registered as of the deadline, 1 August, but two, Volodymyr Oliinyk, the mayor of Cherkasy, and Oleksandr Tkachenko, the parliamentary speaker, dropped out before polling day. The factual basis of this paragraph and the next two is drawn from the RFE/RL Newslines, May to November 1999; *Ukrainian News / Ukrainski visti*, 3–16 and 17–30 November 1999; and *Ukraine Today*, 1 through 29 November 1999, consulted on 2 December 2000 at <www.ukrainet.lviv.ua/infobank/1999>.

entering the competition. Of these thirteen, nine were identified on the ballot as affiliated with or sponsored by a political party. This was of course an improvement over 1994 in terms of reinforcing the link between political parties and elections. The incumbent and front-runner, Leonid Kuchma, was among the nominally unaffiliated, however, thus perpetuating the tradition of the Ukrainian president who is a non-partisan figure standing above the petty political fray.⁵⁸ Whom or what did Kuchma represent? In short, as the campaign revealed, it was power, and the political parties' fragmentation worked in his favour. It was, for instance, widely suspected that the Kuchma team encouraged Vitrenko and Moroz to compete in order to split the leftist vote. An alliance effort by Ievhen Marchuk, Oleksandr Moroz, Volodymyr Oliynyk, and Oleksandr Tkachenko, the "Kaniv four," to back Marchuk fell apart just days before the balloting, which circumstance was un lamented by the Kuchma camp. During the campaign the government-controlled mass media were grossly one-sided in favour of Kuchma. The taxation authorities and other police harassed the independent media outlets. Many Ukrainians expected the election to be unfair or dishonest (58 percent in June) or that its results would be falsified (43.9 percent in September). Kuchma's team reportedly engineered a grenade attack on Vitrenko to discredit Moroz, whose supporters were blamed. The media seemed to favour Vitrenko over Moroz. Observers, both journalistic and official, including the Parliamentary Assembly of the Council of Europe (PACE) and the OECD, were of one opinion about the campaign—it was dirty.

The first-round results are detailed in table 8.2. Kuchma came out on top with approximately 36.5 percent of the vote, followed by Petro Symonenko (22.2 percent), Oleksandr Moroz (11.3 percent), Nataliia Vitrenko (11.0 percent), and Ievhen Marchuk (8.1 percent). The remaining eight candidates shared 5 percent of the votes.⁵⁹ In the interval between the two rounds several developments took place when the contenders were at last forced to co-operate. In exchange for his support, on 10 November

58. Others on the ballot listed without party affiliation were former Prime Minister Marchuk; the leader of one splinter from Rukh, Kostenko, who was denied the right to use his party's name by a court decision; and Oleksandr Rzhavsky, who was sponsored by a voluntary organization rather than a party.

59. Four percent of the ballots were spoiled; 1.8 percent of those participating voted against all candidates, the final choice on the ballot. See *Holos Ukrainy*, 6 November 1999. Note the dismal showing of the Greens' leader—eleventh out of thirteen. Yet in 1998 his party gained 5.4 percent of the PR vote. Was it just a flash in the pan?

TABLE 8.2
PERCENTAGE OF VOTES OBTAINED BY CANDIDATES IN THE
PRESIDENTIAL ELECTION, FIRST AND SECOND ROUNDS, 1999

Candidate/Party	First Round, 31 October	Second Round, 14 November
Leonid D. Kuchma, president, unaffiliated	36.49	56.25
Petro M. Symonenko, Communist Party	22.24	37.80
Oleksandr O. Moroz, Socialist Party	11.29	
Nataliia M. Vitrenko, Progressive Socialist Party	10.97	
Ievhen K. Marchuk, unaffiliated	8.13	
Iurii I. Kostenko, unaffiliated	2.17	
Hennadii I. Udovenko, Popular Rukh of Ukraine	1.12	
Vasyl V. Onopenko, Ukrainian Social Democratic Party	0.47	
Oleksandr M. Rzhavsky, Single Homeland Association	0.37	
Iurii A. Karmazin, Party of Defenders of the Homeland	0.35	
Vitalii M. Kononov, Green Party	0.29	
Oleksandr F. Bazyliuk, Slavic Party	0.14	
Mykola M. Haber, Patriotic Party	0.12	
Voter turnout	70.15	74.87

SOURCES: Central Electoral Commission at <195.230.157.53/vp1>, and Consulate General of Ukraine in New York at <www.brama.com/ua-consulate/ELEC_RES.html>, both consulted on 3 December 2000; and *Holos Ukrainy*, 22 October 1999, for candidates' party affiliation as listed on the ballot.

President Kuchma named Marchuk secretary of the National Security and Defence Council, displacing his long-time ally Volodymyr Horbulin.⁶⁰ Other candidates throwing their support to Kuchma were Iurii Kostenko and Hennadii Udovenko, leaders of the rival wings of Rukh, as well as Vitalii Kononov and Oleksandr Rzhavsky. Vitrenko's Progressive Socialist Party, along with candidates Oleksandr Moroz, Oleksandr Tkachenko, Volodymyr Oliinyk, Mykola Haber, Oleksandr Bazyliuk, and Iurii Karmazin, backed Petro Symonenko. More so than earlier, the fortnight between the two ballots was characterized by the presidential team as a contest between the bright forces of democracy and market-reform against the dark forces of a return to the Communist past, personified by Symonenko. It was a replay of the Russian presidential election scenario of 1996, resulting in a convincing victory by Kuchma (56.3 percent) over Symonenko (37.8 percent). In the end, Kuchma won by the unrestrained use of the power of his office⁶¹ and the mobilization of the nationalist and market-reform constituencies against the left. The lesson clearly indicates that no party or presidential candidate representing just one corner of Ukraine's political triangle can win without help from one another, hence the wisdom of Kuchma's non-partisan but pro-reform and pro-independence posture. Under a deservedly unflattering headline accompanied by an equally unflattering cartoon, *The Economist* summed up the 1999 presidential election in one sentence. "The real, sad lesson of Ukraine's election is that in post-Soviet politics money, administrative muscle and the media, all deployed by powerful vested interests, can make even the direst candidates electable."⁶²

60. *Uriadovyi kur'ier*, 11 November 1999. On 17 December Marchuk was named head of the interdepartmental Commission on Co-operation between Ukraine and NATO, again displacing Horbulin. *Ibid.*, 21 December 1999. Horbulin, however, was immediately appointed as presidential adviser until he was released from this post on 9 October 2000.

61. After the first round Kuchma replaced the governors of three oblasts, Kirovohrad, Poltava, and Vinnytsia, where voters had failed to deliver appropriate majorities for the president. After the second he fired two more, along with six raion heads and his own chief of staff, Mykola Biloblotsky (whom he sent to Moscow as ambassador to the Russian Federation). Volodymyr Lytvyn replaced Biloblotsky. See *Uriadovyi kur'ier*, 4 November 1999; and RFE/RL Newslines, 24 November 1999. In fact, these numbers probably understate President Kuchma's vindictiveness and may refer only to the immediate aftermath of the election. In December 1999, by my count of presidential edicts, he fired no fewer than fifty-seven heads of raion administrations; a year later, in December 2000, he fired six. See presidential edicts at <alpha.rada.kiev.ua>, consulted on 26 December 2000 and 5 January 2001.

62. "Leonid Kuchma, Ukraine's Dismal Choice," *The Economist*, 20 November 1999.

Looking at the regional distribution of the presidential voting, its most remarkable aspect is the switch in favour of the incumbent by voters in the west, which also benefited Kravchuk in 1994. In the first round of 1999, six western oblasts—and no others anywhere else in the country—delivered majorities for Kuchma. In the second round, all seven did so, as did two in each of the other three regions and Kyiv city.⁶³ A rank-order correlation of votes gained between rounds by Kuchma and votes obtained by Marchuk on the first round is significantly high enough to suggest that the latter's votes probably migrated to Kuchma, as expected.⁶⁴ Symonenko, thanks to the splitting of the left-wing vote, obtained no majority anywhere in the first round; on the second, he had five out of nine central oblasts, two out of five in the south, and one out of five in the east. In the second round, he probably picked up the leftist and protest votes of both Moroz and Vitrenko.⁶⁵ Thus, in the presidential elections, too, there is really only one region that behaves as a politically distinctive one, bestowing majorities on one contender while denying them to the other, and that is the west.⁶⁶ So the regional confrontation in Ukraine is *not* the fabled west versus east;⁶⁷ it is the west versus the rest, but the west is fickle.

In 1999 some Ukrainian researchers conducted a series of public opinion surveys to gauge the support bases of the country's political parties and tendencies of support for the presidential candidates.⁶⁸ Having inquired into respondents' orientations towards a series of values, including preference for equality of opportunity as opposed to

63. Kyiv also seems to go with the incumbent on the second round, as it did in 1994. Recall that in the second round of 1994, when Kravchuk obtained majorities in all seven western oblasts, Kuchma had none.

64. Spearman's *rho*, the measure of rank-order correlation between the two sets of data, in percentage terms per oblast, is +0.7320, significant at $p < .001$.

65. A rank-order correlation of Symonenko's percentage gains, by oblast, and the combined votes for Moroz and Vitrenko in the previous round, comes out to +0.9066, also significant at $p < .001$.

66. While Kuchma's average vote in the seven western oblasts on 14 November was 83.7 percent, he was by no means shut out of other regions: he won 43.7 percent in the central region, 47.0 percent in the south, and 48.3 percent in the east.

67. The fable is perpetuated by the likes of Askold Krushelnycky. See his article, "East-West Split in Ukraine Highlighted by Presidential Election," RFE/RL Newline, 12 November 1999.

68. Oleksandr Iaremenko and Mykhailo Mishchenko, "Politychni upodobannia ukrainsiv iak chynnyk vplyvu na politychni protsesy," *Politychna dumka*, 2000, no. 1: 3–18.

equality of condition, they probed the structure of these values using factor analysis. This produced three clusters of values, which they term "pro-market" (or "pro-Western"), "traditional," and "socialist-Slavic unity." Matching these to their respondents' political affiliations, they found that liberals, national-democrats, radical nationalists, social democrats, and some Greens share pro-market attitudes. They regard those who combine a pro-market orientation with the idea of integration between Ukraine and Russia as adherents of a "market-integrationist" ideology. The second factor is associated with Christian democrats as well as some Greens and national-democrats, but liberals are the most antipathetic towards it. The third factor characterizes communists, socialists, and "market-integrationists." In terms of regional distribution, their most notable finding is that pro-market orientations are least popular in the central and southern regions, including Crimea; traditional and socialist-Slavic unity values predominate in the central region. Sounding out the voting intentions of respondents, the researchers found that in a showdown between Kuchma and Symonenko, pro-marketeers would vote for Kuchma, while traditionalists and the socialist-Slavic unity adherents would back Symonenko. They characterized Symonenko, therefore, as appealing simultaneously to a left-wing and traditionalist, or conservative, voter. The research also showed Vitrenko to be a protest candidate, which furthermore may have helped to overstate her level of support in public-opinion polling at the start of the campaign. Successive polls showed that support was being siphoned from her to Moroz and Symonenko; simultaneously support was growing (from 13 percent in March 1999) for Kuchma, who was a forced choice for most.⁶⁹ According to a survey conducted in December 1999, after the dust had settled only 17 percent of respondents expected that Kuchma would carry out economic reforms, which an earlier survey had indicated were desired by 40 percent of the public.

Conclusion

It was expected that Ukraine's long-awaited law on political parties would be passed in December 1999, but it still had not seen the light of day one year later.⁷⁰ This law defines a political party as "a voluntary

69. In March only 14 percent of social democrat identifiers were prepared to vote for Kuchma; by November, 46 percent actually did so. For national-democrats, the figures were 22 percent and 70 percent. Non-identifiers (i.e., people who did not identify with a political party) went from 9 percent to 40 percent. *Ibid.*, 15.

70. *Ukraine Today*, 27 December 1999; and "2000: Summing Up," *Research Update*, 4 January 2001. The law on parties is a requirement imposed by the Council of

association of citizens supporting a national program of social development and aimed at shaping ... and expressing ... citizens' political will, promoting participation in voting, and other political activities." It also specifies that a person may be a member of just one party, that members of the judiciary and law-enforcement bodies cannot join a political party, and that membership in a party must be sought through official application. Anti-system, anti-democratic, and intolerant parties are illegal, but the banning of a political party must be done through the courts.

Would this help to institutionalize the game of democratic electoral politics in Ukraine? No doubt statutory regulation by its very existence must regularize the activities of political parties. But it seems that this regulation goes too far. Surely, as far as the state is concerned, parties can be considered and recognized as such when they put forward candidates for election to the national assembly. The state need not concern itself with the parties' scope of activities and internal organization, whether they have a certain number of members, if any, and whether their members have filled out pieces of paper in applying for membership. Nor does the state have to impose on individual citizens a legal restriction on the number of parties to which they can belong. It all makes sense only from a corporatist perspective, from the point of view that assumes the state must organize society because otherwise the society cannot organize itself. The parties would thus be state-created corporations designed to manage political competition. There is no notion of an autonomous civil society here, yet this is typical of post-Communist Ukraine, a country that is still not post-Soviet. This is conducive not to the liberal variant of democracy, but the corporatist one.⁷¹

If democratic pluralism and multi-party systems were to be defined solely by numbers, by now Ukraine would have both. As of 3 February 2000 the Ministry of Justice of Ukraine had registered a total of ninety-two political parties, the ninety-second bearing the improbable name Unity (*Iednist*).⁷² This large number, however, is not a problem in and of itself, for every country has many more registered political parties than are present or successful in national electoral contests. Normally the electoral system, particularly the "first past the post" or single-member, simple plurality system, reduces these large numbers in the electorate

Europe before Ukraine's further development of relations with that organization. See *Ukrainian News / Ukrainski visti*, 29 December 1999–25 January 2000.

71. Kubicek, *Unbroken Ties*, chap. 2 and pp. 211–18.

72. The government's official gazette *Oriientyr*, 2000, no. 8, a supplement to *Uriadovyi kur'ier*, 1 March 2000.

into significantly smaller numbers of parties in Parliament itself. In Ukraine and Russia, both of which use the dual PR-SMD system, the electoral mechanism produces opposite results: fewer parties survive the proportional representation mechanism, more parties survive the single-member contests. Even though in a multi-party situation parties prefer a system of proportional representation, in Ukraine such a system would actually be to their disadvantage, but it would benefit the electorate by more sharply reducing the number of parties in the Supreme Council. In fact, President Kuchma rejected a bill on a purely PR electoral system (given a first reading on 19 November 1999) on the grounds that it lacked conformity "with the interests of a majority of people" and reflects "only the interests of their [i.e., political parties'] leaders, not the people."⁷³ Should a bicameral Parliament be introduced, however, he would consider it. A reduction in the number of political parties, therefore, will depend on their internal stabilization and the consolidating initiatives of their leaders, but these are very slow processes.⁷⁴

The lack of social bases by political parties and the sharpening of regional divisions by party competition have both been greatly exaggerated. Actually the Ukrainian voter is quite capable of accurately locating the major political parties on the left-right political spectrum. The principal ideological orientations of the public correspond quite well with the left-centre-right configuration of the party system, and the parties themselves have clearly identifiable regional and demographic social bases. One can say with confidence, for instance, that the Communist Party will inevitably experience a decline in support, since it is the elderly voter to whom it most appeals. As for regionalism, there is certainly no danger of separatism, since the only region with continuing political relevance is the west; its nationalism would hardly motivate that region to secede—and lose the rest of the country.

On the whole, presidential elections have not made a positive contribution to the institutionalization of the democratic game in

73. RFE/RL Newline, 22 November 1999. See the commentary on this question by V'iacheslav Koval, "Zmishana chy proportsiina," *Holos Ukrainy*, 25 January 2000.

74. For instance, in November 2000 a new party of regional revival, called Labour Solidarity of Ukraine, was created at a congress in Kyiv. It brought together five centrist parties: the Revival of Regions Party, Solidarity, For a Beautiful Ukraine, the Labour Party, and the All-Ukrainian Party of Pensioners. The co-chairmen of this new party are Donetsk's mayor, Volodymyr Rybak, former Vice-Prime Minister Valentyn Landyk, and Petro Poroshenko, the leader of its parliamentary fraction, Solidarity. See RFE/RL Newline, 19 July 2000 and 20 November 2000. On the other hand, as mentioned earlier, efforts to bring together the two wings of Rukh at this same time succeeded only in creating a third.

Ukraine. Either the candidates have altogether avoided identifying themselves with political parties, as President Kuchma did in 1999, or all members of a party "family" have put up candidates, splitting the vote for their portion of the political spectrum, as the leftists did in 1999 too. The questionable means used by the incumbent to win re-election in 1999 can only have a negative impact on the incentives of other major actors to enter and stay in the game of competitive politics. Instead, presidential elections have brought Mexicanization to Ukrainian politics, with all of the C-words that term so readily and deservedly conjures up: corporatism, corruption, clientelism, and caudilloism.⁷⁵

75. When *The Economist* lauds Mexico for ending the rule of the Institutional Revolutionary Party (PRI) and beginning the trek to genuine democracy, its description of where Mexico has been politically for seventy-one years is a depressingly apt parallel to Ukraine's situation today. See "After the Revolution: A Survey of Mexico," *The Economist*, 28 October 2000.

CHAPTER 9

The Economy: The Slow Road to Reform and the Fast Road to Riches

Ukraine's prospects for capitalist transition depend crucially on an incorruptible and resolute leadership that empowers entrepreneurship by eradicating barriers to market entry. If it is forthcoming, recovery and modernization will be swift; if not, the inefficiencies of Soviet communism will combine with new anticompetitive institutions to thwart and distort Ukraine's production potential, even if there is a resumption in physical growth of unwanted things.¹

Of critical importance in Ukraine's march to independence and consolidated democracy is the economy. It operates in three arenas: the domestic sphere, the ex-Soviet space, and the global environment. In the domestic sphere, the main problem is the implementation of economic reform, i.e., the transition from a centrally planned to a market economy. In the course of this transition, established interests are disturbed and new ones are born. Inevitably the process of economic reform comes into collision with the process of democratization—those whose interests are adversely affected by economic transformation create an opposition to the needed policy on the newly liberalized political playing field, while those who may benefit are not yet won over to supporting that policy.² Therefore, unless policies are carefully combined and co-ordinated, one or the other of these transitions—marketization or democratization—may be impaired, if not sacrificed, in the course of a country's post-Communist development. Especially important is whether an entrepreneurial middle class with a stake in both economic and political liberty is created quickly enough to ensure that the momentum of economic reform, once introduced, is carried forward to its proper conclusion. Also important is whether an effective taxation regime is introduced soon enough so that the state can provide the necessary social safety net for people displaced by the changes to the economy. In terms of Ukraine's relations with the countries of the Commonwealth of Independent States (CIS) and princi-

1. Steven Rosefielde, "Ukraine's Economic Recovery Potential to the Year 2000," *Journal of Ukrainian Studies* 21, nos. 1–2 (Summer-Winter 1996): 185.

2. Przeworski, *Democracy and the Market*, chap. 4.

pally with Russia, there is the question of whether that relationship will encourage economic reform or hold it back by prolonging the life of the structured dependencies of the Soviet era. On the international plane loom even more possibilities: the threat of peripheralization and permanent Third World status in the global economy, or escape from it; encouragement of the process of marketization through Ukraine's integration into the economies of the advanced industrial states and trading blocs, or isolation; and liberalization of trade and its effects on labour, interests, and welfare. A number of strategies is available to the political decision-makers faced with this difficult set of challenges; many constraints confront them as well. We need to know what the political elite of Ukraine has been doing in regard to economic policy, whether and how it has been constrained, and what the implications of its actions are for marketization, democracy, and independent statehood.

The Domestic Context

Ever since Poland's trail-blazing steps towards economic reform and Russia's even more spectacularly stumbling ones, a vigorous debate has been conducted in academic and political circles on the appropriate speed or slowness with which the reform process ought to proceed and the corresponding costs. Basically, economic reform in the post-Communist states consists of macroeconomic stabilization, privatization, liberalization of prices and foreign trade, and creation of an appropriate infrastructure comprised of laws, regulations, and institutions. The key question is whether these measures should be taken rapidly ("shock therapy" or the "big bang") or gradually (the "evolutionary" approach). The economist Ben Slay has made a useful contribution to this debate.³

Looking at the course of the debate and the performance of the economies of several Eastern European states, including Russia, Slay makes a number of observations. The argument, he says, has been refined. It is recognized now that "rapid versus gradual" is an oversimplification. There are changes that can and cannot be made quickly, those that need to be made rapidly, and others that do not. Among the "changes that have to and can be made quickly" are programs of macro-stabilization, bearing in mind that "macroeconomic stabilization is a long-term process."⁴ Price and external trade liberalization, on the other

3. Ben Slay, "Rapid versus Gradual Economic Transition," *RFE/RL Research Report*, 12 August 1994, 31–42.

4. *Ibid.*, 33–4.

hand, may be done either slowly or quickly. "Privatization," however, "and the establishment of the appropriate legal, regulatory, and institutional infrastructure ... cannot occur quickly—they must inevitably be long-drawn-out processes."⁵ It is also recognized that initial conditions, including a country's geographic location, the extent of its disequilibrium, and pre-independence reforms, are critically important for the strategy selected. Generally, the more favourable these are, as in the case of Hungary, the more a country can afford the luxury of gradualism, because it already has a head start. But Ukraine is not Hungary. Indeed, "countries such as Ukraine that have responded to unfavorable initial conditions by adopting gradual transition strategies have tended to meet with economic catastrophe."⁶ In sum, by 1994 the record of economic reform showed that "the countries that adopted rapid transition strategies have clearly had more success than the gradualist ones. This success [furthermore] is apparent not only in the institutional and policy characteristics of the transitions but also in these countries' macroeconomic performance: Poland, the Czech Republic, Estonia, and Latvia at present display the regions' best combinations of low inflation, external balance, and economic growth."⁷

Alexander Motyl, on the other hand, has argued that, in contrast to what he calls Russia's "revolutionary" attempt at economic change, because of structural differences between the two countries "protracted and sequential or simply evolutionary change however unspectacular and dull is the only alternative" for Ukraine.⁸ Although his logic is, as usual, impeccable, Motyl's thesis seems undone by his subsequent observation that Ukraine's nomenklatura, in transforming its political power into financial capital, has brought the country to ruin.⁹ Motyl is,

5. Ibid., 34.

6. Ibid., 35.

7. Ibid., 41. Gertrude Schroeder concurs with this judgment. "After five years," she writes, "experience shows clearly that countries that move most rapidly to stabilize and liberalize their economies, encourage the entry of new forms, and open their economies to world markets are the ones that will reap the rewards of reform most quickly" ("The Economic Transformation Process in the Post-Soviet States: The Role of Outside Actors," in *The International Dimension of Post-Communist Transition in Russia and the New States of Eurasia*, ed. Karen Dawisha [Armonk, N.Y., and London: M. E. Sharpe, 1997], 269).

8. Alexander Motyl, "Structural Constraints and Starting Points: The Logic of Systemic Change in Ukraine and Russia," *Comparative Politics* 29, no. 4 (July 1997): 433.

9. Motyl writes: "as the civil service was anything but prestigious or lucrative, Ukraine's 'best and brightest' preferred to enter business and other private pursuits.

of course, quite right, as we shall see further on, but how this economic crisis brought on by *nomenklatura* capitalism might be preferable to “shock therapy” is a mystery. He also attempts to draw a clear distinction between Russia and Ukraine in terms of economic crime and corruption. Whereas Russia is “a vast criminal undertaking,” Ukraine, by contrast, exhibits corruption and thievery in a relatively stateless context.¹⁰ How Ukraine’s state of crime is to be distinguished from Russia’s criminal state other than as a rhetorical flourish is unfortunately not at all clear.

What remains clear is that the pace of economic reform makes a difference. That being the case, two questions must be answered: Has Ukraine’s economic reform been rapid or leisurely, and is the country better off for following the chosen strategy?

Economic Reform?

The chronology of events connected with economic policy in Ukraine after 1991 shows a numbing continuity of bold words followed by lack of action and accompanied by a revolving-door pattern of personnel changes among the key decision-makers. At the same time the economic crisis—falling production, rising prices, wage arrears, and widespread corruption—steadily deepens. It becomes moot whether “economic reform” is the proper term for such a process.¹¹ No fewer than three

Not surprisingly, the incipient state was immediately seized by the *nomenklatura*, former Communist Party functionaries who retained their positions of central, regional, and local dominance. By presiding over the state-controlled economy, they were able to pursue untrammelled rent seeking, acquire fortunes, and accelerate the economy’s decline” (ibid., 439).

10. On Russia, he says: “The leading consequence of attempted economic revolution was the emergence of a parasitical, crime-ridden state on the order of those in many parts of the Third World. Privatization could assume mass forms only if it involved the wholesale expropriation of assets by state elites. In the absence of rule of law, elite infighting over the division and redivision of spoils translated into virtually universal official corruption, permitting organized crime to penetrate the state, forge alliances with its agencies, and in essence transform Russia into a vast criminal undertaking.” On the other hand, “Ukraine’s state was equally corrupt; its officials were no less inclined to thievery; and the Ukrainian ‘mafia’ also flourished. Nevertheless, the difference between Ukraine and Russia was both quantitative and qualitative. The Ukrainian version of a corrupt posttotalitarian quasi-state was inherently circumscribed by its lack of ‘stateness.’ The more corrupt it became, the less it resembled a state. In contrast, the postimperial, posttotalitarian Russian state could enter into a symbiotic relationship with crime and produce a state-dominated version of gangster capitalism” (ibid., 442).

11. For example, “In his inaugural speech as president of independent Ukraine, Leonid Kravchuk pledged that he would carry out radical economic reform.”

economic policy programs were developed in the twelve months after the August 1991 Declaration of Independence, but none were acted on. Kravchuk's ambivalence about economic reform was further accentuated by his firing of Volodymyr Lanovy in July 1992, a mere four months after his appointment as minister of the economy.¹²

Subsequent events make a similar impression. In the summer of 1992 parliamentary dissatisfaction with the government's economic policy led to the resignation of Vitold Fokin as prime minister and his replacement in October by Leonid Kuchma.¹³ At the end of November Kuchma obtained from Parliament a six-month grant of extraordinary powers to enable him to implement "his economic reform program of tight budget and wage controls combined with accelerated privatization and what appears to be a serious effort to wipe out corruption."¹⁴ Those six months, however, saw a worsening of the situation rather than improvement. The special powers were not renewed when they expired in May.¹⁵ "By the end of 1993," therefore, Ukraine's political leadership

During the first half of 1992, however, progress was seen as slow, "raising doubts as to the Ukrainian leadership's real commitment to bold market reforms" (Sekarev, "Ukraine's Policy Structure," 60).

12. Lanovy was described then as "the only member of the government who decisively pushed measures to transform the economy radically and who spoke the same language as Western economists and bankers" (ibid., 62).

13. Roman Solchanyk, "Ukraine: The Politics of Economic Reform," *RFE/RL Research Report*, 20 November 1992, 1-4. Kuchma was characterized as "a nonsense reformer intent on pursuing a gradual transition to the market" and as someone likely to "avoid the shock therapy approach to economic reform" (ibid., 5). "In an interview in *Le Figaro*, the new prime minister argued that Ukraine had been preoccupied with politics rather than economics for too long. Privatization, he asserted, should have been initiated a long time ago. In his opinion, privatization should initially be focused on the trade and service sectors and farmers should be given the land to work. With regard to the industrial sector, he argued that small and medium-sized enterprises needed to be privatized but that the nuclear, energy, and military related industries must remain under state control. Kuchma has also been emphatic in his insistence that ... the economic 'cold war' with Russia be ended" (ibid.). Included in Kuchma's cabinet as first vice-prime minister were Ihor Iukhnovsky, an opposition parliamentarian and physicist by profession, and Viktor Pynzenyk, a liberal economist and parliamentary deputy from western Ukraine, as vice-prime minister in charge of economic reform.

14. Roman Solchanyk, "Ukraine: A Year of Transition," *RFE/RL Research Report*, 1 January 1993, 61.

15. A string of ministerial resignations began in March with Iukhnovsky "blaming bureaucratic red tape and lack of cooperation between the government and the parliament." Pynzenyk resigned as minister of the economy in April and

seemed unable—or if able, then unwilling—“to implement market reforms in the economy.”¹⁶

At the end of 1994 the economy in Ukraine was characterized as being in a “dismal” condition, with, among other things, “a continued decline in production,” as well as hyperinflation.¹⁷ “Privatization,” it was said, “which has made little headway in Ukraine, was halted soon after Kuchma’s election, with parliamentary deputies arguing that the process had produced too many irregularities and too much corruption.”¹⁸ Especially notable was a scandal involving Acting Prime Minister Zviahivsky, who had fled to Israel after being “accused of transferring large sums of money into private overseas accounts and of reselling aviation fuel for personal profit.”¹⁹ In December Kuchma, now as president, once again won from Parliament a grant of extensive powers without which he claimed “he could not deal with the country’s economic crisis.”²⁰ By this time every year-end review was beginning to read like the previous one.

Yet, the new president’s election fostered a more optimistic atmosphere; it even seemed “that far-reaching economic reforms are possible.”²¹ Kuchma (who was described as “very pragmatic in his pursuit of economic transformation”) “announced a new course of economic and social policy on price liberalization, quicker privatization, promotion of

as vice-prime minister in August. Kuchma remained the prime minister until September, when he was replaced on an acting basis pending the outcome of the parliamentary elections by Iukhym Zviahivsky, who was brought in earlier to replace Iukhnovsky. See Solchanyk, “Ukraine: A Year of Crisis,” 38.

16. Solchanyk writes: “The economic crisis had reached such proportions as to conjure up images of total collapse. Production had fallen steadily, across the board; consumer prices continued to soar; and inflation was said to be more than 100% a month. The impact ... was that 85% of the population was believed to be living below the poverty level. In the meantime, the leadership in Kiev was unable to implement anything resembling an effective program of economic reform” (ibid.).

17. On the development of hyperinflation in Ukraine, see Simon Johnson and Oleg Ustenko, “Ukraine on the Brink of Hyperinflation,” *RFE/RL Research Report*, 18 December 1992, 51–9; and the same authors’ “Ukraine Slips into Hyperinflation,” *ibid.*, 25 June 1993, 24–32.

18. Ustina Markus, “Ukraine: Stability amid Political Turnover,” *Transition* (Prague), 15 February 1995, 67.

19. Ibid.

20. Ibid.

21. Monika Jung, “Ukraine: Looking Both Ways,” *Transition* (Prague), 28 April 1995, 52.

entrepreneurship, and banking reform.”²² As a potential counter to Prime Minister Vitalii Masol, President Kuchma brought Viktor Pynzenyk back to the Cabinet as first vice-prime minister in charge of economic reform and appointed Petro Sabluk as vice-prime minister in charge of agriculture.²³

After the retirement of Masol, in March 1995 Ievhen Marchuk became prime minister. Marchuk introduced a far-reaching program of activities for his government for 1996.²⁴ Economic aspects of the program included fiscal and budgetary measures, taxation, cuts in subsidies to reduce inflation, freeing and controlling prices in various sectors, dealing with the payments crisis, and increasing exports. The government’s plans regarding privatization and property were described as “radical.”²⁵ The declarations on privatization, however, did not coincide with the program’s statements on the “state sector of the economy,” which the government promised to strengthen and to maintain its monopoly over certain key segments.²⁶

As a result of a falling-out based on personalities, ambitions, and policies, Marchuk was pushed aside by Kuchma in May 1996.²⁷ The new government of Pavlo Lazarenko, although “more willing ... to take some

22. Ibid. It called for the completion by the end of 1995 of “small-scale privatization ... and the privatization of large and medium-sized enterprises would take three years. Other priorities were land reform, the cancellation of subsidies for state companies, and the introduction of a new currency, the hryvna” (ibid.).

23. Ibid.; and *Uriadovyi kur’ier*, 3 November 1994. For the full story of President Kuchma’s economic policies and changes in 1994–96, see Kuzio, *Ukraine under Kuchma*, chap. 5.

24. Critics, however, called it “contradictory and unworkable, mainly because Ukraine does not have the necessary revenue to implement those goals and because the plan contains conflicting free-market and command-style economic measures” (Danylo Yanevsky, “New Government Program Strikes a Discordant Note,” *Transition* [Prague], 15 December 1995, 56).

25. The plans consisted of “transforming all state enterprises into open joint-stock companies, except those ... that will by decree remain wholly in state hands; selling assets belonging to bankrupt and liquidated loss-making enterprises; beginning mass privatization in all sectors; giving foreign citizens the right to participate in privatization on equal terms with Ukrainian citizens; using privatization proceeds to establish a state investment-credit company; developing the insurance and financial markets; assisting the development of small and medium-sized businesses” (ibid., 57).

26. Ibid., 58.

27. Chrystyna Lapychak and Ustina Markus, “Ukraine’s Continuing Evolution,” *Transition* (Prague), 7 February 1997, 30.

unpopular steps ... [nevertheless] postponed some of the most painful but crucial measures to restructure the economy."²⁸ This delay paradoxically resulted in some of the macroeconomic success achieved by the government. Inflation reached a five-year low, but a huge backlog of unpaid wages and pensions was incurred. The number of enterprises privatized in 1996 was greater than for all of the previous five years; in industry, the proportion reached 45 percent in November, accounting for 36 percent of output.²⁹

In September 1996, the introduction of the hryvnia as the national currency was a turning point in Ukraine's fight with hyperinflation, if not chaos.³⁰ Although "Ukraine's macroeconomic performance during [the years] 1991–1995 was probably the worst in the CIS and Eastern Europe," by 1996 it had achieved some measure of macroeconomic stabilization.³¹ Microeconomic restructuring was another story. Inflation was brought down partly by reductions in the budget deficit. Problems continued with privatization and restructuring; it was thought that some 50 to 60 percent of Ukraine's economy had been driven underground.³² One commentator spoke at the time of "a somewhat schizophrenic government that wants to consolidate stabilization and liberalization while simultaneously believing it is able to select ... Ukraine's 'best' firms in order to boost Ukraine's international competitiveness."³³ Looking to the future, the same observer has said that if "the pace of structural reform does not accelerate, the macroeconomic stability attained thus far could become the stability of the cemetery, rather than a precursor to sustainable development."³⁴

The 1997 government economic program appeared realistic, but, as was

28. Ibid., 29.

29. Ibid., 31.

30. Ben Slay, "An Economy at the Crossroads," *Transition* (Prague), 15 November 1996, 51. In February 2000 the hryvnia was allowed to float, although it had experienced difficulty maintaining its value. Before then it operated within a defined corridor. See *Ukraine Today*, 28 February 2000, at <www.ukrainet.lviv.ua/infobank/2000/0228e.html>, consulted on 2 December 2000. By October the National Bank of Ukraine was taking "all means possible" to prevent the currency's devaluation, when the exchange rate was U.S.\$1=5.44 hryvnias. See RFE/RL Newslines, 4 October 2000.

31. Slay, "Economy," 51.

32. Ibid., 51–4.

33. Ibid., 55.

34. Ibid., 64.

remarked at the time, it “also contains elements of state control that may not be feasible or desirable.”³⁵ In the event, the program became stalled in Parliament,³⁶ and the ensuing deadlock was the cause of yet another series of resignations and firings of key members of the government. In April Pynzenyk resigned again, citing the problem of trying to work with a disunited government that lacked the will to implement its policies and the obstruction of a Parliament fundamentally opposed to economic reform. Serhii Tyhypko, a 37-year-old banker from Dnipropetrovsk and former Komsomol apparatchik, took Pynzenyk’s place.³⁷

Under Pavlo Lazarenko the Ukrainian government’s actions were such that they “raise doubts as to whether Ukraine will move toward a market economy at all.”³⁸ Lazarenko, a crony of Kuchma’s from the same Dnipropetrovsk clan, came under fire in March 1997 during the president’s annual state-of-the-nation address to Parliament, in which Kuchma blamed Lazarenko’s government for failing to improve the country’s economy.³⁹ Despite his protestations of devotion to the cause of making better progress with economic reforms,⁴⁰ Lazarenko resigned

35. Ibid., 51.

36. Jeffrey Sachs and Alexander Pivovarsky, “Ukraine’s Painful Economic Transition,” *ACE: Analysis of Current Events* (Association for the Study of Nationalities), August 1997, 5.

37. *Uriadovyi kur’ier*, 3 and 10 April 1997; RFE/RL Newslines, 3 and 8 April 1997; *Pidsumkovyi vypusk natsionalnykh novyn: Sluzhby Informatsii Radio LIUKS*, 5 and 12 April 1997, at <www.ukraine.org/www.ukrainet.lviv.ua/rlux/1997/0405.html> and /0412.html; and *Ukrainian News / Ukrainski visti*, 9–22 April 1997.

38. Oleg Varfolomeyev, “Caution is the Key for Ukraine’s Prime Minister,” *Transition* (Prague), 21 March 1997, 48. The following were the reasons for such an assessment: “Real privatization of land has been postponed, and the pace of privatization has been slowed down. The government raised tariffs on imports, in particular agricultural imports. Lazarenko says his top priority is to ensure homegrown economic growth by stimulating output and protecting Ukrainian industry” (ibid.).

39. *Ukrainian News / Ukrainski visti*, 26 March–8 April 1997.

40. *Uriadovyi kur’ier*, 8 May 1997. Referring to his appointment a year earlier, Lazarenko stated: “My position of principle is the firm support of the policy of socio-economic reforms and structural changes in the economy that is being conducted by Leonid Kuchma.... The first-order task today is the acceleration of structural changes, especially in the basic branches, activation of the privatization processes, the pulling in of foreign investments, overcoming the crisis of unpaid wages, and bringing order into the payment of wages and pensions. The large-scale socio-economic transformations already begun have to be brought to their logical conclusion” (*Holos Ukrainy*, 31 May 1996). See also his early speeches reported, for example, ibid., 18 and 22 June 1996.

amidst rumours of corruption in July 1997, officially owing to "illness," but actually because of Kuchma's dissatisfaction with his government's lack of progress on economic reform.⁴¹

The firing of Lazarenko was accompanied by a flurry of activity in the executive branch of government, creating the superficial impression of movement in a positive direction on economic reform, but in substance giving rise to skepticism about its efficacy. Valerii Pustovoitenko was appointed prime minister on 16 July by President Kuchma and confirmed the same day by Parliament. Pustovoitenko had been an engineering boss in Dnipropetrovsk, then briefly head of the city council there, and finally minister of the Cabinet of Ministers since the spring of 1993. His background assured continuity of outlook and loyalty to the president, but certainly not freshness, boldness, and market savvy.⁴² On 7 July a presidential edict announced the creation of a Higher Economic Council of the President of Ukraine charged with developing the strategy and tactics of economic reform. But among its thirty members were some of the very individuals who had so spectacularly failed in the same task previously, including former Prime Ministers Fokin, Masol, and Marchuk.⁴³ A few weeks later the president approved a series of urgent steps prepared by this Higher Economic Council for speeding up reforms and leading the country out of its crisis.⁴⁴ The president's August directive committed itself to several familiar goals: financial stabilization, including tax and budget reform; encouraging scientific and technical innovation; speeding up the privatization process while strengthening the direction of the state sector of the economy; stimulating small business; increasing foreign investment; strengthening the banking system; overcoming the wage crisis; and deregulating the economy. The spring parliamentary elections led to an unprecedentedly long delay in

41. *Uriadovyi kur'ier*, 3 July 1997; and *Ukrainian News / Ukrainski visti*, 2–15 July 1997. Lazarenko had just returned from a trade-promotion trip to Canada (12–16 June) when he was suddenly hospitalized (19 June) and relieved of his duties temporarily. See *Ukrainian News / Ukrainski visti*, 1 June–1 July 1997. At the end of that year Lazarenko faced charges of embezzling approximately U.S.\$2.5 million, most of it allegedly used to build his dacha. See RFE/RL Newline, 29 December 1997; and *Ukrainian News / Ukrainski visti*, 31 December 1997–29 January 1998. (See also above, chap. 5.)

42. *Uriadovyi kur'ier*, 15 and 19 July 1997. For a glimpse into Pustovoitenko's world view and its emphasis on political unity, stability, law and order, and a better life for everyone, see the interview, *ibid.*, 2 February 1995.

43. *Ibid.*, 17 July 1997.

44. *Ibid.*, 23 August 1997.

the start of the legislature's work because of the failure to agree on a speaker. In June 1998, after a dire warning of an impending "budget catastrophe," President Kuchma issued a series of decrees dealing with economic reform, including limitation of the governmental expenditure budget.⁴⁵

That summer President Kuchma directed the Cabinet to prepare steps to stabilize the country's economic situation and halt the decline.⁴⁶ He met with Oleksandr Tkachenko after the latter's election as speaker; both pledged "constructive co-operation," both spoke of "economic crisis" and "financial crisis," and Tkachenko expressed support for the president's economic decrees and the revised 1998 budget. President Kuchma was particularly agitated about the budget because a reduction of the deficit to a level of 2 to 3 percent of GDP was then a condition of receiving a loan of up to U.S.\$2.5 billion from the IMF. Parliament adjourned on 24 July, however, without approving the needed budget reduction. The IMF nonetheless recommended the loan, but the budget had to be enacted by presidential decree. In an unorthodox attempt to improve the budgetary situation, Prime Minister Pustovoitenko detained several thousand Ukrainian businessmen, holding them for ransom until they paid at least a portion of their taxes, and for good measure he confiscated the personal automobiles of some of them.

These presidential and governmental anti-crisis measures were thrown into even sharper relief as the repercussions from the Russian banking collapse of August 1998⁴⁷ took effect. As Cabinet, president, and Parliament scrambled to find the necessary "measures" to cope with the crisis, an avalanche of criticism descended on their heads.⁴⁸ Some blamed the crisis on the reforms, others, on the lack of reforms. President Kuchma made speeches, including an extraordinary address to Parliament on 19 November on the importance of foreign investment, the necessity for economic stabilization and stimulation of production, and

45. RFE/RL Newswire, 2, 11, and 22 June 1998.

46. This paragraph is based on *ibid.*, July–August 1998.

47. Thane Gustafson, *Capitalism Russian-Style* (Cambridge: Cambridge University Press, 1999), chap. 4.

48. See the various issues of *Holos Ukrainy* and *Uriadovyi kur'ier* from September through December 1998, particularly Oleksandr Vlasiuk, "Ekonomichne spivrobitnytstvo Ukrainy z Rosiieiu v umovakh finansovoi kryzy," *Uriadovyi kur'ier*, 17 October; Bohdan Hubsy, "Iak podolaty ekonomichnu kryzu, abo poshuk ekonomichnoi modeli vidrozhennia Ukrainy," *ibid.*, 29 October; and Ivan Chyzh and Volodymyr Andriienko, "Defitsyt biudzhetu u svitli defitsytu zdorovoho hluzdu," *Holos Ukrainy*, 9 December.

his endorsement of private farming,⁴⁹ but these had little measurable impact.

By the summer of 1999 the Cabinet was announcing that the country had already overcome the effects of the crisis of the previous August and September, despite a continuing decline in GDP and the deterioration in the exchange rate.⁵⁰ In June President Kuchma issued a series of decrees in an attempt to beat the deadline allowing him to do so, which was set by the 1996 constitution's transitional provisions. If implemented, these would contribute to economic growth. Taxing small businesses, creating special economic zones, attracting foreign investment, and generating support for certain sectors of the economy were the main subjects of these decrees. Parliament rejected several of them, but generally substituted its own bills.⁵¹ The following month President Kuchma assessed the Cabinet's performance as "below satisfactory" and fired the minister of the agro-industrial complex, Boris Supikhanov, as well as two oblast governors, scapegoats for the economy's (and the government's) shortcomings. First Vice-Prime Minister Volodymyr Kuratchenko was fired for proposing a new economic reform strategy and was replaced by Anatolii Kinakh, the president of the Ukrainian League of Industrialists and Entrepreneurs (USPP).⁵²

Preoccupied with his campaign for re-election, President Kuchma refrained from any major economic initiatives during the third quarter of 1999. He vetoed a law dealing with penalties for tax arrears, which would have enhanced conditions for business activity, but signed into law a bill (identical to a presidential decree earlier rejected by Parliament) introducing additional contributions to the pension fund. In August he issued a decree on privatization of the electric-power generation and supply sector. A new status for the Ministry of Finance was promulgated, giving it complete charge of finance, budget, and tax policies. It also took tax policy formulation out of the hands of the State Tax Administration, now solely an administrative and collection agency.⁵³

After the presidential election the government and the World Bank prepared a memorandum on Ukraine's economic development.⁵⁴ In ex-

49. *Uriadovyi kur'ier*, 22 October, 21 November, and 12 December 1998.

50. *Economic Reform Update*, no. 1 (June 1999).

51. *Ibid.*, no. 1 and no. 2 (July 1999).

52. *Ibid.*, no. 2.

53. *Ibid.*, no. 3 (August 1999).

54. *Ibid.*, no. 7 (December 1999). The specific conditions to be met by Ukraine are: "(1) transform the Cabinet of Ministers into a compact body responsible for strategic

change for a commitment to carry out certain clearly defined measures to radically reform its economy, Ukraine would be eligible for loans from the World Bank ranging from U.S.\$100 million to \$800 million, depending on the pace of the reforms. If implemented immediately, economic growth could be restored within twelve months; if continued for the next two to three years, the 1997 GDP should be doubled by the year 2010. Could the logjam created by rhetoric, deadlock, and inertia during the 1990s be effectively unblocked by the World Bank's recipe?

At the beginning of 2000 President Kuchma issued a major statement giving hope of renewed momentum for economic reform. In an "epistle" (*poslannia*) to Parliament, he summed up Ukraine's socio-economic development to date and mapped out strategic priorities for the period 2000–2004, coinciding with his second term.⁵⁵ A similar strategy had been announced at a conference of the Ukrainian League of Industrialists and Entrepreneurs the previous year, but its follow-up was sidelined by the election campaign. While the statement made a number of critically important acknowledgements of problems (e.g., the increasing influence of "shadow capital") and promises of performance, it lacked specifics on the implementation of its sweeping declarations.⁵⁶ It formed the basis for a presidential decree, issued on

planning of the reform process; (2) reduce the number of inspections of private enterprises by half, and radically reduce the number of routine check-ups by the taxation administration; (3) reduce the number of tax benefits; (4) reduce the value added tax; (5) clearly specify any necessary social security assistance in the budget, and include it in the budget deficit; (6) introduce an effective bankruptcy procedure; (7) by the end of 2000, privatize attractive objects, including energy and telecommunications companies; ... (8) privatize all grain storage facilities; (9) prohibit 'product loans' in the agrarian product market; (10) abolish all tariff and non-tariff export barriers for agricultural product; (11) sell control lots of shares of all regional electric energy companies to strategic investors on a competitive basis with the assistance of international experts; (12) within the next six months, close down at least 20 coal mines; ... (13) provide an international consortium ... with a concession for operation and management of the whole Ukrainian natural gas transportation system, and (14) start the process of closing down a certain major Ukrainian bank that has demonstrated no evidence of readiness to comply with market requirements."

55. "Ukraina: postup u XXI stolittia: Stratehiia ekonomichnoi ta sotsialnoi polityky na 2000–2004 rr.: Poslannia Prezydenta Ukrainy do Verkhovnoi Rady Ukrainy, 2000 rik," *Uriadovyi kur'ier*, 28 January 2000, and *Holos Ukrainy*, 2 February 2000.

56. *Economic Reform Update*, no. 8 (January 2000). The fact that the new Taxation Code had not yet been adopted also contributed to uncertainty about the feasibility of implementing Kuchma's plan.

23 February, directing the Cabinet to implement the statement's priorities.⁵⁷ Incorporated into the government's action program, the strategy was criticized for its declaratory nature and for imposing the burden of its implementation on Parliament,⁵⁸ aspects that can only drag out the agony of economic transformation even further into the future. In April Parliament approved the government's action program, but the president criticized the Cabinet for its slowness in the implementation of economic reform.⁵⁹ A novel initiative was the government's resolution of 25 July 2000, which would allow the military "to engage in a wide range of economic activities,"⁶⁰ thereby threatening the viability of private business and, in the worst case, "likely to result in the collapse of the entire domestic market."

Performance of the Macroeconomy

In macroeconomic terms, the net result of all the foregoing promises, policy pronouncements, and personnel changes has been a story of decline and deterioration (see table 9.1). According to my

57. These priorities included "active structural and investment policies; providing for transfer to an innovative mode of development as the key condition for implementing the economic growth strategy, enhancing the social policy, clearing [up] wage, pension and social security arrears; raising personal incomes; development of education, improving the health care system, providing support for the youth; completing the formation of a critical mass of market transformations; deepening administrative reform; enhancing state governance institutions; implementation of an effective regional policy, giving broader rights to, and increasing responsibilities of local executive authorities and self-governance bodies in the field of territorial social and economic development; creation of a competitive environment; regulation of natural monopolies; removing conditions for power abuse, overcoming corruption and [the] shadow economy; developing [the] domestic market and improving foreign economic activity; using Ukraine's favorable geographical position for establishing ... a leading transit state; improving the system of payments, budget and taxation policies, [and] inter-budgetary relations; providing for effective budget spending, reducing taxation pressure while broadening the taxation base, reducing the state's domestic and foreign debts; [and] enhancing economic and environmental security" (ibid.).

58. Ibid., no. 10 (March 2000).

59. Ibid., no. 11 (April 2000).

60. According to the Ukrainian Centre for Independent Research, these activities would include food production and processing, motor maintenance, wholesale and retail trade (e.g., hotels and restaurants), and construction of infrastructure, presumably even the provision of transportation, communication, and postal services, but excluding publishing, pharmaceuticals, and construction materials. See *Economic Reform Update*, no. 15 (August 2000).

TABLE 9.1
MACROECONOMIC TRENDS IN THE UKRAINIAN ECONOMY, 1991-97

Indicator	1991	1992	1993	1994	1995	1996	1997
Change in real Gross Domestic Product (GDP) (%)	-11.6	-13.7	-14.2	-23.0	-11.8	-10	-3.2
Consumer price inflation (%)	290	2,000	10,156	501	182	40	10
Change in real industrial output (gross) (%)	-4.8	-6.4	-8.0	-28	-11.5	-5.1	-1.8
Change in production of consumer goods and services (%)	—	-9.4	-16.5	-26.7	-13.3	-11	-13.8
Consolidated budget balance (% of GDP)	—	-12	-17	-11	-8	-4.5	-6.8
Average monthly wage at end of year (U.S.\$)	—	11	18	17	75	87	94
Unemployment rate (%)	0	0.3	0.4	0.4	0.6	1.3	2.3
Total population (millions)	52	52	52		51	51	50
Official exchange rate at end of year (karbovantsi/U.S.\$)	—	563	8,557	78,638	177,127	176,000	189,500 ^a

Note:^a As of 10 December 1997.

SOURCES: Ben Slay, "An Economy at the Crossroads," 53, table 2; *Uriadovyi kur'ier*, 25 January 1994, 2 February 1995, 8 February 1996, 17 February, 29 July and 11 December 1997, and 19 February 1998; RFE/RL Newslines, 30 December 1997 and 9 and 12 January 1998; and *Naseleennia Ukrainy*, 1992, 6

figures, the official economy (in terms of real Gross Domestic Product) at the end of 1997 was 38.3 percent of what it had been at the beginning of 1991; real gross industrial output was 48.7 percent.⁶¹ Industrial decline was not compensated for by growth in the consumer goods and services sector; the latter shrank to 36.8 percent of its 1991 levels. The official exchange rate for the country's currency also deteriorated spectacularly—from nominal parity against the U.S. dollar in 1991 to 189,500 karbovantsi to the dollar in December 1997. Only the fact that the rate of decline was slowing down by 1997 could be viewed somewhat positively. In GDP it was only 7.5 percent in the first half of 1997, or 3.2 percent for all of 1997, as compared to a fall of 23.0 percent in 1994. In inflation it was only 10.1 percent in 1997, as opposed to over 10,000 percent in 1993; meanwhile, industrial production fell only by 1.8 percent instead of the 28 percent experienced in 1994.⁶² In 1998 the production decline continued to decelerate, with a fall of only 1.7 percent in GDP, 1.5 percent in industrial output, and 4.5 percent in consumer goods and services. The budget deficit was down to 2 percent of GDP. On the other hand, consumer prices doubled to a rate of inflation of 20 percent and unemployment reached an official high of 3.7 percent.⁶³ Only a cockeyed optimist could claim that the drop in population was also positive in that it raised the per capita figures—this would be bizarre logic. During the post-Soviet period the economy of Ukraine not only declined, but also lagged

61. The drop in per capita GDP has been equally drastic. In terms of U.S. dollars it was \$2,467 in 1990; \$2,143 in 1991; \$1,909 in 1992; \$1,490 in 1993; and \$912 in 1994. The per capita GDP figure in 1994, therefore, was 37.0 percent of that in 1990. See I. Lukinov, "Naslidky i perspektyvy rynkovykh peretvoren v ekonomitsi Ukrainy," *Ekonomika Ukrainy*, 1995, no. 12: 11.

62. The rate of decline of production continued to decelerate into the third quarter of 1997, so that in the course of the first nine months the drop was only 2.4 percent. See *Uriadovyi kur'ier*, 7 October 1997. Many of these same indicators of decline and rampant inflation are also cited by V. Popovkin et al., "Ukrainska ekonomika u 1995 rotsi: Sproba analizu i prohnozu," *Ekonomika Ukrainy*, 1996, no. 8: 4–14 and no. 9: 4–13. But these authors blame the liberal policies of the reformers for these consequences, when in fact they developed from the lack of such policies. The catastrophically high rates of inflation were caused in part by the government printing money to cover wage and pension payments and provide credits and subsidies to industrial and agricultural enterprises, actions totally contrary to the necessary strategy of economic reform. See, for example, OMRI Daily Digest, 9 January and 8 and 9 February 1995.

63. *Uriadovyi kur'ier*, 16 February 1999. In fact, in the first seven months of 1998 GDP actually increased by 1.6 percent over the preceding year. Ibid., 20 August 1998. Then in August came the Russian economic crisis.

behind other countries of the world, particularly those of Eastern Europe.⁶⁴

Incidentally, the drop in production has not been uniform across Ukraine's regions. Between 1991 and 1997, for example, industrial production fell by 48 percent in the country as a whole, but the effect on oblasts ranged from 21 percent in Zaporizhzhia to 71 percent in Kirovohrad. Furthermore, the decline in industrial production was so severe that more than one-half of the entire country's output (52.6 percent) was concentrated in just four oblasts (Dnipropetrovsk, Donetsk, Zaporizhzhia, and Luhansk).⁶⁵ Particularly hard hit were the military-industrial complexes in Lviv, Odesa, and Kharkiv. This could only help to exacerbate regional differences and further politicize them, thereby encouraging protest voting, especially for leftist parties.

By 1999 the economy's decline had still not halted. GDP was down 0.4 percent from 1998, retail trade was down 5.4 percent, but gross industrial output was up 4.3 percent. Inflation for the year remained high at 19.2 percent; the official exchange rate on 31 January 2000 was 5.48 hryvnias to the U.S. dollar (in May 1999 it had been 3.92). The average monthly salary in January 2000 was down by 17.3 percent from the previous month. In 1999 the country's foreign debt increased by U.S.\$1 billion to U.S.\$12.5 billion.⁶⁶ The glimmer of a turnaround in the official indicators only became evident in the final quarter of 1999, as October's GDP was up 2.7 percent over the same month in the previous year and November's was up 3.3 percent.⁶⁷

Real signs of improvement appeared in the year 2000. For the period from January to October compared to the same period in 1999, the following figures were reported: nominal GDP, up 5.1 percent; real GDP, up 6.1 percent; industrial output, up 11.9 percent; and barter reduced to

64. The European Bank for Reconstruction and Development, for instance, ranked Ukraine twentieth out of twenty-five countries in 1996 in terms of reform. Similarly, the World Economic Forum placed Ukraine second-last out of fifty-three countries in 1997 on "overall competitiveness, where the competitiveness ranking is designed to measure the capacity of the national economy for long-term growth" (Sachs and Pivovarsky, "Economic Transition," 1).

65. V. Pyla and V. Abramov, "Deiaki pidsumky i perspektyvy rozvytku rehioniv Ukrainy," *Ekonomika Ukrainy*, 1999, no. 1: 41.

66. *Economic Reform Update*, no. 1 (June 1999), no. 8 (January 2000), and no. 9 (February 2000). In 1999 the population of Ukraine decreased by 394,800.

67. *Ibid.*, no. 6 (November 1999) and no. 7 (December 1999). See also the reported optimism regarding economic growth by Minister of the Economy Serhii Tyhyhko, *ibid.*, no. 10 (March 2000).

18.3 percent. Foreign investment in the months January–September 2000 was also up correspondingly by 18.4 percent. Inflation, by contrast, rose to 23.3 percent, although the monthly rate was actually down to zero and below in July and August. The population figure had fallen to 49.4 million by 1 October 2000, a drop of 317,000 in nine months. Real monthly salaries increased by 5.5 percent during October 2000, and per capita income, by 7.1 percent. The official exchange rate as of 30 November 2000 was stable at 5.44 hryvnias to the U.S. dollar. In U.S. dollars, therefore, per capita income in October 2000 was \$28.68; in July 1999 the average monthly salary was said to be \$50.30. As of 1 September foreign debt was down to a mere \$10.14 billion.⁶⁸ However, this rebound was from a very low level.

The government's draft budget for 2001, which was submitted to Parliament on 15 September 2000, anticipated a zero deficit, with revenues and expenditures balanced at 41.4 billion hryvnias. Proceeds from privatization were expected to be 9.0 billion. On 7 December, well before the start of the fiscal year, Parliament approved the budget, keeping it balanced, but increased it to just under 42 billion hryvnias. A balanced budget was critical for resumption of the IMF's U.S. \$2.6 billion loan to Ukraine.⁶⁹

Two factors explain this laggardly performance. One is the set of inherited initial conditions, and the other, policy failures or mistakes. The unfavourable initial conditions included primarily an industrial policy keyed to heavy industry and military production (recall that Kuchma was director of the world's largest missile factory before entering politics), a corresponding neglect of consumer goods and services, and an economy that was and is a profligate user of energy.⁷⁰

68. Ibid., no. 2 (July 1999), no. 15 (August 2000), no. 16 (September 2000), no. 17 (October 2000), and no. 18 (November 2000). For 2001 the government anticipated an inflation rate of 13.4 percent. See RFE/RL Newsline, 29 December 2000. In the first eleven months of 2000 compared to the same period a year earlier, nominal GDP (up 5.4 percent) and industrial output (up 12.5 percent) figures were even better than the October data, but inflation (25.8 percent) was worse. Ibid., no. 19 (December 2000).

69. Ibid., no. 16 (September 2000) and no. 18 (December 2000).

70. Sachs and Pivovarsky, "Economic Transition," 3. In 1991 military production accounted for 23 percent of all industrial production in Ukraine. See Mykola Herasymchuk, "Investytsiini problemy Ukrainy," in *Ekonomika Ukrainy: Mynule, suchasne i maibutnie. Materialy Pershoho kongresu Mizhnarodnoi ukrainskoi ekonomichnoi asotsiatsii*, ed. George Chuchman and Mykola Herasymchuk (Kyiv: Naukova dumka, 1993), 100. Indicative of the growth of emphasis on heavy industry was the fact that machine building (i.e., engineering) and metalworking accounted for 24

What initiated the collapse was the abrupt increase in Russian oil and gas prices, accompanied by the disappearance of the Russian market for Ukraine's military-industrial complex. "Thus," as Jeffrey Sachs and Alexander Pivovarsky so poignantly put it, "what was often assumed before 1991 to be one of Ukraine's great strengths—its vast 'arsenal' of heavy industry—proved to be one of its greatest liabilities in the transition to a market economy."⁷¹ An effort to build on this imagined "advantage," as well as a reluctance to grasp the nettle, underlay the errors and delays of policy-makers.⁷² The failure "to liberalize prices, cut subsidies, or implement vital market reforms" permitted the budget deficit to soar. "The government proposed to halt the sharp decline in industrial production through extensive subsidization of industrial production, but this strategy merely stoked inflation without solving the deeper problems of lost Soviet markets, energy-intensive production, and poor industrial structure."⁷³ The decline accelerated because the absence of reforms—liberalization and privatization—created disincentives for state-owned enterprises to restructure their operations and compete.⁷⁴

"The pace of economic and institutional reforms," if the word "pace" is at all appropriate in this context, was said to have "accelerated after

percent of the value of industrial production in 1975, and 35 percent in 1990. The food industry declined in the same period from 24 percent to 18.5 percent, and light industry went from 12.3 percent to 10.9 percent. See Maksym Palamarchuk and Oleksandr Palamarchuk, "Struktura suchasnoi ekonomiky Ukrainy i osnovni napriamy ii vdoskonalennia," *ibid.*, 184–5. For background on the nature and problems of the Soviet Ukrainian economy, see the contributions to *The Ukrainian Economy: Achievements, Problems, and Challenges*, ed. Iwan S. Koropecykj (Cambridge: Harvard University Press for the Harvard Ukrainian Research Institute, 1992). None of these latter works, however, deal with events more recent than November 1990.

71. Sachs and Pivovarsky, "Economic Transition," 3.

72. Even in regard to the revitalization and preservation of the military-industrial complex, government policy has been halfhearted and contradictory. The net result is that "the defence industry remains one of the obstacles to economic reform in the country" (Ustina Markus, "An Ailing Military-Industrial Complex," *Transition* [Prague], 23 February 1996, 54).

73. Sachs and Pivovarsky, "Economic Transition," 3.

74. "Even today [1997], the government continues to provide a complex (and unintelligible) mix of direct and indirect subsidies aimed at boosting industrial production. But, in fact, these only serve to undermine the incentives for restructuring at the enterprise level and to widen the fiscal deficit, without halting the pervasive industrial decline" (*ibid.*).

the 1994 presidential elections.”⁷⁵ This was true, of course, and the relevant actions of President Kuchma have been outlined above. Progress was slowed by the basic division among policy-makers within the executive branch between the “macroeconomists” and the “industrialists.”⁷⁶ Presumably it would have been faster if the “economists” had had the upper hand. Instead, with the appointment in July (and reappointment in August) 1995 of Vasiliy Nikolaevich Gureev, a self-described “industrialist,”⁷⁷ as minister of the economy, the probability of rapid economic reform was significantly lessened. Not only was it lessened, but the installation of Pynzenyk as vice-prime minister in charge of economic reforms as Gureev’s superior in the Cabinet, the one minister balancing the other, made it a contested and hence more uncertain outcome.⁷⁸ Since the president and the government needed the cooperation of Parliament, and because this was harder to obtain after the 1994 elections, progress was slowed still further by a more disciplined parliamentary opposition and the inevitably drawn-out process of legislation. Thus, the ongoing power struggle has had not only political but also economic repercussions.⁷⁹ Relative to what has been achieved in other post-Communist states and even to its own record since 1991, Ukraine’s progress towards economic reform will likely “continue to be slow and tortuous.”⁸⁰

Accompanying the economic decline has been the problem of arrears of two varieties—inter-enterprise and wages and pensions—and their seemingly inexorable growth. At the beginning of 1993, for example, credit indebtedness of enterprises and organizations in Ukraine stood at 15 trillion karbovantsi. By the end of the year it was 130 trillion, and at the close of 1994, 700 trillion. This was approximately 20 percent of

75. Ibid.

76. *Uriadovyi kur'ier*, 17 August 1995.

77. Ibid.

78. Pynzenyk held the position from August 1994 until he resigned in May 1997. In the Cabinet shuffle of July 1997, Gureev was appointed as minister of machine building and replaced by Viktor Ivanovich Suslov, an academic economist and adviser to the prime minister until his election to Parliament in 1994. In Parliament Suslov was a member of the Peasant Party fraction. Ibid., 30 August 1997; and *Khto ie khto* (1996), 343.

79. According to a review of the events of 1996, “Despite the adoption of the new constitution, the power struggle among the president, the prime minister, and the legislature continued and even acquired a systemic character.” See Lapychak and Markus, “Ukraine’s Continuing Evolution,” 29.

80. Sachs and Pivovarsky, “Economic Transition,” 5.

GDP.⁸¹ By December 1997 it was 1.3 times GDP figure; a year later, it was 148.2 billion hryvnias, or 143 percent of GDP.⁸² Connected with this indebtedness of enterprises, of course, has been the wage crisis. On 1 July 1997 wage arrears for the entire country totalled 4.7 billion hryvnias, up 24.8 percent in six months; one-third of that sum had been owed since 1996.⁸³ As of 10 January 1998 wage arrears totalled over 5.1 billion hryvnias; on 1 April 1998 they stood at 5.337 billion; and by 16 December 1998 they had reached 6.7 billion.⁸⁴ The state itself has contributed to the situation and set a not altogether happy example. For example, its own wages arrears increased from 57.5 trillion karbovantsi to 124.2 trillion just in the period from January to April 1996.⁸⁵ By March 1997 Prime Minister Lazarenko was admitting that the Ukrainian government owed 1.36 billion in wages and an additional 1.2 billion in pensions.⁸⁶ On 10 November 2000 wage arrears stood at 5.498 billion hryvnias, down 14.1 percent from January, thanks to some serious governmental

81. Continuing its upward climb, it reached 3.5 quadrillion karbovantsi at the end of 1995, or roughly 50 percent of GDP. See *Holos Ukrainy*, 22 May 1996. During the next twelve months it grew by 58.6 percent, so that on 1 January 1997 it was already 73.2 billion hryvnias (the new currency unit), or 90.9 percent of GDP. See Viktor Pynzenyk's statements in *Uriadovyi kur'ier*, 6 March 1997.

82. Ibid., 17 January 1998 and 16 February 1999. The long-term credit indebtedness of enterprises and organizations was said to have grown by 32.9 percent during 1997. On 1 December 1997 it stood at 75.9 billion. Ibid., 19 February 1998.

83. Ibid., 29 July 1997. In the second half of 1997, however, the sum decreased by 0.9 percent, perhaps indicating a turnaround on this score. Ibid., 19 February 1998.

84. Ibid., 19 February 1998. During the twelve months ending on 10 December 1997 wage arrears increased by 29 percent. Ibid., 17 January 1998. The 1 April 1998 figure appeared in *Holos Ukrainy*, 22 May 1998; the 16 December 1998 figure, *ibid.*, 24 December 1998. Of the 6.7 billion hryvnias in outstanding wages on 16 December 1998, over three-quarters (76.8 percent) was overdue by more than three months.

85. *Holos Ukrainy*, 7 May 1996.

86. "He said the debts have accrued because budget revenues were smaller than predicted, because unforeseen wage increases were being financed from the budget, and because local budgets were higher than envisaged.... Lazarenko said he hoped that 35% of all wage arrears would be paid by May and all pensions dating from December 1996 by the end of this month" (OMRI Daily Digest, 12 March 1997). An earlier report in *ibid.*, 19 February 1997, gave a figure of 1.33 billion for pension arrears as of 15 February. As of 16 December 1998 the state's wage arrears was down to just over 1 billion hryvnias. See *Holos Ukrainy*, 24 December 1998. On the other hand, however, pension arrears as of 1 January 1999 were just slightly over 2 billion hryvnias. See *Uriadovyi kur'ier*, 16 February 1999.

efforts, but they were unrelenting in their ascent.⁸⁷ In September 2000 Prime Minister Viktor Iushchenko said that his pledge to pay off pension arrears had been fulfilled.⁸⁸ Several serious consequences for the program of economic reform followed from this chronic and accelerating indebtedness: the barterization of the economy, the flight of capital out of the country, and popular disenchantment with marketization, not to mention the possibility of a complete standstill in the economy.⁸⁹

One of the major effects of the slowness of economic reforms has been the growth of the "shadow economy" and, by extension, corruption and economic crime.⁹⁰ By 1996 it was estimated that between 50 and 60 percent of the Ukrainian economy had been pushed underground.⁹¹ In 1994 it was thought to be equivalent to one-third of the "legal" economy; in 1995 it approximated 43 percent of the country's GDP.⁹² Contradictory and inadequately refined legislation, overregulation, and high rates of taxation have provided powerful incentives to evade the legal economy. This problem figured in the government's program of activities only in 1996, by which time it was probably too late to prevent its institutionalization.⁹³ It is probably impossible to try to do anything about the "shadow economy" and its associated phenomena of corruption and economic crime because by now it has become organically fused and interdependent with the official economy.⁹⁴ Indeed, the association between politics, business, and crime has become so pervasive in Ukraine that it is common now to speak of mafia-like "clans" running the country rather than the government, with these clans rather than

87. *Economic Reform Update*, no. 18 (November 2000).

88. RFE/RL Newswire, 11 September 2000.

89. *Holos Ukrainy*, 22 May 1996; and *Uriadovyi kur'ier*, 6 March 1997. In 1999 one-third of all production (32.9 percent) was accomplished on a barter basis; the oblast figures ranged from 8.6 percent in Kyiv to 50.4 percent in Rivne. See Bila, "Tinova ekonomika," 56–7.

90. Slay, "An Economy at the Crossroads," 53; and Bila, "Tinova ekonomika," 54–61.

91. Slay, "An Economy at the Crossroads," 54; and *Holos Ukrainy*, 18 March 1999. In a speech on 22 May 1997 Prime Minister Lazarenko said that half of the country's economic output was accounted for by the shadow economy. See *Ukrainian News / Ukrainski visti*, 4–17 June 1997.

92. *Narodna hazeta*, June 1994, p. 2; and *Uriadovyi kur'ier*, 15 October 1996.

93. *Uriadovyi kur'ier*, 15 October 1996; and *Narodna hazeta*, June 1994, 2.

94. V. Ohorodnyk, "Do pytannia ekonomichnoi kryminolohii," *Ekonomika Ukrainy*, 1996, no. 6: 80.

political parties battling for control of it.⁹⁵

In 2000, in an effort to reduce the scope of the shadow economy, President Kuchma issued decrees aimed at legalizing non-criminal "shadow capital," estimated to be equivalent to U.S.\$20 billion, and uncovering hidden, untaxed incomes and money laundering.⁹⁶ This would entail increasing the powers of the State Taxation Administration, which in January–September 2000, according to its head, had retrieved for the state budget some three billion hryvnias, twice as much as in the corresponding period the previous year. At the same time the tax police are not immune from corruption themselves.⁹⁷ On the other hand, many of the government's own measures to stabilize, regulate, regularize, and control the economy provide an opportunity to enhance the "shadow economy" by such means as licensing of economic activities; targetting "fake firms;" temporarily stabilizing food prices; giving "permits for temporary deviation" from set standards; and countering audio-visual piracy with "control stamps."⁹⁸

Privatization

Much corruption has originated in the slow pace of privatization, with the managers of state-owned enterprises and state-controlled resources able to strip assets for personal benefit or collect "rents." Surprisingly, Ukraine launched the process of privatization very quickly after the collapse of the USSR.⁹⁹ The program was ambitious, but there were doubts

95. For instance, "Kuchma 'Clan' Seen as Danger," *The Globe and Mail*, 18 October 1996; Oleg Varfolomeyev, "Rival 'Clans' Mix Business, Politics, and Murder," *Transition* (Prague), 4 April 1997, 31–34; "Pustovoitenko Targets 'Dnipropetrovsk clan,'" *Ukrainian News / Ukrainski visti*, 10–23 September 1997; Serhiy Tolstov, "Legalization of the 'Shadow' Economy: National Traits of the Transition Period," *The Ukrainian Review* 44, no. 3 (Autumn 1997): 40–7; and "Corruption Rife in Ukraine, Yale Conference Told," *Ukrainian News / Ukrainski visti*, 6–19 May 1998.

96. *Economic Reform Update*, no. 11 (April 2000) and no. 13 (June 2000).

97. *Ibid.*, no. 17 (October 2000).

98. *Ibid.*, no. 1 (June 1999), no. 11 (April 2000), no. 13 (June 2000), no. 15 (August 2000), and no. 18 (November 2000).

99. As indicated, for instance, by the publication of the draft laws, "Pro pryvatyzatsiiu derzhavnykh pidpriemstv," and "Pro pryvatyzatsiiu nevelykykh derzhavnykh pidpriemstv (malu pryvatyzatsiiu)," in *Holos Ukrainy*, 21 January 1992. The first of these was promulgated into law on 4 March of the same year. *Ibid.*, 6 May 1992. For a brief treatment of the legal framework underlying privatization in Ukraine, see Simon Johnson, Heidi Kroll, and Santiago Eder, "Strategy, Structure, and Spontaneous Privatization in Russia and Ukraine," in *Changing Political Economies: Privatization in Post-Communist and Reforming Communist States*, ed. Vedat

early on about its chances of success.¹⁰⁰ The doubts arose out of the inevitable slowness of privatization owing to the cumbersome method chosen, as well as the favouring of insiders, which would limit participation. In the event, such skepticism turned out to be fully justified. Sachs and Pivovarsky write: "Originally conceived as a rapid process that would lead to deep economic restructuring, Ukraine's privatization has been shallow, slow, and largely ineffective in establishing real privately-based corporate governance."¹⁰¹ Parliamentarians with an ideologically hostile predisposition to private enterprise or with interests to protect have joined with enterprise managers and workers so as to weaken and delay the privatization program.¹⁰² In July 2000 the Cabinet approved a series of measures to be taken against corruption in the governmental administration, including plans for "a national anti-corruption committee under the auspices of the President of Ukraine," but this was not expected to be any more effective than previous efforts.¹⁰³

In Ukraine there were four basic components or objects of privatization: (1) elements subsumable under the heading "small privatization," principally enterprises in retail trade and services; (2) the "large privatization" enterprises, chiefly industrial enterprises; (3) housing; and (4) land.¹⁰⁴ With regard to the first two categories, Ukraine got off to an extremely slow start with a mere sixty-eight enterprises having

Milor (Boulder, Colo., and London: Lynne Rienner Publishers, 1994), 155–6. The first program of privatization was promulgated in July 1992; it forecast that by 1994, 100 percent of services would be privatized, as would 95 percent of light- and food-industry enterprises. See "Derzhavna prohrama pryvatyzatsii maina derzhavnykh pidpriemstv," *Holos Ukrainy*, 1 August 1992.

100. Simon Johnson and Santiago Eder, "Prospects for Privatization in Ukraine," *RFE/RL Research Report*, 18 September 1992, 46–9. At that time these authors wrote: "The most probable outcome will be a lack of investment and the clandestine transfer of assets to the private sector" (ibid., 49).

101. Sachs and Pivovarsky, "Economic Transition," 4.

102. Ibid.; and Trevor Buck et al., "The Process and Impact of Privatization in Russia and Ukraine," *Comparative Economic Studies* 38, nos. 2–3 (1996): 45–69. A typical occasion was the suspension of privatization passed by Parliament on 4 November 1997, which was finally lifted on 13 February 1998. See RFE/RL Newline, 5 November 1997 and 16 February 1998. In April 2000 it was reported "that 364 members of the Ukrainian Parliament had direct or indirect links to businesses and receive profits from their activity" (*Economic Reform Update*, no. 11 [April 2000]). Although prohibited from running businesses, parliamentary deputies are allowed to own or establish them.

103. *Economic Reform Update*, no. 14 (July 2000).

104. *Holos Ukrainy*, 28 March 1995.

been privatized by the end of 1992. Thus there were approximately 10,000 medium- and large-sized enterprises in the state sector in 1993 and more than 100,000 small ones.¹⁰⁵ By the end of 1994 about 11,600 had been privatized, 8,900 of them small ones.¹⁰⁶ Under President Kuchma's direction and with the introduction of a simpler certificate or "voucher" regime,¹⁰⁷ there was an acceleration of the process, so that by April 1996 about 6,700 large and medium-sized enterprises and 34,200 state-owned enterprises (SOEs) had been privatized.¹⁰⁸ This meant that after four years, at best only one-third of SOEs had been discharged into the private sector. Indeed, some observers regarded the process as having reached a standstill by 1995.¹⁰⁹ The reason was that in that same year "some 6,300 strategic state-owned enterprises, such as firms in the infrastructure sectors and large manufacturing and mining enterprises," had been exempted by Parliament from privatization.¹¹⁰ As it was actually implemented, the program of privatization

105. Andreas Wittkowsky, "Western Privatization Assistance Brings Mixed Results," *Transition* (Prague), 1 November 1996, 26. Ben Slay gives a figure of 18,000 for the number of "large and medium-sized state-owned companies eligible for mass privatization" ("An Economy at the Crossroads," 53). Another source, *Holos Ukrainy*, 28 March 1995, reported that 140,000 enterprises were originally subject to privatization and that nearly 12,000 had been converted by then.

106. In 1994 only 1,003 enterprises out of 2,000 scheduled for privatization actually passed into private hands, according to the head of the State Property Committee. See OMRI Daily Digest, 12 April 1995. A more precise figure for the total number of enterprises privatized as of 1 January 1995 was 11,502. See *Uriadovyi kur'ier*, 27 April 1995. "The remaining (approximately 2,700) medium and large state-owned enterprises that underwent privatization did so without benefit of vouchers or foreign investment" (Slay, "An Economy at the Crossroads," 52). In mid-1994 the weakness of the private sector in Ukraine was indicated by the fact that only about one million persons were employed in small businesses, or fewer than 5 percent of the labour force. See *Uriadovyi kur'ier*, 27 April 1995. At that time a report stated that while approximately 70,000 small enterprises were registered, the real number was probably closer to 130,000, and only about 130 "are completely independent of government ownership.... Only about 5% of all production in Ukraine is carried out by private enterprises" (RFE/RL Daily Report, 6 July 1994).

107. The first auction with privatization vouchers took place on 26 January 1995, after much delay, and the vouchers began to be distributed in January and February. See OMRI Daily Digest, 27 January 1995.

108. *Holos Ukrainy*, 28 March 1995. On the voucher scheme, see *Uriadovyi kur'ier*, 4 March 1995.

109. Buck et al., "The Process and Impact," 46 and 61.

110. Slay, "An Economy at the Crossroads," 52. "Those enterprises," comments Slay, "are the basis of the industrial lobby, which has been able to extort soft credits,

tended to shelter large and medium-sized enterprises from exposure to market forces and to prevent firms from being turned over to real entrepreneurs by helping employees and managers to become the new owners.¹¹¹

The imbalance between "small" privatization, on the one hand, and medium and large ones, on the other, continued in the first half of 1997, as 4,558 enterprises, 80 percent "small" and 14 percent medium and large, were privatized.¹¹² Some of this imbalance may have been righted, as the targets for 1997 as a whole, set by presidential edict in May, were modified in the law passed by Parliament in June. The number of "small" enterprises set for privatization was reduced from 3,403 to 1,562, while medium and large enterprises remained at 1,440.¹¹³ In that case, however, no further privatization would have to be done in the second half of the year, thus underlining the slowness of the process and Parliament's braking function.¹¹⁴

tax breaks, and subsidies" (ibid.). The exemption of strategically important enterprises from privatization was passed in March 1995. See *Holos Ukrainy*, 28 March 1995. The previous summer Parliament voted a six-week freeze on privatization, saying that "the system of privatisation was flawed and had to be stopped until the assembly decided which types of property are not to be transferred to private ownership" (*Financial Times* [London], 30–31 July 1994). By 2000, however, Parliament was considering reducing the number of enterprises exempt from privatization, an interesting turn of events. See *Economic Reform Update*, no. 11 (April 2000).

111. "Much of what passes for 'large privatization'," writes Ben Slay, "is little more than the corporatization of state-owned companies. Also, some 80 percent of the firms privatized under the small-privatization program were sold or leased to their employees, in ways that frequently prevented the appearance of well-defined ownership structures" ("An Economy at the Crossroads," 52). A more recent survey of the situation says that "according to the State Property Fund, by early 1999 the state owned 75% to 100% of the statute stock in 1,612 enterprises, 50% to 76% ... in 794 enterprises, and 25% to 50% ... in 1,096 enterprises. About 6,000 large and medium enterprises are formally classed among the privatized ones. Most of them have been privatized within the recent three years" (*Economic Reform Update*, no. 1 [June 1999]).

112. *Uriadovyi kur'ier*, 29 July 1997.

113. Ibid., 5 June and 10 July 1997.

114. Indeed, in November 1997 Parliament ordered a complete halt to privatization, much to the annoyance of the government. See *Ukrainskyi holos*, 17 November 1997. In December 1998 Parliament again instituted a moratorium, this time on privatization of the energy sector. During 1998, according to an Associated Press report, the state collected only 422 million hryvnias from privatization instead of a projected 1 billion. See *Ukrainian News / Ukrainski visti*, 1–26 January 1999.

If one of the objectives of privatization is an increase in efficiency through competition, then this has apparently not been achieved in the case of Ukraine.¹¹⁵ For example, although the share of SOEs in the key industrial sector has fallen steadily, their share of production has remained disproportionately large. Indeed, if anything, the ratio became larger between 1994 and 1997, indicating that privatization had not yet produced efficiency and that the privatized sector, in industry at least, was relatively weak.¹¹⁶ As of 1999, 50 percent of all industrial enterprises, both private and state-owned, were loss-making; in industry in September 1999, non-state enterprises comprised 84.4 percent, yet their share of output (January to September) was only 68.9 percent.¹¹⁷ In the services sector there remained as great a dominance of state-owned enterprises as before the launch of privatization.¹¹⁸ In housing, less than one-half of state holdings had been turned over to private hands by the end of

115. This was already observed as early as 1994. See *Uriadovyi kur'ier*, 26 April 1994. See also the critical comments of the economist Volodymyr Cherniak in *Holos Ukrainy*, 18 July 1995, who emphasizes the inadequacies of the certificate program, the inappropriateness of insider advantages, and the lack of competition accompanying privatization in Ukraine. Indeed, it is efficiency, incentives, and competition that are the real objectives of the process; privatization is not, and should not be, an end in itself. See Przeworski et al., *Sustainable Democracy*, chap. 6.

116. For example, in 1995, when the fall in production of shareholding enterprises in industry was 18.4 percent and the drop in labour productivity was 10.4 percent, these same indicators for Ukraine as a whole were 14.4 percent and 7.0 percent, respectively, indicative of the private sector's inferiority. See *Uriadovyi kur'ier*, 30 March 1996. In 1994, when SOEs comprised 53 percent of industrial enterprises, they contributed 62 percent of production, a ratio of 1.17; in 1995 the percentages were 44 and 52, for a ratio of 1.18; and in 1996, 29.8 and 41.7, respectively, for a significantly increased ratio of 1.34. In 1996, correspondingly, non-state enterprises were 70.2 percent of the total, but managed to contribute only 58.3 percent of production. See *Uriadovyi kur'ier*, 8 February 1996 and 13 February 1997. In terms of income produced, the situation was even less favourable: by mid-1997, 78.1 percent of industrial enterprises belonged to the non-state sector, but delivered only 53.3 percent of income (not further defined in the source). *Ibid.*, 29 July 1997. As of January 1998, 74.1 percent of enterprises were in the non-state sector and were producing 63.6 percent of output. *Ibid.*, 19 February 1998. The disproportion in favour of the SOEs by that time had risen to a ratio of 1.41, comparing share of ownership and share of production as in the text.

117. *Economic Reform Update*, no. 1 (June 1999) and no. 5 (October 1999).

118. In 1995 SOEs provided three-quarters of paid services and one-half of everyday services to the consuming public, while purely private enterprises delivered only a scant 0.4 percent and 2.4 percent, respectively. See *Uriadovyi kur'ier*, 8 February 1996.

1996—41.8 percent, to be exact.¹¹⁹ Not only has Ukraine's privatization process been slow; it has also not brought efficiency into the economy. This should not be surprising, since insiders rather than the public have been the major participants and beneficiaries. The net result, according to Alexander Pivovarsky, is a "virtual economy" in which "the small group of people that benefits from the current status quo is able to control the key policy decisions and sustain the system of the virtual economy."¹²⁰

Nor has the government benefited as expected from privatization in terms of revenues. For example, in 1998 privatization revenues were less than 50 percent of target, or only 422 million hryvnias instead of the 1 billion expected.¹²¹ More recently, ambitious targets have been set, only to be revised downward before too long. A three-year program for 2000–2002 would have yielded the equivalent of U.S.\$3 billion, yet before the end of the year 2000 the target for 2001 was trimmed from 9 billion hryvnias to 5.9 billion, or by over a third. From January through October 2000, 1.3 billion hryvnias (U.S.\$246 million) were received in revenue from privatization sales, although the target had been 2.5 billion. Since privatization began, 2.682 billion hryvnias have gone into the state treasury (up to November 2000).¹²² Thus, together with low rates of tax collection, no adequate safety net can be put in place in order to help those people dislodged by the privatization process, nor can government invest in appropriate infrastructure. In 2000 a presidential decree, issued rather late in the day, directed that a portion of privatization revenues be used for modernizing strategically important enterprises.¹²³ The situation is aggravated by Parliament's habit of stalling the government's privatization legislation or, as in 1998, holding up the appointment of the

119. Ibid., 13 February 1997. At the end of 1995 the figure was 37 percent. Ibid., 8 February 1996.

120. Alexander Pivovarsky, "Challenges of Ukraine's Economic Reforms," in *The Ukraine List*, no. 50 (22 July 1999).

121. RFE/RL Newline, 30 December 1998. Another source gives an even lower figure for the amount raised, namely 360.2 million. See *Ukraina sohodni*, 8 February 1999, consulted on 6 March 1999 at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0208u.html>. There was similarly a shortfall in 1999, when 628 million hryvnias were collected. See *Economic Reform Update*, no. 7 (December 1999).

122. *Economic Reform Update*, no. 8 (January 2000), no. 12 (May 2000), and no. 18 (November 2000).

123. Ibid., no. 14 (July 2000).

privatization chief.¹²⁴ Nevertheless, some learning is taking place: the privatization program for 2000 was in fact quite carefully thought out, with measures to assure the proper preparation of enterprises for privatization and ensure that they go into the hands of serious investors rather than rent-seekers.¹²⁵

Unemployment is one of the by-products of privatization, and it needs government policies to deal with it. The official rate of unemployment in the labour force as of 1 December 2000 was 4.2 percent, or 1,148,800 persons, but the real figure has been calculated at between 10 percent and 11.4 percent, or nearly triple.¹²⁶ A program to relieve unemployment partly by stimulating development of small business was introduced by the Cabinet in 2000, but only a small amount of funding was allocated for creating jobs.¹²⁷ A new program introduced in September 2000 would allow persons registered as unemployed to draw their entire unemployment benefits and apply for an interest-free loan to start up an independent business.¹²⁸ Given the late recognition of the problem and extremely limited resources, it will take the government a very long time to bring the level of unemployment down to normal—in fact, normal levels may have already been reached.

The taxation system, another source of revenues, is also not working as it should. Owing to tax evasion, not all taxes are collected, which means less money for government programs and payment of bonds and debt. On the other hand, the multiplicity of taxes and their lack of systematization have discouraged business ventures and encouraged barter trade and diversion into the “shadow economy.” On two occasions in 1998, Prime Minister Pustovoitenko held business executives

124. RFE/RL Newswire, 11 September 1998 and 8 February 1999; and *Ukraina sohodni*, 8 February 1999, consulted on 6 March 1999 at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0208u.html>.

125. *Economic Reform Update*, no. 8 (January 2000).

126. Ibid., no. 10 (March 2000) and no. 19 (December 2000); and *Den*, 23 December 2000, at <www.day.kiev.ua/2000/237/den-ukr/du1.htm>, consulted on 29 December 2000.

127. The following amounts were earmarked for 2000: 370.85 million hryvnias for subsistence support for the unemployed; 44.2 million for training and retraining; 13.2 million for public works; 2.1 million for job creation and resettlement; and 121.4 for administrative infrastructure for the program itself. See *Economic Reform Update*, no. 13 (June 2000).

128. Ibid., no. 15 (August 2000).

hostage until they signed pledges to pay their tax arrears.¹²⁹ By 15 October 1998, according to the Ministry of the Economy, one half of businesses had not paid their taxes since the beginning of the year.¹³⁰ The Cabinet even asked the Procuracy to “investigate companies suspected of hiding their hard-currency earnings abroad to avoid paying taxes” and published a list of 363 such companies, “each ... said to have concealed at least U.S.\$100,000 in revenues in foreign bank accounts.”¹³¹ By the beginning of 1999 taxpayers were said to owe the Ukrainian government 11 billion hryvnias (U.S.\$3.2 billion).¹³² An abnormal feature of the tax system in Ukraine is that the government relies for its tax revenues primarily on the value-added tax (VAT) rather than on personal and corporate income tax. In the 1999 budget, for example, the value-added tax was expected to provide 51.9 percent of all tax revenues, with personal income tax contributing only 7.3 percent, and corporate income tax, 8.2 percent. These figures represented 33.0 percent, 4.7 percent, and 5.2 percent, respectively, of all government revenues for the year.¹³³ In a counterproductive move, Prime Minister Pustovoitenko ordered a cut in the salaries of tax inspectors in April 1999 because they fell short of their collection target¹³⁴—counterproductive because of the earlier demonstrated connection between low salaries and police corruption (see chap. 5). The situation is not helped when, as the finance minister pointed out, between December 1998 and March 1999 Parliament passes a series of twenty-four tax exemptions and privileges that cost the treasury 4.7 billion hryvnias (U.S.\$1.2 billion).¹³⁵

In 2000 Parliament was debating a Taxation Code prepared by the Cabinet and the Ministry of Finance. The government draft incorporated such features as a reduction in the number of national taxes from 23 to 13 and of local taxes from 16 to 10; a reduction of the VAT from 20 to 17 percent; an increase of the corporate gains tax from 20 to 30 percent; and the introduction of a personal income tax with a marginal rate of 20

129. RFE/RL Newsline, 23 September 1998.

130. Ibid., 16 October 1998.

131. Ibid., 11 November 1998; and *Uriadovyi kur'ier*, 10 November 1998, for the list itself, where the total amount concealed abroad is given as U.S.\$248.6 million, almost one million dollars per company.

132. RFE/RL Newsline, 15 February 1999.

133. *Vidomosti Verkhovnoi Rady Ukrainy*, 1999, no. 8, statute 59.

134. RFE/RL Newsline, 12 April 1999.

135. Ibid., 12 May 1999.

percent above an annual income of 6,480 hryvnias; a property tax; and a sales tax. All this was in line with IMF requirements. The government was anxious to have the bill passed in time for the 2001 budget, but this did not happen. The pro-business parliamentary fraction, Iabluko, protested that the bill was unfriendly to small business, as indeed the economic climate of Ukraine generally is.¹³⁶ These measures alone will not work without plugging the loopholes that have allowed a multitude of tax benefits to be handed out to friends of the government¹³⁷—a continuing practice that is also on the IMF's list of things to curtail for the sake of a healthy market economy.

In agriculture, collective and state farms remained essentially in place throughout the 1990s.¹³⁸ Meanwhile, household plots continued to out-produce the farms: in 1996, using 12 percent of arable land, "household plots produced 95 percent of the total volume of potatoes, 82 percent of vegetables, 59 percent of eggs, and 51 percent of milk."¹³⁹ Despite official acknowledgment of its greater efficiency than the "social sector," the privatization of farming was exceedingly slow. As of 1 January 1996, 34,700 private farms were in existence, with 789,000 hectares of land (718,000 cultivated); a year later, all of 575 new farms had been added.¹⁴⁰

136. See *Economic Reform Update*, nos. 10–17 (March–October 2000) for the progress of the Taxation Code bill. On the less than satisfactory climate for small business, see *ibid.*, nos. 14–18 (July–November 2000).

137. As usual, the Cabinet and Parliament work at cross-purposes—one abolishes tax benefits, the other reinstates them. For instance, on 5 May 2000 the Cabinet abolished 258 individual decisions giving tax benefits on a one-by-one basis to various companies, firms, and banks. On 2 March 2000 Parliament rejected a bill abolishing preferential rates for various law enforcement and military personnel and confirmed their exemption from paying income tax. *Ibid.*, no. 10 (March 2000) and no. 12 (May 2000).

138. "Although the majority of Ukraine's farms, as in Russia, have been officially transformed into joint-stock companies called collective agricultural enterprises (as of January 1, 1997, 75 percent of state farms and 99 percent of collective farms), they have undergone little change in management, production choices, or resource allocation. Most large-scale farms are unprofitable and are falling deeper into debt" (Britta Bjornlund, "Ukraine Badly Needs Land Reform," *Transition* [World Bank], September–October 1997, consulted on 5 May 1999 at <www.worldbank.org/html/prddr/trans/so97/ukraine6.html>).

139. *Ibid.*

140. *Uriadovyi kur'ier*, 8 February 1996 and 13 February 1997. On 1 January 1997 the total number of private farms officially stood at 35,400, controlling 835,00 hectares of land (765,000 cultivated). As of 1 January 1999 the total number of hectares of agricultural land in Ukraine was 41,826,500, of which 32,857,500 hectares

By 1 January 1998 there were 35,900 private farms, totalling 932,200 hectares (857,000 ha cultivated).¹⁴¹ These private farms, however, owned only about 2.2 percent of Ukraine's agricultural land, according to my calculations; even official data stated that no more than 5.2 percent of land was in private hands in early 1999.¹⁴² So slow was the progress in this sector that one could hardly speak of any meaningful privatization here at all.¹⁴³ This resulted in the virtual destruction of productive farming and the transformation of control over agriculture from the state to the local directors and chairmen, whose loyalty is to the regional clans. This has produced what has been called "a patchwork of private nomenklatura monopolies that each control different sections of the country."¹⁴⁴

In 1998, owing to a grain harvest said to be the worst since the Second World War and mismanagement on the part of the state grain monopoly, farmers were expected to receive no income. No grain would be available for export from the country once called "the breadbasket of

were cultivated. See O. Kucher, "Zemelnyi fond iak ob'iekt derzhavnoho upravlinnia," *Ekonomika Ukrainy*, 2000, no. 1: 60.

141. *Uriadovyi kur'ier*, 19 February 1998. A figure of 35,500 farms was given for the year 2000, which would indicate a decline. See H. Bilous, "Rozvytok maloho pidpriemstva v Ukraini," *Ekonomika Ukrainy*, 2000, no. 2: 35. If accurate, this means that the privatization of agriculture in Ukraine was actually proceeding temporarily in reverse. Between January and September 2000 the number of private farms increased by 1,700 to 37,600. See *Economic Reform Update*, no. 17 (October 2000).

142. *Ibid.*, 30 March 1999. Yet another source claims that private farmers own 15 percent of the land. In any case, on this land they produce 65 percent of the agricultural output; only 10 to 12 percent ended the 1998 year in bankruptcy, as opposed to 95 percent of collective farms. See *Holos Ukrainy*, 2 December 1998.

143. Furthermore, as Ben Slay comments, "the 'privatization' of agricultural land generally means its transfer to farm workers via shareholding schemes that are often collective farms by another name. Agricultural privatization therefore seems to have done little to improve efficiency or boost competitiveness" ("An Economy at the Crossroads," 53). Politically, the main reason is the strength of the agricultural associations, which are led by the Collective-Farm Council and, like the council, run by the farm directors, who "are guardians of the old system" (Paul Kubicek, "Ukrainian Interest Groups, Corporatism, and Economic Reform," in *State and Institution Building in Ukraine*, ed. Kuzio, Kravchuk, and D'Anieri, 66–9). The result is that "in the agricultural sector, there has been little reform" (*ibid.*, 76). See also Kubicek, *Unbroken Ties*, 92–7. Parliamentary opposition to privatization of agriculture has also played a part. Even in agreeing to unfreeze the privatization process in general in February 1998, parliamentarians would not agree to the sale of farm land. See RFE/RL Newslines, 16 February 1998.

144. Ron Synovitz, "Ukraine: Kyiv's Policies Destroy Productive Farming," 21 May 1998, at <www.rferl.org/nca/features/1998/05/F.RU.980521115747.html>.

Europe."¹⁴⁵ The 1998 volume of agricultural production was down by 8.3 percent.¹⁴⁶ Despite the fact that 90 percent of all agricultural enterprises were operating at a loss, a law passed on 31 August placed a moratorium on bankruptcy by agricultural producers.¹⁴⁷ Market principles are difficult to introduce into Ukraine, particularly in agriculture.

The unexpected abolition of collective farms by presidential edict in December 1999 opened the way for movement not only on agricultural reform, but also land ownership. All collective farms were to be disbanded by April 2000, their members to be given five hectares of land free of charge with an option to purchase twenty-five more. They would be permitted to form co-operatives. The decree did nothing about the controlling position of collective-farm chairmen, the lack of skills and of a private farming mentality, the debt of seven billion hryvnias owed by the collective farms to the state, or the lack of infrastructure and mortgages.¹⁴⁸ Nevertheless the ice had been broken. In the following months there was vigorous debate about the sale of land (agricultural and non-agricultural), and progress was made towards an agreement between government and Parliament on a Land Code (still not passed in December 2000). But in November 2000 Parliament passed a law temporarily banning all land transactions, which brought the development of market relations in Ukraine's agrarian sector to a halt.¹⁴⁹

Thus, the misgivings voiced at the outset of this transformational process—that it might proceed too slowly and insiders could be given undue privileges—have proven justified. This process of privatization, which is slow and partial but beneficial to insiders and bureaucrats,

145. *Ukrainian News / Ukrainski visti*, 18 November–1 December 1998. In fact the grain harvest was 26.5 million tonnes, or 9 million fewer than in 1997. Overall, 88 percent of all farming units incurred a loss in 1998. See *Uriadovyi kur'ier*, 16 February 1999. "We must acknowledge that the agricultural sector has largely turned into a poorly managed, inert and heavily indebted structure which is not attractive to investors," said Prime Minister Pustovoitenko (RFE/RL Newslines, 11 January 1999).

146. *Economic Reform Update*, no. 1 (June 1999).

147. *Ibid.*, no. 3 (August 1999).

148. RFE/RL Newslines, 6 December 1999; and *Economic Reform Update*, no. 7 (December 1999). The presidential decree is fully explained by his deputy chief of staff, Pavlo Haidutsky, in *Uriadovyi kur'ier*, 9 and 21 December 1999.

149. *Economic Reform Update*, nos. 8–9 (January–February 2000), 11 (April 2000), 13 (June 2000), and 18 (November 2000). According to an OECD assessment partway through the process of disbanding the collective farms, the transition to co-operatives has been in name only, and the privatization of farms has been a paper exercise. See *Ukrainian News / Ukrainski visti*, 3–16 May 2000.

threatens the economy with stagnation instead of rejuvenation. Small enterprises—always the most dynamic element in a market economy—are woefully underdeveloped in Ukraine. With 2.1 million employees, they contribute 7 percent of the GNP. In Poland, by contrast, small enterprises' contribution to the GNP is close to 40 percent.¹⁵⁰ Restructuring of the economy has not proceeded very far, and the outlook is ambiguous at best.¹⁵¹

Public Opinion

The reason for a policy of rapid transition to the market is that it permits decision-makers to make use of initial public support for such a transformation and to act before political opposition has had a chance to develop. Delay and uncertainty prolong the agony, dilute public support, and encourage political opposition. The result of this is loss of momentum and indefinite deferral of attainment of the ultimate objective, a market economy. In terms of public opinion and political partisanship, Ukraine's project of economic reform was in serious trouble within five years of its launching.

Public opinion polling carried out between 1991 and 1996 showed attitudes towards the market economy, capitalism, and privatization as being initially favourable, but then deteriorating under the impact of the transition experience itself into uncertainty and opposition. In a series of three surveys conducted in January and November 1991 and then in June 1993, respondents were presented with the statement "The best system for Ukraine is a capitalist economy based on free enterprise." The percentages (a) in agreement with the statement were 36, 34, and 49, respectively, and (b) in disagreement, 33, 20, and 24, respectively.¹⁵² Whether one considers only the level of agreement alone or the relative strength of agreement (a - b), the upwardly positive trend was unmistakable. At that late point in time, however, Ukrainians' attitudes towards entrepreneurial activity itself were apparently not very favourable on the whole. A poll conducted in eight oblasts in May-June 1993 asked, "How do you regard entrepreneurial activity?" Only 11.4 percent said "favourably," while 27.3 percent registered "unfavourably," for a negative

150. Bilous, "Rozvytok," 35-6.

151. Such ambiguity is expressed by Sachs and Pivovarsky, who write that on the one hand "there is a good chance that Kyiv will find its way to more consequential economic reforms. However, the path may continue to be slow and tortuous, at significant costs to the people of Ukraine" ("Ukraine's Painful Economic Transition," 5).

152. Holovakha, "Politychnyi portret Ukrainy," 7.

balance of 16.3 percentage points.¹⁵³ Another survey carried out at the same time throughout the entire country showed 48 percent agreeing with the statement that the best system for Ukraine was a "market economy based on free enterprise." Yet when respondents were asked, "What is your attitude to the development of private enterprise (business) in Ukraine," only 13 percent fully approved, while 16 percent totally disapproved.¹⁵⁴ By early 1994, in response to the very same question full approval shrank to 11 percent, while unqualified disapproval increased to 23 percent, the negative balance thus having gone from 3 to 12 percentage points in just nine months.¹⁵⁵ In April–May 1993 a poll showed an almost perfectly equal four-way split in Ukrainian public opinion on the type of economy favoured for the country.¹⁵⁶

By the end of 1994 another poll showed that the percentage of those favouring a market economy remained practically the same, the proportion of those in favour of a planned economy was halved, and the percentage of respondents preferring a mixed economy had increased significantly.¹⁵⁷ Thus, after three years of independence Ukrainian public opinion certainly had not appreciably warmed to the market.

Attitudes to privatization have shown some distinct trends as well as considerable differentiation, depending on the object being contemplated for privatization. There has been a very clear and growing trend in favour of the privatization of housing, with 61 percent of respondents in favour in May 1992, and more recently, at the turn of 1994–95, 73.5 percent (see

153. "An attitude has formed," commented the reporter, "of the private entrepreneur producing nothing, only speculating. And the state structures and the old *nomenklatura* have fostered the formation of that image considerably more than the not entirely clean-handed entrepreneurs" (*Vechirni Kyiv*, 13 August 1993, translated in FBIS-USR-93-131, 12 October 1993, 15).

154. Iurii Orobets, "Rozvytok pidpryiemnytstva ta biznesu v uiavlenniakh hromadian Ukrainy," *Politychnyi portret Ukrainy*, 1993, no. 3: 26–7.

155. "Politychnyi portret Ukrainy: Liutyi-berezen 1994 roku, 31. The survey was carried out in February–March 1994 by Democratic Initiatives.

156. Kathleen Mihalisko, "Ukrainians and Their Leaders at a Time of Crisis," *RFE/RL Research Report*, 30 July 1993, 57. The question asked was, "Which of the following do you favor for our country?" The responses were: market, 22 percent; mixed, 27 percent; planned, 26 percent; and "don't know," 25 percent. Hence Mihalisko comments: "It seems clear that the supporters of a market economy are in an absolute minority and that aspects of the old system still have a distinct appeal."

157. *Uriadovyi kur'ier*, 11 March 1995. The results of the poll conducted by SOCIS-Gallup were: market, 21 percent; mixed, 43 percent; and planned, 12 percent.

TABLE 9.2
ATTITUDES TO PRIVATIZATION BY OBJECT OF PRIVATIZATION,
UKRAINE, 1992-95

Attitudes to Privatization of	For/ Against	May 1992	June 1993	February– March 1994	Late 1994– Early 1995
Housing	For	61	68	73	73.5
	Against	14	11	10	8.2
Land	For	64	54	62	62.8
	Against	14	19	17	15.8
Large Enterprises	For	26	22	30	27.3
	Against	32	37	33	33.8
Small and Medium Enterprises	For	57	52		
	Against	14	17		
Small Industrial Enterprises	For			52	57.8
	Against			17	15.2
Large Retail Outlets	For			43	
	Against			25	
Small Retail Outlets	For			57	
	Against			16	
Retail Outlets	For				57.3
	Against				16.9
Health Facilities	For				21.5
	Against				48.7

SOURCES: Holovakha, "Politychnyi portret Ukrainy," 7; "Politychnyi portret Ukrainy: Liutyi-berezen 1994 roku," 31; and *Uriadovyi kur'ier*, 11 March 1995.

table 9.2). There has also been a majority of public opinion in favour of the privatization of land, including its sale and purchase, but the percentage was not greater in 1995 than it had been in 1992. Decision-makers have not responded to this current of public opinion; instead, the interests of the agro-industrial complex have prevailed. (Besides, there are no immediate benefits from privatization of land as compared to industrial or service-sector privatization—undervalued assets to be acquired with help from friends in government, assets that can be stripped for quick profit, and easily obtainable loans that never have to be repaid.) An entirely contrary sentiment—and government response—have prevailed with regard to the privatization of large enterprises: only one-quarter of

the public has been in favour, while one-third has been against, with the negative balance remaining the same throughout the 1992–95 period. A majority of the public does favour privatization of small industrial enterprises and retail outlets. Ukrainians seem to have some misgivings about the privatization of large retail outlets, and at last report they were definitely opposed (almost one-half of respondents) to privatizing health care facilities. Given these public attitudes, it is certainly understandable that politicians in Ukraine would not be pressing now for rapid and comprehensive dismantling of the state-run economy, especially for disposing of its largest industrial enterprises and service outlets.

A further brake on the process of privatization—besides the public's lukewarm and uneven support for it in principle, as well as policy-makers' reluctance—was that on the whole Ukrainians were hesitant or altogether unwilling to become owners of private enterprises except housing.¹⁵⁸ Very few Ukrainians have the urge to become private entrepreneurs; most would be satisfied to own their own homes.

The gap between popular and elite attitudes towards aspects of the market economy was reported in 1996 to have been significant, suggesting further difficulties in maintaining public support for continued

158. In the survey carried out in February–March 1994 by Democratic Initiatives, a very considerable discrepancy appeared between respondents' attitudes towards various kinds of privatization in general (see table 9.2) and their own desire for ownership of most of the objects in question. The discrepancy was apparent not only in the level of positive approval, but also in the relative strength (or weakness) of that approval. Fully 73 percent responded positively when asked about their attitude to privatization of housing in general; 86 percent gave a positive response to the question "Would you yourself want to have ownership of housing?" See "Politychnyi portret Ukrainy: Liutyi-berezen 1994 roku," 31. Ten percent were in general negatively disposed towards home ownership in principle, but only 6 percent said they would not want to own their own home. The balance of responses was therefore positive by 63 points on the general question, and fully 80 points when the respondents' own situation was probed. Progressively fewer respondents favoured, in descending order, the privatization of land, small retail outlets, small industrial enterprises, large retail outlets, and, finally, large industrial enterprises. Their desire to have ownership of these same objects fell even more precipitously, and their negative responses escalated still more dramatically. The positive and negative responses, respectively, were (in percent): land, 64 and 24; small retail outlets, 32 and 48; small industrial enterprises, 26 and 51; and large retail outlets, 18 and 61. Ibid. At the bottom of the scale were large industrial enterprises, which only 12 percent of respondents said they would want to own, while 65 percent replied they would not. Thus, land ownership was the only category besides home ownership with a positive balance of responses (64 percent in favour, 24 percent against, for a net of plus 40 points); all others were negative on balance.

transformation.¹⁵⁹ "The overall results," commented the writers reporting on these surveys, "indicate that most people in Ukraine still believe in such features of the socialist system as guaranteed full employment, state ownership of heavy industry, and support for state farming, and as such are an obstacle to privatization."¹⁶⁰ Even on the question of preferred economic models for Ukraine, the difference between elite and public views was remarkable: 91 percent of elites endorsed the market or mixed economy, as opposed to 50 percent of the public. In mid-1996 one-quarter of Ukrainians still preferred the planned economy; the same proportion of respondents found it difficult to respond to the question; the latter results are thus indicative of public uncertainty and ignorance. Part of the reason for the ambiguous and hesitant response in public opinion to market reform may have been due to a lack of information and knowledge, which suggests caution in the interpretation of results.¹⁶¹

159. Jaroslaw Martyniuk and Ustina Markus, "Attitudes Prove to be a Major Obstacle to Economic Reform," *Transition* (Prague), 6 September 1996, 16–17. The elite survey was carried out in January; the general national survey, in May. Results from the survey reported in this paragraph are from the same source above. In response to the statement "Only the state should own heavy industry and large enterprises," 38 percent of the elite sample agreed strongly, as compared to 49 percent of the general public. Asked whether "state-owned farming should be supported by the government," 23 percent of elites strongly agreed, as did 56 percent of the public. To the statement "the government should prevent state enterprises from being closed, in order to protect jobs," 23 percent of elite respondents registered strong agreement; 55 percent of the general public did the same. While 49 percent of elite respondents strongly agreed that "the state should guarantee employment for all its citizens," an overwhelming 71 percent of the general public responded in the same manner, with only 1 percent strongly disagreeing.

160. *Ibid.*, 17.

161. A survey conducted in December 1994, for example, found that 60.1 percent of respondents who were asked "How much information do you feel you have about so-called free market reforms underway in Ukraine?" reported that they had little or no information at all. See IFES (International Foundation for Electoral Studies) National Survey of the Ukrainian Electorate, <freelunch.freenet.kiev.ua/IFES/survey/december.htm>. The survey was conducted between 13 and 23 December 1994. Its results were also reported in Volodymyr Zviglyanich, "Public Perceptions of Economic Reform," *Transition* (Prague), 28 July 1995, 36–7. When participants were asked about the state's role in the economy, only 30.9 percent said it should be reduced, while 45.6 percent opted for a "Return to mostly state control." That 38 percent of participants in a separate year-end survey at the turn of 1994–95 were able to report a positive attitude to market reform, and 18 percent a negative one, was remarkable. Even if these results are at all reliable, they should be taken with a grain of salt. See *Uriadovyi kur'ier*, 11 March 1995.

Ukrainian public opinion has not been in favour of wholesale privatization of the economy, and there are few indications that it might be so inclined in the foreseeable future, assuming the projection of past economic performance beyond the present. The Ukrainian public has been severely traumatized by the decline in the economy, and the recovery of its confidence will take time.¹⁶² By the mid-1990s public disillusionment may have been bottoming out along with the decline in the economy of Ukraine. At the end of 1994, 17 percent of respondents participating in a SOCIS-Gallup poll expected 1995 to be better; 49 percent, worse.¹⁶³ Two years later, however, only 30 percent of those surveyed expected their own material conditions to become worse in 1997, while 17 percent still optimistically expected better. Their outlook for the economy of Ukraine as a whole, quite apart from their personal situation, was not quite as pessimistic as before: now only 18 percent expected it to become worse, but 11 percent expected it to improve.¹⁶⁴ In

162. In May–June 1992 respondents were asked to compare their personal economic situation with a year earlier on a five-point scale. Their answers, recorded at the extremes, revealed much of the story: 32 percent of Ukrainians said, “much worse;” only 2 percent described it as “much better.” In April–May 1993, 40 percent chose “much worse,” and 55 percent stated they were “not at all” satisfied with the economic situation in Ukraine. See Mihalisko, “Ukrainians and Their Leaders,” 56. In 1992, 10 percent said their situation was “somewhat better,” 19 percent, “the same,” and 37 percent, “somewhat worse.” The corresponding figures for 1993 were: 8 percent, 20 percent, and 30 percent; as before, only 2 percent said, “much better.” On the situation in Ukraine in 1993, the responses were: “very satisfied,” 2 percent; “somewhat satisfied,” 6 percent; and “not very satisfied,” 32 percent. By November 1993 tolerance for any further economic pain was quite low. When participants were asked, “Are you agreeable to suffer economic difficulties for the sake of maintaining the independence of Ukraine?” 19 percent said they would agree for as long as necessary, 31 percent, for one or two years, and 44 percent would not agree at all. Asked whether they would do so for the sake of realizing economic reforms, only 15 percent agreed to suffer as much as needed, 40 percent, for a year or two, and 40 percent, not at all. See Holovakha, “Suchasna politychna sytuatsiia,” 10. Despite the hardships, support for a fast pace of reform was still there: in November 1993, 56 percent of respondents agreed that one of the remedies should be the speeding up of the process of privatization of enterprises and land, while only 14 percent disagreed; a year later, 52 percent said the pace of change in the country was too slow. *Ibid.*, 11; and Mark Rhodes, “Divisiveness and Doubt over Economic Reform,” *Transition* (Prague), 28 April 1995, 41.

163. *Uriadovyi kur'ier*, 26 January 1995. Another survey, conducted in December 1994, “revealed that nearly 92% of Ukrainians are dissatisfied with the general situation in their country. But just over 63% believe democratic reforms will help” (OMRI Daily Digest, 7 February 1995).

164. *Holos Ukrainy*, 20 February 1997.

February 1996, 54 percent saw no possibility of a return to socialism, while 25 percent could see such a possibility in certain circumstances.¹⁶⁵ In the light of all this, elected political leaders' soft-peddalling of economic reform becomes understandable, even if it is not justifiable according to strict economic reasoning.

Conventional wisdom has it that a gradual transition is preferable to a rapid one because it reduces the pain for the losers in the process and permits the formation of a middle class with a stake in the outcome. In that case, Ukraine should have been a success story and achieved marketization. But the contrary has happened. Conventional wisdom thus needs to be rethought.

Ukraine's persistence in continuing with gradual reform, despite its disastrous effects, can be better explained by reference to a novel and rather unorthodox theory.¹⁶⁶ This theory says that there are certain categories of people with a strong position in the old system who benefit from a prolongation of the transition and are capable of blocking rapid transformation. They do not oppose the initiation of reform, because they are able to translate their positions into rent-seeking opportunities; they oppose full marketization. Economic reform is thus blocked not so much by the losers as the winners: "from enterprise insiders who have become new owners only to strip their firms' assets; from commercial bankers who have opposed macroeconomic stabilization to preserve their enormously profitable arbitrage opportunities in distorted financial markets; from local officials who have prevented market entry into their regions to protect their share of local monopoly rents; and from so-called mafiosi who have undermined the creation of a stable legal foundation for the market economy."¹⁶⁷ The *lack* of reform in agriculture can be explained similarly: there are *no* persons in positions of power who

165. *Uriadovyi kur'ier*, 16 March 1996.

166. Joel S. Hellman, "Winners Take All: The Politics of Partial Reform in Postcommunist Transitions," *World Politics* 50, no. 2 (January 1998): 203–34.

167. *Ibid.*, 204. Hellman mentions several examples of rent-seeking activities and how they are rooted in incomplete marketization: "Rapid foreign trade liberalization with incomplete price liberalization has allowed state enterprise managers to sell their highly subsidized natural resource inputs (for example, oil and gas) to foreign buyers at world prices. Price liberalization without concomitant progress in opening market entry or breaking up monopolies has created opportunities for some producers to earn monopoly rents. Privatization without reform of the credit mechanism has allowed managers to divert subsidized state credits earmarked to uphold production into short-term money markets at high interest rates" (*ibid.*, 219).

would immediately benefit from it, especially if reform is only partially carried out.

Opposition to rapid economic reform in Ukraine, therefore, has come from those sections of the general population who have been its losers, and it has been augmented by the immediate winners of gradual reform, a combination seen clearly in the results of the 1998 parliamentary elections. In those elections Communists and other leftists, strong opponents of economic reform and liberalization, won 180 out of 450 seats. Although President Kuchma vowed to continue with reforms despite these results, he could not be expected to make much headway, because he lacks a constituency, either in the public at large or among interest associations.¹⁶⁸

*Relations with Russia and the CIS*¹⁶⁹

During the Soviet era, four-fifths of Ukraine's trade was with the other republics of the USSR. It was conducted on the basis of centralized administrative allocations from Moscow rather than by means of direct financial transactions. Furthermore, it was a major drain on the national output; from being a net exporter of energy, Ukraine became heavily dependent on external sources of energy in the final two decades of Soviet rule.¹⁷⁰ Thus, the challenge for Ukraine in the post-Soviet era has been to reassess its trade with Russia and other members of the CIS by placing it on a sound economic and financial footing, develop a strategy based on the country's comparative advantage in resource endowments and geographic location, overcome its heavy dependence on energy imports, and stem the outflow of national income. Any reorientation,

168. The largest and most influential interest associations—trade unions, the entrepreneurs' and industrialists' union, and the Collective-Farm Council—are all opposed to economic reform; others that are pro-reform are small, uninfluential, and weak. See Paul Kubicek, "Post-Soviet Ukraine: In Search of a Constituency for Reform," *Journal of Communist Studies and Transition Politics* 13, no. 3 (September 1997): 112–20.

169. The definitive work on this subject is D'Anieri's *Economic Interdependence in Ukrainian-Russian Relations*. However, it does not cover the August 1998 crisis.

170. Tetiana Pakhomova and Serhii Mischenko, "Ukraine's External Trade," in *The Ukrainian Economy*, ed. Koropecykj, 374–9, and Volodimir N. Bandera, "Income Transfers and Macroeconomic Accountability from the Standpoint of Ukraine," *ibid.*, 393–409. Bandera estimated that in 1988 the net trade outflow was 3.63 billion rubles to the rest of the USSR and 837 million rubles to other countries (409).

however, requires not only domestic leadership but also external co-operation.

The Soviet legacy was an ambiguous one for Ukraine. On the one hand, there were good reasons for Ukraine to disengage itself from Russia and discard its colonial status in the former command economy. On the other, the heavy reliance on Russia as a trade partner could not be rapidly reoriented. Besides, if Russia was more advanced on the road to economic reform, it had to be advantageous for Ukraine to develop rather than cut these ties now. That, however, had to be balanced by "fears that increased integration with Russia will result in continuing isolation from the international economy and a perpetuation of the economic backwardness that this has produced."¹⁷¹ For its part, Russia had less of an interest in trade with the other CIS states, including Ukraine, than they did with Russia, because she derived fewer economic benefits.¹⁷² Accordingly, by 1997 Russia remained Ukraine's largest trading partner, but its share in both exports and imports had declined.¹⁷³ Thus, the net result of the operation of all factors involved has been a slow disengagement of Ukraine from its reliance on Russia, but with the latter remaining, for better or worse, its single largest partner.

As far as the rest of the CIS is concerned, Ukraine's trade has declined there too. For example, while the CIS and the Baltic republics accounted for 20 percent of Ukraine's exports in 1994, they declined to 14.5 percent in 1997. Imports likewise fell from 17 percent to 13.7 percent.¹⁷⁴ Part of the reason for this decline is the evolution of the CIS itself, which "has been ineffective as a means to increase trade among its members," and where

171. Lee Kendall Metcalf, "The (Re)Emergence of Regional Economic Integration in the Former Soviet Union," *Political Research Quarterly* 50, no. 3 (September 1997): 534–5.

172. *Ibid.*, 534.

173. In 1994 Russia accounted for 38 percent of the value of Ukraine's exports and 58 percent of imports; in 1997 the corresponding figures were 26 percent and 47 percent. The numbers are for January to November of each year. See *Uriadovyi kur'ier*, 2 February 1995 and 19 February 1998. In 1998, according to *ibid.*, 16 February 1999, exports to Russia declined by nearly one-quarter, and imports, by 12 percent. For a useful review of Ukraine's trade trends and the problems in assessing its magnitude, see Ustina Markus, "New Trends in Trade," *Transition* (Prague), 9 August 1996, 44–6.

174. *Uriadovyi kur'ier*, 2 February 1995 and 19 February 1998. Figures were derived by interpolation. Between January and November 1998 this trade was down further—one-quarter in exports to the ex-USSR, 20 percent in imports. *Ibid.*, 16 February 1999.

instead “a two-tiered, variable speed system of cooperation has emerged.”¹⁷⁵ Within the CIS two cores have developed: one includes the Central Asian states, the other—Russia, Ukraine, and Belarus. On its doorstep is a third core consisting of the Baltic states. Commonalities of size and location now determine trade patterns in the former Soviet space; Ukraine, therefore, can no longer count equally on all CIS members as potential partners, but seeks bilateral arrangements with individual countries.

Energy is the Achilles heel of the Ukrainian economy. The country’s severe dependence on Russia as a supplier of its needs drastically constrains economic-policy options, creates a permanent crisis situation, and opens Ukraine to political manipulation in foreign policy.¹⁷⁶ This is aggravated by the snail’s pace of domestic economic reform, unloading energy costs from the state onto the consumers (individual and corporate) and dismantling the huge military-industrial complex inherited from Soviet days.¹⁷⁷

At the outset Ukraine had in abundance only one source of energy: coal. According to some estimates, the country possessed between 200 and 250 years’ worth of reserves. Yet coal production had declined since the 1970s, and although coke for steelmaking was still produced, its use as fuel in thermal power stations had declined. So, as an energy fuel, this source had at best a limited future, since existing mines were inefficient and needed reconstruction and new mines would have to be built; all of this would require significant capital investment. Besides, coal mining is dangerous. Russia is the principal supplier of the needed equipment, the gasification of coal—a major alternative to burning it outright—requires lengthy research and investment, and, in any case, miners’ militancy has to be contended with (whether or not modernization or subsidization is pursued).¹⁷⁸ Indeed, Ukrainian miners have gone

175. Metcalf, “(Re)Emergence,” 544. Skepticism about the CIS as an integrative organization is common among Ukrainian political analysts, and President Kuchma himself has expressed a preference for free trade among consenting states rather than for a single unified economic arrangement for the whole CIS. See RFE/RL Newswire, 22 October 1997 and 29 April 1998.

176. D’Anieri, *Economic Interdependence in Ukrainian-Russian Relations*, chap. 4.

177. As Paul D’Anieri has said, “Russia’s power over Ukraine is the ability to narrow Ukraine’s range of feasible economic options, [and] Ukraine’s internal political situation narrows the range of political choices even further” (“The Impact of Domestic Divisions on Ukrainian Foreign Policy: Ukraine as a ‘Weak State,’” in *State and Institution Building in Ukraine*, ed. Kuzio, Kravchuk, and D’Anieri, 101).

178. Volodymyr Shkliarov, Anatolii Shydlovsky and Mykhailo Hnidov, “Ekonomichni problemy rozvytku enerhetyky Ukrainy,” in *Ekonomika Ukrainy*, ed. Chuch-

on strike regularly to protest against unpaid wages, inflation, and deterioration in living and safety standards. The government has usually acceded to their demands, thereby increasing the budget deficit and contributing to further inflation as well as assuring continuation of the familiar drama in the near future. The power of the coal miners was demonstrated in 1998, when 1,000 of them marched on Kyiv. In the winter of 1998–99, when coal miners and nuclear-power employees went on strike, President Kuchma responded by sacking his energy minister and other top officials in the department and in related regulatory bodies, including the coal industry.¹⁷⁹

As for other energy sources, nearly all of Ukraine's oil was imported from Russia, as was 70 percent of its natural gas.¹⁸⁰ Domestic production was declining along with that of coal.¹⁸¹ Ukraine's energy dilemma at the time of independence, ably summarized by David Marples, was such that the country was "heavily dependent on thermal power stations, many of which received their fuel from Russia, and from nuclear power stations.... Reserves of oil and gas are limited, and production had declined considerably throughout the 1980s and early 1990s.... [Ukraine's] industries ... were heavy consumers of fuel, and ... [it faced] rising electricity needs.... There were no ready solutions to these problems."¹⁸² In view of the infeasibility of reviving coal production, Ukraine's options at the time were limited to three choices—

man and Herasymchuk, 310–1; and David R. Marples, "Ukraine, Russia and the Current Energy Crisis," *ibid.*, 314 and 321–2. "Only four of Ukraine's 250-odd mines are profitable," the World Bank reported in 1998. "At most, 50 of the bigger ones have a future if they shape up. But making the mines profitable would cause social tensions" ("Can Ukraine Avert a Financial Meltdown?" *Transition* (World Bank), June 1998, consulted on 5 May 1999 at <www.worldbank.org/html/prddr/trans/june1998/ukraine.html>. In December 2000 Vice-Prime Minister Iuliia Tymoshenko announced that all 196 of Ukraine's coal mines were to be privatized by the middle of 2001. See RFE/RL Newsline, 8 December 2000.

179. RFE/RL Newsline, 15 September 1998 to 19 April 1999; and *Ukraina sohodni*, 26 April 1999, consulted on 30 April 1999 at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0426u.html>. Most recently, President Kuchma described the country's fuel and energy sector as its "most politicized and criminalized" (RFE/RL Newsline, 10 October 2000).

180. Erik Whitlock, "Ukrainian-Russian Trade: The Economics of Dependency," *RFE/RL Research Report*, 29 October 1993, 39.

181. In "1980–87, coal production fell from 197 to 192 million [metric] tons; ... gas from 57 to 36 billion cubic meters; and oil from 7.5 to 5.6 million tons" (Marples, "Current Energy Crisis," 314–15).

182. *Ibid.*, 317.

conservation, expansion of nuclear power, and a search for alternative sources of supply in the Middle East and Central Asia—all of them problematic.¹⁸³

During the ensuing search for solutions Russia remained at the top of the list of possible suppliers. As its own oil production declined, Russia pushed its neighbours in the “near abroad” to accept smaller quantities of supplies and pay for them at world prices. Ukraine’s trade and financial problems caused it to fall behind in payments to Russia; by September 1993 its unpaid bills for oil and gas amounted to 2.5 trillion rubles (U.S.\$2.5 billion).¹⁸⁴ Failing to marketize its trade quickly, stimulate exports, and restructure industry, Ukraine now had large debts to Russia, which left it vulnerable to political pressure in both the economic and foreign-policy realms.¹⁸⁵ Given its ability to provide barely 30 percent of its own needs and the unpalatable prospect of expanding nuclear power in the aftermath of Chornobyl, Ukraine had either to improve its relations with Russia or seek alternative sources for its energy imports.¹⁸⁶

In due course Russia not only raised its price for natural gas to world levels¹⁸⁷ and reduced supplies, but also realized that political concessions might be more obtainable from Ukraine than cash. By June 1994 Ukraine’s debt to Gazprom, the Russian gas monopoly, was U.S.\$1.5 billion. The Ukrainian government therefore agreed to reduce its claim to the Black Sea Fleet from 50 to 20 percent, exchanging the difference for its debt to Russia.¹⁸⁸ Subsequently Gazprom demanded equity in

183. Ibid., 321–4.

184. Whitlock, “Ukrainian-Russian Trade,” 39–40.

185. Ibid., 41–2.

186. David Marples, “Ukraine, Belarus, and the Energy Dilemma,” *RFE/RL Research Report*, 2 July 1993, 39 and 44. “Russia is Ukraine’s only oil supplier, providing around 60 percent of the country’s supply; Turkmenistan was its second gas supplier, accounting for some 20 percent of Ukraine’s supply. In 1993, Ukraine imported a total of 95.5 billion cubic meters of gas and 23 million tons of oil” (Ustina Markus, “Debt and Desperation,” *Transition* [Prague], 14 April 1995, 15). Subsequently Ukraine has managed to establish links with Kazakhstan and Iran as alternate suppliers of oil, and with Turkmenistan for natural gas. See, for example, OMRI Daily Digest, 23 May 1996 and 10 February 1997; and *Ukrainian News / Ukrainski visti*, 26 February–11 March, 22 October–4 November 1997, 11–24 February 1998, and 17–30 June 1998.

187. Between January and May 1993 Russia raised its price for oil by a factor of 2.9, and for natural gas by fifteen times. See *Uriadovyi kur’ier*, 19 June 1993.

188. Markus, “Debt and Desperation,” 14–18. In February 1998 Gazprom threatened to cut its supplies of natural gas to Ukraine; in March the Ukrainian government

Ukrainian firms in exchange for energy supplies, but eventually gave up on that idea, since holding equity in a bankrupt economy had lost its appeal.¹⁸⁹ Ukraine's debt to Gazprom, which still stood at U.S.\$1 billion at the end of 1998, is being repaid through barter. Ukraine will pay in wheat and other commodities, Gazprom will pay Ukraine in gas for part of the transit fees for shipments to Europe, and Ukraine will build another pipeline for Gazprom as partial payment of its debt.¹⁹⁰

It is imperative to restructure the energy sector in Ukraine and find sources other than Russia. Unfortunately, a national policy is constrained by Russian pressure from outside and the influence of domestic interest groups. Like the "winners" blocking industrial privatization referred to above, these groups find it more profitable to play the short-term game of exploiting their country's energy dependency than to invest in the long-term future.¹⁹¹ As Ustina Markus has noted, "Progress on restructuring has been slow simply because market reforms have not proceeded quickly. The government has only reluctantly been raising domestic energy rates and has continued to subsidize unprofitable industries for fear of worker unrest."¹⁹² When government does attempt to raise domestic energy rates, Parliament usually blocks such measures, as it did in March 1999.¹⁹³ Falling volumes of oil, natural gas, coal, and electricity—both domestically produced and imported—threaten to trap Ukraine in a permanent energy crisis. By 1995 domestic production of oil

agreed to pay U.S.\$750 million of the then U.S.\$1.2 billion debt. See RFE/RL Newsline, 13 February and 9 March 1998.

189. The president of Gazprom, Rem Viakhirev, was quoted as saying, "We need money, not equity" (*Ukrainian News / Ukrainski visti*, 25 February–10 March 1997).

190. RFE/RL Newsline, 19 October, 24 November, and 11 December 1998 and 26 January and 5 February 1999. At the end of 2000 a "breakthrough" deal on the gas debt was announced whereby "repayment of the debt will be postponed for 10 years and during that period Ukraine will pay only a low rate of interest on the sum it owes. Russia also agreed that during the next eight to 10 years, Ukraine can delay paying for half its future gas supplies from Russia on condition that it pays for the other half in cash and stops siphoning off Russian gas" (*ibid.*, 4 December 2000). Earlier that year Russia proposed that Ukraine pay part of its energy debts by turning over to it certain state properties designated for privatization. See *ibid.*, 23 and 24 February 2000.

191. Margarita Mercedes Balmaceda, "Gas, Oil and the Linkages between Domestic and Foreign Policies: The Case of Ukraine," *Europe-Asia Studies* 50, no. 2 (March 1998): 269 and 281.

192. Markus, "Debt and Desperation," 15.

193. RFE/RL Newsline, 12 and 18 March 1999.

had fallen to 76 percent of its 1990 level; coal, to 51 percent; natural gas, to 65 percent; and electricity production, to 64 percent. Correspondingly, imports of oil dropped to 18 percent of the 1990 level, and natural gas, to 55 percent. Net exports of coal were 1.9 billion tonnes in 1990; by 1995 the balance was a net import of 11.9 billion. Net export of electrical energy dropped from 28.5 billion kilowatt hours to just 2.7 billion.¹⁹⁴ The unavailability of data on the export of oil and natural gas hides the unknown extent of “rent-seeking” and speculative activity by government officials and others of the new business class who are taking advantage of the differential between Russian and world prices for these resources.¹⁹⁵ In any case, the National Academy of Sciences of Ukraine has calculated that in 2005–2010, owing to the very low levels of production in the 1990s, energy imports could easily amount to three-quarters of the country’s needs.¹⁹⁶ Ukraine is thus set to remain dependent on foreign energy sources—which is a problem for countries short on investment, imagination, and export capability.

International Trade and Investment

Can Ukraine escape being drawn into the club of Third World debtor nations and becoming a virtual ward of the International Monetary Fund and the World Bank? If it cannot, then both its economic reform and national sovereignty will be at risk, if they have not been compromised already. The way out requires an invigoration of foreign trade, a reorientation away from Russia, the CIS, and the Third World towards the First World, and large amounts of investment, much of it necessarily foreign.

Official statistics show that between 1994 and 1997 the value of Ukraine’s total foreign trade in fact increased from U.S.\$18.6 billion to U.S.\$28 billion.¹⁹⁷ Also positive from the point of view of the country’s integration into the international system beyond the former USSR was the decline during that same period in trade with the CIS and Baltic states. Their share of exports dropped from 58 percent to 40.7, and

194. I. Lukinov, “Makrostrukturni priority,” *Ekonomika Ukrainy*, 1996, no. 6: 22–3.

195. Ibid., 22; and Balmaceda, “Gas, Oil and the Linkages,” 269–75.

196. Lukinov, “Makrostrukturni priority,” 24.

197. Figures are for January–November of each year. See *Uriadovyi kur’ier*, 2 February 1995 and 19 February 1998. In 1998, correspondingly, the value of foreign trade declined to U.S.\$24.4 billion, of which U.S.\$11.3 billion were exports (down 13 percent from 1997) and U.S.\$13.1 billion were imports (down 15 percent), for a trade deficit of U.S.\$1.8 billion. Ibid., 16 February 1999.

imports, from 75 percent to 60.4. Part of the official reason for this decline was the tariffs put up by Russia and other barriers (rather than, presumably, Ukraine's deliberate trade policy).¹⁹⁸ Correspondingly, therefore, the percentage of exports to other countries climbed from 42 percent to 59.3 percent, and imports, from 25 percent to 39.6 percent. On the other side of the ledger it must be noted that during three of the four years in question Ukraine's balance of trade was negative.¹⁹⁹ The need to curb imports and implement a policy of import substitution has been emphasized by informed observers, but the negative trade balance has taken a long time to be righted.²⁰⁰

Foreign trade is an increasingly important aspect of the economy of Ukraine. In 1993 the value of foreign trade as a percentage of GDP stood at only 15 percent; by 1994 it had risen to 21 percent; and in the first half of 1995, to 23 percent.²⁰¹ By my own calculations, it was 57 percent in 1997.²⁰² This heavy dependence on trade means that Ukraine is ready to become a normal trading nation if any existing trading bloc will co-opt

198. As compared to just the previous year, in 1997 exports to the CIS and the Baltic republics were down 22.8 percent; imports from these countries were down 9.7 percent. Exports to other states rose by 30.5 percent; imports, by 14.2 percent. *Ibid.*, 19 February 1998. In the fall of 1997 President Kuchma was speaking of a "trade war" with Russia, which he hoped to end. See RFE/RL Newsline, 22 October and 13 November 1997.

199. The officially published figures for 1994 showed a positive balance of U.S.\$24 million, but a later report in *Holos Ukrainy* (30 November 1995) flatly stated that the trade balance was a negative U.S.\$1.8 billion. (I give greater credence to the latter report in view of the fact that in the first ten months of 1993 Ukraine's trade balance with the CIS and the Baltic states was also negative, to the tune of 11,881 billion karbovantsi [9,686 billion to Russia].) See *Uriadovyi kur'ier*, 1 January 1994. In 1995 the balance was positive by U.S.\$459.2 million, but in 1996 and 1997 it was again negative by U.S.\$846 million and U.S.\$2.4 billion, respectively. Sources as in n. 136 above, plus *ibid.*, 8 February 1996 and 13 February 1997. If there is a silver lining to this story, it may be that the balance of trade appears to have been positive with states outside the CIS and the Baltic republics. For example, in 1994 this trade balance was U.S.\$510.6 million, and in the first nine months of 1996, U.S.\$466.2 million. See *Uriadovyi kur'ier*, 25 January 1994 and 2 November 1996. The dark side is that such surpluses would have to be applied to the deficits with the CIS, principally Russia.

200. *Holos Ukrainy*, 30 November 1995 and 26 March 1996.

201. *Ibid.*, 30 November 1995.

202. The value of foreign trade was U.S.\$28 billion in 1997; Ukraine's GDP was 92.5 billion hryvnias. At the official exchange rate prevailing on 25 December 1997, that latter figure translates into U.S.\$48.8 billion, of which \$28 billion equals 57.4 percent. See *Uriadovyi kur'ier*, 25 December 1997 and 19 February 1998.

it. But it also means a vulnerability to the fluctuations of the global market, given the preponderance of metals and minerals in the makeup of Ukraine's exports and its extensive rather than intensive type of economy.²⁰³ In 1999 exports (U.S.\$10.333 billion) and imports (U.S.\$10.385 billion) were nearly balanced.²⁰⁴

Despite the shift away from dealing with the new states emerging from the Soviet Union, however, Russia remains in the unchallenged position as Ukraine's largest trading partner. Certainly the share of Ukraine's exports going to Russia fell from 38 percent to 26.2 percent between 1994 and 1997, and its imports, from 58 percent to 46.7 percent. Yet even in 1997 these numbers were several times larger than the next-ranking trading partner, China, which accounted for 8 percent of Ukraine's exports, followed by Germany (7.4 percent). After Russia the other significant trading partners were a mix of underdeveloped ex-Soviet republics (Belarus, Moldova, Turkmenistan, and Kazakhstan) and advanced industrial states (the United States, Germany, Switzerland, United Kingdom), with intermediate countries such as Poland, China, and Turkey thrown in for good measure.²⁰⁵ Apart from its strong links to Russia (these being attenuated over time, yet remaining the predominant feature of Ukrainian trade), the pattern and the trend appear to be such that Ukraine is beginning to serve as an intermediary. It is importing from the West (from countries such as Poland and the United States) and exporting to the East (e.g., China and Turkey). In terms of its geographical location, Ukraine is truly neither here nor there, and whether it can ever surmount its outsider role in world trade is a moot and critical question.²⁰⁶

203. Bila, "Tinova ekonomika," 58.

204. Ibid. Another source reports that in 1999 Ukraine's "consolidated foreign trade balance" (all figures in U.S.\$ billion) was 2.3, with exports at 15.2 and imports at 12.9. For January–November 1999, however, imported goods (as opposed to services) slightly outweighed exports—10.4 to 10.3. Thus, if Ukraine has now had a favourable trade balance since 1999 or 2000, it may be due to exportation of services. In January–August 2000, exported and imported goods were again nearly the same (9.0 and 8.9, respectively), but exportation of services reached 2.6 billion (January–September) while imports were just under 1 billion. See *Economic Reform Update*, nos. 8–9 (January–February 2000) and 17–18 (October–November 2000).

205. In 1994, according to OMRI Daily Digest (9 February 1995 and 28 February 1995), 39 percent of Ukraine's exports went to Russia, and 59 percent of its imports came from there. The official government report gave the percentages as 38 and 58, respectively. See *Uriadovyi kur'ier*, 2 February 1995.

206. *Uriadovyi kur'ier*, 18 August 1994. On the other hand, there is an opportunity for Ukraine to capitalize on its intermediate location by becoming a transit zone for

No significant change appears to have taken place in the structure of Ukraine's foreign trade, which means that in terms of the flow of goods it has not yet begun to carve out a new niche for itself in the global economy. This is yet another indicator of its peripheral role in international trade and commerce. For instance, in 1997 ferrous metals and their fabricates dominated exports (38.8 percent), just as they did in 1994 (35 percent). Minerals and fuel fell from 11 percent to 9 percent; chemicals remained unchanged at 10.5 percent versus 10 percent; and agricultural and food products were also relatively stable.²⁰⁷ On the other hand, a welcome sign of normality was the drastic reduction in 1994 in the share of barter transactions in exports from 41 percent to 10.5 percent; in 1998 these transactions shrank further to 7.6 percent and 6.4 percent, respectively.²⁰⁸

A law on foreign investment (signed by the president on 13 March 1992) came into effect very early in Ukraine's post-Communist existence.²⁰⁹ Subsequently, in December 1993, a state program for the encouragement of foreign investment in Ukraine was promulgated.²¹⁰ At

pipelines connecting Central Asia and the Middle East with Central and Western Europe. See Balmaceda, "Gas, Oil, and the Linkages," 276–7.

207. *Uriadovyi kur'ier*, 2 February 1995 and 19 February 1998. In the first quarter of 1994 major exports consisted of ferrous metals (34.3 percent); transport vehicles (11.6 percent); machinery and equipment (11.4 percent); and chemicals (9.3 percent). "Ukraine, unfortunately, remains uncoupled from all these processes [i.e., the General Agreement on Tariffs and Trade/World Trade Organization] and now is reaping the fruits of its isolation — markets are narrowing owing to numerous trade barriers, and its structure [of trade] is dominated by raw materials and semi-manufactured goods" (ibid., 18 August 1994).

208. Ibid., 16 February 1999.

209. "Pro inozemni investytsii," *Zakon i biznes*, May 1992. It applied to cases where the foreign investment amounted to no less than 20 percent of an enterprise's capital, or U.S.\$100,000. Investors were guaranteed protection of the law's provisions for ten years, expatriation of profits, and exemption from nationalization or requisition. They would get a five-year tax holiday and 50 percent of going rates thereafter; in retail trade and services, the holiday would be three and two years, respectively, followed by taxation at 70 percent. A tax of 15 percent would be levied on exported profits. Ukraine was evidently eager for foreign investment as part of its transition to a market economy. A direct appeal for Western investment was made by then Acting Prime Minister Ievhen Marchuk at a conference in London organized for foreign investors in May 1995. See OMRI Daily Digest, 25 May 1995.

210. *Uriadovyi kur'ier*, 10 February 1994. Among its aims were the development of the country's export potential and the reduction of enterprises' reliance on energy and raw-materials sources. The program identified some forty-three priority areas for foreign investment within the broader fields of agrobusiness, light industry,

the beginning of 1997 another program, this one aiming to attract up to U.S.\$4 billion, was announced by then Prime Minister Lazarenko.²¹¹ None of this seemed to have had an immediate effect in terms of the sort of aggregate statistics reviewed above regarding the structure of Ukraine's exports.

The level of actual foreign direct investment (FDI) in Ukraine's economy and its rate of growth have been modest, to say the very least. During 1993 U.S.\$1.05 billion was registered as having been invested at a time when it was reported that U.S.\$24 billion was needed.²¹² Obviously, not all promises were followed through, because three years later the government was reporting that the total of foreign direct investment for the years from 1992 to and including 1995 was only U.S.\$750.1 million.²¹³ In 1997 foreign investment rose to U.S.\$759.2 million, so that by 1 January 1998 the cumulative total was U.S.\$2,058 million, still well short

medical industries, metallurgy, transportation and communications, chemicals, and recreation. For qualifying projects it allowed privileges in taxation, tax credits, partial refunds of tariffs on imported inputs, bank credits, and insurance. For instance, tax holidays—ranging from one year for a U.S.\$500,000 investment to five years for investments in excess of U.S.\$50 million—that exceeded the limits established by an earlier cabinet decree were instituted.

211. OMRI Daily Digest, 21 February 1997.

212. *Uriadovyi kur'ier*, 25 January 1994. Foreign direct investment in Central and Eastern Europe through 1994 was U.S.\$828 per capita for Hungary, but only a meagre U.S.\$6 per capita for Ukraine. By that time total investment in Hungary stood at U.S.\$8,506 million; in Ukraine, U.S.\$292 million. See Natalia Grushina and Zsolia Szilagyi, "Seeking Foreign Investment in Hungary and Russia," *Transition* (Prague), 26 January 1996, 22; and Open Media Research Institute, *Building Democracy: The OMRI Annual Survey of Eastern Europe and the Former Soviet Union*, 1995 (Armonk, N.Y., and London: M. E. Sharpe, 1996), *passim*.

213. During the latter year foreign investment amounted to a meagre U.S.\$266.6 million. In descending order, the countries of origin of these investments for 1992–95 were: the United States (25.9 percent); Germany (16.5 percent); the United Kingdom (6.1 percent); Cyprus (4.9 percent); Russia (4.8 percent); and Switzerland (4.5 percent). Commenting on these figures, Roman Shpek, the vice-prime minister for economic policy, noted that in 1996 Ukraine's needs for foreign investment stood at over U.S.\$40 billion. See *Uriadovyi kur'ier*, 2 April 1996. According to Viktor Pynzenyk, foreign investments in 1996 totalled U.S.\$606 million. So the aggregate by the end of that year stood at U.S.\$1.4 billion. *Ibid.*, 6 March 1997. Oleksandr Shapovalov, an official with the National Agency for Development and European Integration, characterized the figure of U.S.\$40 billion representing Ukraine's foreign investment needs as overstated. See *Ukraina sohodni*, 15 March 1999, at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0215u.html>, consulted on 23 April 1999.

of even the most conservative estimate of needs.²¹⁴ On a per capita basis, Ukraine, which up to 1997 had received less than U.S.\$5 per year, lagged well behind all other former Communist states. In Hungary, for example, the comparable figure was U.S.\$1,200.²¹⁵ By November 1999 cumulative FDI was said to be U.S.\$2.9 billion.²¹⁶

As of 1 January 2000 the total of foreign direct investment in Ukraine stood at just over U.S.\$3.2 billion. The major sources were (in U.S. million): the United States (\$590), the Netherlands (\$301), and the Russian Federation (\$287.7). By the end of the first quarter of 2000 total FDI per capita was U.S.\$65.00.²¹⁷ In the first half of 2000 the rate of inflow of FDI increased by 58.6 percent compared to the corresponding period in 1999. But in absolute terms it was still a modest U.S.\$420.1 million; in the first three-quarters of the year these figures were 18.4 percent and U.S.\$588.4 million.²¹⁸ By 1 November 2000 total FDI had reached U.S.\$3.7 billion and originated in 109 countries²¹⁹ — 109 reasons

214. By that time the contributing countries (in order) were: the United States (18.6 percent); the Netherlands (10.4 percent); Germany (9.0 percent); Russia and the United Kingdom (7.3 percent each); and Cyprus (6.1 percent). See *Uriadovyi kur'ier*, 18 February 1998. By 1 July 1998 the cumulative total stood at U.S.\$2.4699 billion from the following sources: the United States, 17.4 percent; the Netherlands, 9.25 percent; Germany, 7.9 percent; Russia, 7.3 percent; the United Kingdom, 6.8 percent; Cyprus, 6.6 percent; Liechtenstein, 5.0 percent; and South Korea, 7.4 percent. See *Holos Ukrainy*, 29 December 1998. Unfortunately, much of this investment was of the portfolio variety and did not contribute to innovation and economic recovery. It is also extraordinarily concentrated in Ukraine's capital, Kyiv, which accounts for 2,682 out of 6,535 enterprises that have received such investments and U.S.\$614.3 million (25 percent) of the total amount. During 1998 an additional U.S.\$718.1 billion was received, for an accumulated total of U.S.\$2.7817 billion. See *Ukraina sohodni*, 15 February 1999, consulted on 6 March 1999 at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0215u.html>.

215. Daniel Kaufman, "Why Is Ukraine's Economy—and Russia's—Not Growing?" at <www.worldbank.org/html/prddr/trans/marapr97/art2.htm>. See also Bohdan Hubsy, "Problemy mizhnarodnoho investuvannia v Ukraini," *Ekonomika Ukrainy*, 1998, no. 1: 51–7; and Mohammed Ishaq, "Foreign Direct Investment in Ukraine since Transition," *Communist and Post-Communist Studies* 32, no. 1 (March 1999): 91–109.

216. According to Viktor Pynzenyk, in *Research Update*, 8 November 1999.

217. *Economic Reform Update*, nos. 9 (February 2000) and 12 (May 2000).

218. *Ibid.*, nos. 15 (August 2000) and 18 (November 2000). The largest investors (in U.S. million) were from the United States (\$4,629.3); Cyprus (\$337.9); the Netherlands (\$329.9); Russia (\$284.2); the United Kingdom (\$271.9); Germany (\$226.8); South Korea (\$171.2); Switzerland (\$151.7); and the Virgin Islands (\$151.5).

219. *Ibid.*, no. 18 (November 2000).

to keep the Ukrainian economy afloat. At the end of the year, however, a prominent American businessman was still saying that Ukraine had “failed to create a favorable climate for foreign investment.”²²⁰

There has been a cooling of enthusiasm on both sides in the foreign investment game. According to some, political squabbling between the president and Parliament has had a dampening effect on foreign investors. Politicians and political observers in Ukraine have likewise expressed misgivings about its benefits. In 1997, for example, when Parliament attempted to rescind investors’ tax and customs privileges, the president threatened a veto. In general, the executive branch of government is on the side of foreign business, and the assembly—against; they thus work at cross-purposes on foreign investment. In 1998 the Constitutional Court was petitioned to clarify contradictions between the 1992 law permitting tax exemptions and a 1996 law requiring full payment of taxes.²²¹

By 1 July 1995 Ukraine’s foreign debt had reached at least U.S.\$5.53 billion, and by the beginning of 1999 it was reportedly U.S.\$11.5 billion. Thus, in order to help with macroeconomic stabilization and the payment of this debt, the International Monetary Fund and the World Bank, the lender of last resort, have become involved.²²² Early in 1992 the Cabinet made an attempt to attract the attention of the IMF. It approved and published a program of economic reform and economic policy whereby the government promised to do all the right things to bring about a free, competitive market while safeguarding the well-being of the least able strata of society.²²³ However, owing to the delay in launching meaningful economic reforms during Leonid Kravchuk’s term, Ukraine became a priority for the IMF only in 1994—after the election of President Leonid Kuchma and the G7 meeting in Naples in

220. RFE/RL Newswire, 27 December 2000. Earlier a council of foreign investors meeting in Kyiv made the same criticism. See *ibid.*, 15 June 2000.

221. *Ukrainian News / Ukrainski visti*, 23 April–6 May 1997, 10–23 September 1997, 17–30 December 1997, and 1–14 July 1998; and *Ukrainskyi holos*, 8 June 1998.

222. That foreign aid was imperative for the success of economic reforms in Ukraine was emphasized at the 1995 Davos World Economic Forum by Minister of the Economy Viktor Pynzenyk. See OMRI Daily Digest, 30 January 1995. The figure of U.S.\$5.53 billion appeared in *Holos Ukrainy*, 30 November 1995. Earlier in the year, however, Minister of Finance Petro Hermanchuk revealed that the total foreign debt was U.S.\$6.7 billion, of which U.S.\$4.2 billion was owed to Russia, mostly for natural gas. See OMRI Daily Digest, 21 April 1995. The 1999 figure was given in RFE/RL Newswire, 25 January 1999.

223. *Ukrainskyi holos*, 1 May 1992.

July of that year, which promised a U.S.\$4 billion loan.²²⁴ But there have been long delays in starting the issuance of loan tranches, as well as interruptions once they were started, because of Ukraine's failure to meet and maintain the required criteria.²²⁵ "The IMF's approach is straightforward," Jeffrey Sachs has written: "sharp cuts in the budget deficit, a low target growth of the money supply, high real interest rates, and a floating exchange rate."²²⁶ Therefore, while the IMF dictates the character of economic reform,²²⁷ the Ukrainian Parliament resists and the government has had to go beyond the IMF and the World Bank for loans.²²⁸ One of its bargaining chips was the closure of the Chornobyl Atomic Energy Station, in exchange for which Ukraine has obtained assistance in the rehabilitation of its existing hydro-electric power plants.²²⁹ Since the start of the Asian financial crisis in 1997 and its

224. *Financial Times*, 27 July, 28 July, and 2 August 1994.

225. For some of the ups and downs in Ukraine's relationship with the IMF, see, for example: *RFE/RL Daily Report*, 27 October 1994; OMRI Daily Digest, 6 January, 22 February, 27 February, 2 March, 3 March, 30 March, and 10 April 1995, 24 May and 12 December 1996, and 19 March 1997; *Ukrainian News / Ukrainski visti*, 7–20 May, 20 May–3 June, 4–17 June, and 5–18 November 1997 and 4–17 November 1998; *RFE/RL Newsline*, 1 December 1997, 26 January, 16 April, 1, 7, 10, and 21 September, and 2, 5, and 9 November 1998, and 25 January and 26 March 1999. See, in particular, Lily Hyde, "IMF, Ukrainian Leaders Discuss Reforms," *ibid.*, 15 October 1998; *Ukraina sohodni*, 15 March 1999, consulted on 23 April 1999 at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1999/0315u.html>; and *Edmonton Journal*, 10 July 1998. In 1999 Ukraine was to have received up to U.S.\$246 million in a loan from the IMF; in December 2000, a further U.S.\$246 million was approved. See *Economic Reform Update*, no. 4 (September 1999); and *Den*, 21 December 2000. Earlier there was also a U.S.\$100 million loan from the European Bank for Reconstruction and Development (EBRD) for the purchase of fuel for Ukraine's thermal-power plants. See *RFE/RL Newsline*, 7 December 2000.

226. *Financial Times*, 29 July 1994.

227. *Uriadovyi kur'ier*, 30 July 1994; and *Holos Ukrainy*, 10 December 1996.

228. Assistance has been sought and obtained from such sources as the European Union, individual European states, and the European Bank for Reconstruction and Development. See, for instance, OMRI Daily Digest, 26 January, 21 February, 27 April, and 12 May 1995 and 13 September and 18 December 1996; and *RFE/RL Newsline*, 10 September and 12 November 1997 and 18 February and 18 March 1998. Also see Tony Wesolowsky, "EBRD Plans to Fund Controversial Reactors in Ukraine," *RFE/RL Newsline*, 17 February 1999. A recent example of an IMF requirement is the raising of utilities fees, which was resisted by Parliament but finally passed by the government. *Ibid.*, 3 May 1999.

229. For some of the critical moments in Ukraine's dealings with the World Bank on this issue, see, for example, OMRI Daily Digest, 14 February, 14 April, 24 April,

spread to Russia in 1998,²³⁰ of course, the queue for handouts at the IMF's door has become much longer than it was in 1994, and Ukraine's chances of garnering attention for its problems have become relatively smaller. Whether all of this will only serve to make an economic Latin America out of Ukraine (to match its Latin American politics) is an interesting question. The IMF's prescriptions are denounced by politicians on both the left and the right, while the government relies on a shaky centre in Parliament for support for foreign loans and investment as a way out of the never-ending economic crisis.²³¹

Conclusion

The Latin American scenario is one of many straws grasped by academics and politicians alike in an effort to understand where Ukraine's economy may or should go.²³² Some present it as a prescription for the recovery of economic health through state regulation of the

27 April, and 12 May 1995. The Chornobyl AES was closed finally and completely, as per agreement between Ukrainian and foreign authorities, on 15 December 2000. Two days earlier the EU approved a loan of U.S.\$585 million to help build reactors at Khmelnytskyi and Rivne to replace Chornobyl. See RFE/RL Newline, 14 and 15 December 2000.

230. Despite a statement issued on 27 August 1998 by Prime Minister Pustovoitenko that Ukraine was not threatened by the Russian economic crisis, the Ukrainian government devalued the hryvnia on 1 September (to a corridor of 2.5 to 3.5 to the U.S. dollar from one of 1.8 to 2.25); by October the hryvnia had lost 30 percent of its value, and President Kuchma was admitting that the situation was "very dangerous." For a glimpse of the effects of the Russian crisis on Ukrainian industry, see Stefan Korshak, "Russian Crisis Hits Ukrainian Firms," RFE/RL Newline, 7 October 1998. In November Kuchma proposed new measures to stem the economic depression, including a renunciation of the "currency corridor" in favour of a floating rate, and called for a 1999 budget that would allow for a deficit of only 0.6 percent of GDP, in keeping with the IMF. Parliamentarians responded by legislating another rise in the minimum wage. See *Ukrainian News / Ukrainski visti*, 9–23 September, 7–20 October, and 2–15 December 1998.

231. At the end of 2000 the IMF imposed three conditions before it would resume its U.S.\$2.6 billion loan: parliamentary approval of the 2001 budget with a deficit of not more than 3 percent of GDP; adoption of a law on banks and banking; and submission to Parliament by the government of "a list of enterprises subject to privatization" (RFE/RL Newline, 10 November 2000).

232. Some would go even further and compare Ukraine's economic development and its "stagnation, corruption, and exploitation of natural resources" to the "sub-Saharan post-colonial countries in Africa" (Ilya Prizel, *National Identity and Foreign Policy: Nationalism and Leadership in Poland, Russia and Ukraine* [Cambridge: Cambridge University Press, 1998], 374).

economy—the Pinochet solution—assuring “conditions for a legal economy and honest competition, and the creation of political as well as legal guarantees for the functioning of national production.”²³³ Others warn that the Latin American pattern of “neo-colonial” development dictated by the IMF already applies to Ukraine not only in the economy but also in politics. “Governmental control of the mass media, direct and indirect censorship, the publicity surrounding our would-be leaders and even their families, the massive propaganda campaigns, the corruption, the open flouting of the Constitution and laws, the desire for the ‘strong hand’ among the lumpenized masses—all these are clear features of the Latin American model in Ukraine.”²³⁴ While the World Economic Forum, in its recent Global Report on competitive ability, rated Ukraine as among the world’s most corrupt countries, an earlier report by the World Bank dismissed the causal link between privatization and corruption generally in Eastern Europe and the former Soviet Union.²³⁵ Statements that were made in early 1995 by such individuals as the Swedish economist and consultant Anders Åslund that Kyiv is “on the right track” with economic reforms and its prospects for success are “very promising” clash with the 1998 forecast for the Ukrainian economy by a Kyiv think-tank. Its members spoke of a collapse of the financial system of Ukraine by midsummer and a bleak economic future.²³⁶ Meanwhile, by 1998 Ukraine had fallen in three years from 45th to 95th place among

233. Valerii Kolomoitsev, a member of the Centre caucus in Parliament. See his “Novyi kurs Ukrainy: Derzhavne rehuliuвання ekonomiky iak osnova natsionalnoi ideologii podolannya kryzy i mekhanizm vidvernennia suspilnoi katastrofy,” *Holos Ukrainy*, 16 September 1997.

234. Volodymyr Cheremys, a leader of the right-wing Ukrainian Republican Party, writing in *ibid.*, 10 December 1996.

235. *Corruption Watch* 1, no. 8 (24 June 1998); and *Ukrainian News / Ukrainski visti*, 21 May–3 June 1997.

236. OMRI Daily Digest, 11 January 1995; and *Ukrainian News / Ukrainski visti*, 20 May–3 June 1998. In fact, the prediction was very close to the mark, as Ukraine got caught up in the Russian financial crisis that began in August 1998. Until that time Ukraine’s economy was beginning to show signs of recovery and growth. See *Uriadovyi kur’ier*, 20 August 1998; and *Ukraina sohodni*, 3 August 1998, at <www.ukraine.org/www.ukrainet.lviv.ua/infobank/1998/0803u.html>, consulted on 11 August 1998. After several months of holding out, in February 1999 the Ukrainian government further devalued the hryvnia to a corridor of 3.4 to 4.6 to the U.S. dollar, whereas it had earlier pledged to maintain it within a range of 1.8 to 2.25 to the dollar. See RFE/RL Newline, 2 September 1998 and 10 February 1999. On 1 April 1999 the official exchange rate was 3.94 hryvnias to the dollar. See *Uriadovyi kur’ier*, 1 April 1999.

countries of the world in terms of quality of life, landing squarely in the ranks of the Third World.²³⁷

Advocates of free-enterprise economies insist that the rule of law and protection of private property are needed to sustain the market and that this in turn assures human happiness.²³⁸ Furthermore, “countries with common-law legal systems,” according to yet another study, “treat investors well, and their companies have an easy time raising capital. Those with French-law [i.e., civil-law] systems, by contrast, fail to protect investors, with predictable results.”²³⁹ Unfortunately for Ukraine, it has a French civil-law system, at least on paper. Furthermore, the World Economic Forum’s 1998 Global Report classified it in “the group of states where crime, corruption, the lack of personal safety and overt neglect of taxation laws has become so deeply rooted, that the law has become seriously undermined.”²⁴⁰

The prospects for Ukraine’s successful transition to a market economy look bleak indeed,²⁴¹ but the transformation of Ukraine’s economy has not been a total failure. It has succeeded in creating a new and extraordinary social entity, the category of entrepreneurial, sometimes shady politician known as the “oligarch.” This individual is not simply the product of the evolving market economy; many of Ukraine’s “oligarchs” got their start in business well before the collapse of Communism, usually as Komsomol entrepreneurs in the perestroika era. They have built up empires involving export of resources, manufactur-

237. *Ukrainskyi holos*, 23 March 1998.

238. Gerald W. Scully, for example, has written: “The necessary conditions for these universal human characteristics [i.e., ambition and talent] to be unleashed is a constitutional setting that fosters and protects private property and the rule of law and allows for competition among political agents who aspire to govern. Private property, freedom of contract, and free market exchange free the Scotsman in everyone. Collective ownership and the political allocation of resources waste a nation’s natural endowments” (*Constitutional Environments and Economic Growth* [Princeton: Princeton University Press, 1992], 213). His prescription of policies for growth is also of interest: “Free trade, a small public sector, and conservative fiscal and monetary policy are,” he stresses, “growth promoting. Restricted trade, licensed monopoly, regulation, a large public sector, budget deficits, and inflation promote rent-seeking” (ibid., 214).

239. *The Economist*, 19 April 1997.

240. *Corruption Watch* 1, no. 8.

241. For a clear-eyed perspective on Ukraine’s “bureaucratic capitalism” and ways to steer the privatization process towards a normal economy, however, see O. Paskhaver, “Perspektyvy pryvatnoho pidpriemnytstva v Ukraini: Pryvatyzatsiia i zrostantia novoho kapitalu,” *Ekonomika Ukrainy*, 2000, no. 4: 31–9.

ing, financial services, and control of mass media outlets. This type of business person is not wedded either to capitalism or liberalism, and is not, therefore, the vanguard of an ideal “middle class,” a pillar of liberal democracy. These “oligarchs” have made their fortunes, one might say, out of the misfortunes associated with the transition—inflation, insider privatization, and the energy crisis. They owe their good fortune to personal connections with each other and with powerful state leaders. They have taken high risks and reaped huge benefits. The “oligarchs” have done very well from the slow transition to a market economy.

It is good to do well in a market economy; those who do so can be considered to have some of the power that is necessarily dispersed in such a full-fledged market economy. In a democracy this is then differentiated from the power held by the state and its officials as well as other elites. If Eva Etzioni-Halévy’s elite theory of democracy is true, then business elites should have autonomy from the state, and vice versa. In Ukraine, however, the “oligarchs” are not clearly autonomous from the state, nor is the state autonomous from them; in a sense, they are the state. They are either supporters of the president,²⁴² members of Parliament, or both. They formulate the laws that apply to their business activities, regulate the pace of economic reform, and enjoy immunity from criminal prosecution while serving as parliamentary deputies. Their sense of conflict of interests is amazingly underdeveloped. For these “oligarch” deputies, as for parliamentarians generally, economic reform has been a political football used to play power games against the executive. These are not technocrats dispassionately implementing an economic-reform strategy endorsed by leading economists. When the fox is assigned to guard the henhouse, the consequences ought to be predictable.

This new element of the Ukrainian political elite is an elusive category. It is not contained, found, or represented within a particular institution. It has no single institutional home. Its members are in business, finance, the mass media, political institutions, and the back rooms thereof; and in the leadership of political parties and business associations—often all at once. Rather, networks of personal relationships and financial transactions define this element. Those features play havoc with any attempt at a normal, institutionalist account of Ukraine’s political system, such as the one here, with its expectation that in a constitutional democracy the political elite will be identifiable as the office-holders of the recognized

242. As alluded to in the title of Bondarenko’s book, *Atlanty i kariatydy z-pid “dakhu” Prezydenta*. The implication is that these individuals both support the president (like the atlantes [atlases] and caryatids of a Greek temple) and are sheltered by him—a marvellous image.

political institutions. They play havoc with the assumption that election results matter, that the formal decision-making arena is the one where real decisions are made, and that the structures of decision-making count. One must take seriously the warning that Ukraine's is not a settled political system, but an unsettled one in which institutions are more apparent than real. This means looking beyond the ranks of formal office-holders to find the influential individuals.

In 1999 the top five "oligarchs" in Ukraine were identified. The first is Ihor Bakai, founder of his own natural-gas trading company, formerly the vice-minister for oil and gas, then head of the national joint-stock company Naftohaz Ukrainy and a leading figure in the Revival of Regions caucus. The second is Aleksandr Volkov, President Kuchma's closest and most influential adviser, the founder of his own television company in 1992 who used capital accumulated in the retail trade, and a board member of the Ukrainian League of Industrialists and Entrepreneurs. He was accused of money laundering in Belgium, but was exonerated by Procurator General Potebenko. Volkov was also a leading figure in the Revival of Regions caucus. The third is Viktor Pinchuk, who reportedly had links with the Dnipropetrovsk clan of Pavlo Lazarenko. In 1990 he founded the Interpipe pipeline and energy company, becoming its president in 1997. Pinchuk, a close friend of the head of the Security Service of Ukraine, was suspected of diverting large sums of money into foreign bank accounts. But Procurator General Potebenko also gave him a clean bill of health. The fourth is Vadim Rabinovich, who was jailed for engaging in illicit business (at a time when all business was illicit) until he was released by Gorbachev in 1990. He has been highly successful in the advertising business and was a backer of the Green Party in 1998. After launching a Ukraine-Israel trading company with Volkov, he headed Ukraine's Jewish community, which he subsequently alienated. Rabinovich, who boasts about his Israeli citizenship, is suspected of having criminal contacts through his business activities. In 2000 he bided his time in Israel while waiting for his *persona non grata* status in Ukraine to lapse. The last on the list of the top five "oligarchs" in Ukraine is Grigorii Surkis, who began his business career in 1991 by privatizing a department of the Kyiv City administration. He then built a financial-industrial empire and engaged in the energy and food industries. He is the owner of the Kyiv Dynamo soccer club and a backer and influential leader of the Social Democrats (Unified).²⁴³ In addition,

243. Ibid., passim, and "Who is Pulling the Strings?" *RFE/RL Poland, Belarus, and Ukraine Report* 1, no. 2 (1 June 1999). Without indicating a rank order, Bondarenko lists the following individuals as "oligarchs": Viktor Medvedchuk, Bohdan Hubsy,

all five own one or more mass media outlets—television and radio stations and newspapers—and all five played a “dominant role” in the re-election campaign of Leonid Kuchma in 1999. All five are members of Parliament.

If these individuals are representative, then we must seriously review our assumptions and impressions of Ukraine’s transition to a market economy and democracy. The following questions should be raised: is this “contestation open to participation;” whom and what do the political parties financed by these “oligarchs” represent; whose interests do these “oligarchs” represent in Parliament; where are the “checks and balances;” where does accountability lie? Additional questions about the meaning of elections and parliamentary debate and a whole host of fundamental matters should be raised. Most of all, a review of our assumptions and impressions calls for a reassessment of the model of “democracy” being developed in Ukraine, because the country’s half-reformed economy has not merely stopped temporarily on the main line short of its destination; it has been shunted onto a siding. On that sidetrack a new political elite—the more easily identifiable “politicians” (visible by their positions in the institutions of government), along with the more shadowy “oligarchs” (discernible less by position and more by reputation)—is engaged in limitless corruption on an unprecedented scale. The state-run economy is being dismantled by various “servants of the state” (ministers, bureaucratic officials, and managers) and “servants of the people” (parliamentary deputies). It gives a whole new meaning to the notion of “government as organized crime.”²⁴⁴ Economic reform, improperly carried out, is a bonanza, but how much corruption can a would-be normal democracy bear before its legitimacy runs out?

Viktor Iushchenko, Iuliia Tymoshenko, Mykhailo Hladii, Ihor Didenko, Hanna Antonieva, and Zynovii Kulyk.

244. The idea comes from Charles Tilly’s chapter, “War Making and State Making as Organized Crime,” in *Bringing the State Back In*, ed. Evans, Rueschmeyer, and Skocpol, 169–91.

CHAPTER 10

National Security, Defence, and Foreign Policy

Ukraine's newly acquired independence, its geopolitical location, its attempt to establish a market economy, and the nature of the existing world system of interdependent but competing states—all these have had an impact on the country's policies regarding national security, defence, and external relations. Owing to its previously weak or, perhaps more correctly, non-existent sovereignty, territorial control, and integration into the world system of states (to return to the state-building framework outlined in chap. 3), such policies have had to be largely invented in response to novel circumstances. At the same time, creativity has been circumscribed by elements of the Soviet legacy. The net result is that in the realm of international relations—or the external aspects of its state-building project—Ukraine's status has been as fraught with ambiguity and dilemmas as its democratic regime in the domestic realm.¹

Democracy and independence have also brought a closer relationship between domestic politics and foreign policy. Old-fashioned diplomacy in days of yore might have been conducted on the basis of advancing the “national interest” without regard to a country's internal politics; Soviet foreign policy was certainly conducted in such a manner. However, in today's world that kind of divorce between the domestic and foreign spheres is unimaginable, especially for a new democracy.

Traditional notions of national security have now given way to much more broad and complex ones. Today military defence of territorial integrity has to share the stage with concerns about environmental, medical, ecological, economic, and even informational safety,

1. For an early, negative, assessment of Ukraine's chances of independent survival, largely based, however, on hearsay, scaremongering, and ethnic stereotyping, see Brumberg, “Not So Free At Last,” 56–64. Ilya Prizel gives detailed attention to the ambivalence of Ukraine's national identity and how that carries over into its foreign policy. See his *National Identity and Foreign Policy*, esp. chap. 10. For a full treatment of Ukraine's foreign and defence policy in the initial three years of President Kuchma's first term in office, see the account in Kuzio, *Ukraine under Kuchma*, chap. 6. A follow-up of sorts to Brumberg's piece is Jack F. Matlock, “The Nowhere Nation,” *New York Review of Books*, 24 February 2000, 41–4.

as well as migration patterns. Furthermore, threats to security are seen as emanating from inside as well as outside the country. In its comprehensiveness, national security in our time not only subsumes defence and military preparedness, but also encompasses a nation's socio-economic condition.

Thus, the external aspects of state building offer Ukraine new vistas and prospects, but the impending voyage is fated to encounter unfamiliar challenges and the burden of a good deal of unwanted baggage from the recent and more distant past. What were these challenges and these encumbrances, and how have Ukraine's leaders coped with them?

National Security

It seems appropriate to begin a discussion of Ukraine's external relations with the concept and policy of "national security," owing to its greater breadth of connotation. Not only does it subsume military defence of territorial integrity, it also includes domestic and foreign threats to the state and its people, and is a term commonly and ever more frequently used by Ukrainian policy-makers. Indeed, so important has the concept become that the question of whether Ukraine may be turning into a "national security state" thereby subverting democracy is also quite pertinent.

President Leonid Kravchuk established an advisory body called the National Security Council on 1 July 1992. Besides Kravchuk himself in the chair, it included five permanent and six ordinary members, all key figures in the government.² According to its architect and inaugural secretary, the council was to be an advisory and consultative body to the president, preparing decisions for adoption by the president "in the sphere of the defence of vitally important national interests and guaranteeing the national security" of the state.³ Meanwhile, an earlier

2. *Pravo Ukrainy*, 1992, no. 9: 81.

3. V. Selivanov, "Natsionalna bezpeka Ukrainy ta ii zabezpechennia (kontseptualnyi pidkhid)," *Pravo Ukrainy*, 1992, no. 7: 11. Writing about the National Security Council some two years later, however, Taras Kuzio found its actual operation sufficiently inscrutable to defy analysis: "its function and role in the formulation of Ukrainian security policy is still unclear." This he attributed to "the lack of consensus within the Ukrainian leadership over national interests." The best that could be reported was that its "main task... [is] to advise and consult on all aspects of policy dealing with national security in the broadest sense.... [It] also co-ordinates and integrates different departments whose ... activities [concern] ... national security.... [Nevertheless,] it is difficult to analyze its importance and role...." (*Ukrainian Security Policy*, The Washington Papers 167 [Westport, Conn., and London: Praeger, 1995], 30-1).

presidential edict had also created a special commission charged with drawing up an overarching policy statement on national security.⁴

Throughout the next few years, pending the drafting of these guidelines for the nation's national security, foreign observers offered their own diagnoses and prescriptions for Ukraine's national security policy. A common theme in such analyses was the primacy of Russia. "The key element in all considerations of Ukrainian security," according to James Gow, "is the 'Russian question' and Ukraine's determination to establish maximal independence."⁵ According to Olga Alexandrova, an expert on Russia and Ukraine in Germany's Institute for East European and International Studies in Cologne, "in the Ukraine, above all Russia is perceived as a serious threat to Ukrainian independence."⁶

Paula J. Dobriansky, a former adviser to President Ronald Reagan, has said likewise. Because "Russia still has not reconciled itself to Ukrainian independence, viewing it as a temporary aberration, the geopolitical and military consequences should Ukraine experience political collapse ... would probably entail both a civil war and a Russian-Ukrainian military clash."⁷ With a sound economic and foreign policy and support from the United States, such an outcome could be avoided, but the burden of responsibility rests with the Ukrainian government and people. "The situation is critical," Dobriansky con-

4. *Holos Ukrainy*, 18 May 1995. The edict was issued on 15 January 1992. By the middle of that year a committee of experts drew up a set of principles that were approved by the commission. The task was resumed the following year by the parliamentary Committee on Defence and State Security and presented to Parliament in October 1993. Afterwards, a draft document, having been agreed to in principle by the National Security Council, was ready for its three readings. *Ibid.* It received first reading on 24 May 1995. See OMRI Daily Digest, 25 May 1995.

5. James Gow, "Independent Ukraine: The Politics of Security," *International Relations* (London) 11, no. 3 (December 1992): 255. In a similar vein, Roman Solchanyk noted that "in order to understand Ukraine's security concerns, attention must be focussed on the broader and more fundamental issues that have shaped Ukrainian-Russian relations in the post-Soviet period. First and foremost is the question of whether Russia accepts Ukraine as a legitimate entity. Second is the issue of Russia's role in the geopolitical space formerly known as the Soviet Union" ("Ukraine's Search for Security," *RFE/RL Research Report*, 21 May 1993, 2). His contention was that "Ukraine remains suspicious of Russia's ultimate aims with regard to itself and the region as a whole" (*ibid.*, 5).

6. Olga Alexandrova, "Russia as a Factor in Ukrainian Security Concepts," *Aussenpolitik* (English edition) 45, no. 1 (1994): 69.

7. Paula J. Dobriansky, "Ukraine: A Question of Survival," *National Interest*, no. 36 (Summer 1994): 65–6.

cludes, "but not hopeless."⁸ A more pessimistic assessment views Ukraine as locked inextricably "in a security trap with Russia. In important but radically different ways, each country ... finds itself in a situation where the direct pursuit of its goals will make the achievement of these goals impossible."⁹ Even a more cautious and comprehensive and less alarmist and pessimistic book on the subject has striven to "highlight the dangers of Russian-Ukrainian conflict in the near future," which derive from Ukraine's own sense of insecurity and the turn to the right in Russia.¹⁰ At the same time "the economic crisis, corruption, lack of political reform, and entrenchment of influential communist groups are as great ... a threat to survival of the Ukrainian state as potential foreign threats."¹¹

Meanwhile, within political circles in Ukraine a conception of national security going beyond the idea of state security and defence against external threats was percolating. The process had in fact changed for all Communist countries in Eastern Europe with the end of the Cold War in 1989.¹² Correspondingly, on the eve of the formation of the

8. Ibid., 72.

9. Paul A. Goble, "The Ukrainian Security Trap," *Ukrainian Quarterly* 50, no. 3 (Fall 1994): 229. In the author's own rather pessimistic words, "both countries are caught in a security trap. If Ukraine pursues too radical a vision of independence, ... its actions will generate ever more forces in Russia that will seek to reimpose Russian control over Ukraine. And if Russia actively seeks to resubmerge Ukraine under Russian domination, ... its actions will generate ever more forces in Ukraine that will seek an ever more radical separation from Russia. And ... each of these will then feed into the other—and ... this explosive cycle almost inevitably would lead to a Ukrainian loss and a Russian victory" (ibid., 231).

10. Kuzio, *Ukrainian Security Policy*, 4.

11. Ibid., 23–4. Indeed, after reviewing the host of internal threats, Kuzio concludes that "If Ukraine fails to address the political and economic crisis, the threat of disintegration is likely to grow.... It is the main threat to Ukrainian security; without a solution to these questions, separatism and regionalism will grow.... Ukrainian independence is threatened by either a nationalistic backlash, which will inflame relations with Russia and alienate regions and national minorities, or a forced reintegration with Russia, which will not be accepted by a large proportion of the Ukrainian population, leadership, and armed forces. A balance between these two extremes is vital for Ukrainian security" (ibid., 51).

12. "The security agenda (and therefore the field of security studies) changed after 1989. Security policy, understood as a combination of defence and foreign policy, emphasized the military dimensions of security. The primary purpose of defence policy was (and of course continues to be) to provide the physical means to resist external invasion of the homeland, or preferably, to deter such an act. To

National Security Council, its soon to be designated secretary enunciated a philosophy of national security that not only distinguished it as being broader than state security, but also identified and defined its several aspects.¹³ These aspects—state and legal, socio-economic, national-cultural, ecological, and informational—subsequently figured in the discussion leading up to the formulation of the guiding document for government policy in this area.¹⁴ No doubt domestic political developments accelerated this process of broadening the definition of national security and looking inwards for serious threats. Certainly such an impression was reinforced by the Security Council's long and detailed decision of 1996 entitled "On Dangers to the Constitutional Order in Ukraine," one of very few such published documents.¹⁵

By this time the Constitution had finally been adopted, and its requirement for a new body called the National Security and Defence Council had to be met. In the chapter on the presidency, it was defined in article 107 as "the co-ordinating body for matters of national security and defence attached to the President of Ukraine. The Council ... co-ordinates and monitors the activity of the organs of executive power in the sphere of national security and defence." Still headed by the president, it contains *ex officio* the following: the prime minister; the ministers of defence, internal affairs, and foreign affairs; and the head of the Security Service of Ukraine. Accordingly, on 30 August 1996 a presidential edict superseding all previous decrees established the new

this end security policy was conceived as an extension of defence policy into the sphere of foreign policy: the homeland could best be protected by forming strategic alliances with others. With the end of the Cold War that framework changed" (Gow, "Independent Ukraine," 254).

13. Selivanov, "Natsionalna bezpeka Ukrainy," 7–11.

14. See, for example, Valerii Kartavtsev, "Kontseptsiiia natsionalnoi bezpeky Ukrainy (problemy pidhotovky ta osnovni polozhennia)," *Holos Ukrainy*, 18 May 1995.

15. In the wake of the attempt on the life of then Prime Minister Lazarenko, the document spoke of the coalescence, primarily in the Donbas and Crimea, of organized criminals together with corrupt officials into a dangerous anti-state force against which co-ordinated action was necessary. It directed that various arms of government—including the Cabinet of Ministers, the president's Co-ordinating Committee on Corruption and Organized Crime, the presidential administration, the Security Service, the Ministry of Defence, local governments, the National Guard, and the Ministry of Foreign Affairs—deal with the causes and symptoms of this multifarious threat. See *Uriadovyi kur'ier*, 20 July 1996. For a discussion of the shift from external to internal threats, see D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 256–60.

council and was accompanied by a set of temporary regulations regarding its operation.¹⁶

The new council was obviously based on the old National Security Council. This was signalled by the retention of the NSC secretary Volodymyr Horbulin who had been appointed in August 1994 as the secretary of the new body.¹⁷ Also apparent were the body's multidisciplinary membership and a certain change of emphasis. Missing from the new body were the president of the Academy of Sciences, the health minister, and the head of the National Bank. In their place came the ministers of justice, the economy, finance, and the military-industrial complex. As Horbulin himself confirmed, the new body's attention would be oriented primarily towards countering internal threats stemming from the state of the economy and the activities of organized crime.¹⁸

The long-awaited Concept (Bases of State Policy) of National Security of Ukraine was promulgated after it received parliamentary approval on 16 January 1997.¹⁹ It declared: "The national security of Ukraine, [understood as] the condition of the vitally important interests of the person, society, and state being protected from internal and external dangers, is an indispensable condition of the preservation and development of spiritual and material values." It identified as the main objects of national security the citizen, society, and the state; the basic principles of achieving it included the primacy of human rights and the law, peaceful resolution of conflicts, and democratic control of all bodies of security and defence.²⁰

16. *Uriadovyi kur'ier*, 5 September 1996.

17. Horbulin, a candidate of technical sciences, the general director of the National Space Agency, and a former apparatchik in the Central Committee of the CPU (1977–88), replaced Selivanov, an academician with a doctorate in law and a researcher at the Institute of State and Law of the Academy of Sciences. His replacement may have been significant in the reorientation of the National Security Council's mandate and in national security policy generally. Biographical details are taken from *Khto ie khto* (1993), 39 and 156.

18. *Uriadovyi kur'ier*, 15 October 1996; "Pro Radu natsionalnoi bezpeky i oborony Ukrainy," article 237, *Vidomosti Verkhovnoi Rady Ukrainy*, 1998, no. 35: 726–32.

19. *Holos Ukrainy*, 4 February 1997. The vote was almost unanimous, with only a single deputy voting against and two abstaining. See *Uriadovyi kur'ier*, 1 March 1997.

20. By placing the primary emphasis on the individual, the document opens up the bizarre possibility that, given current socio-economic conditions, the doctrine of national security could paradoxically be put to use protecting shady characters, thus subverting the whole intent. One commentator suggested such a possibility, which, however, was neither explicitly stated nor intended. He wrote that "while the interests of the citizen and his safety are indeed the fundamental principle of national security, absolutizing and placing them in opposition to the interests of the

Clearly, in this conceptualization security, like charity, should begin at home.

The policy document's catalogue of threats to the national security of Ukraine was truly all-embracing. In the political realm it listed the following: infringements of the constitutional order and state sovereignty; interference by other countries in Ukraine's internal affairs; separatism; massive human rights violations; intensification of inter-ethnic relations; violation of the division of powers; failure to comply with the law; and ineffectiveness of the struggle against ordinary crime, organized crime, and terrorism. In the economic sphere the basic potential threats were ineffective state direction of the national economy; obstacles to establishing market relations; failure to solve the economy's dependence on other countries; isolation of the country from the global system; uncontrolled outflow of resources; and the criminalization of society. Threats to the social order would be low living standards and high levels of unemployment; politicized opposition from particular strata or regions; deterioration in public health; society's moral and spiritual degradation; and unchecked migration. In the military sphere potential threats would come from infringements of sovereignty and territorial integrity; military movements near the borders; instability in neighbouring countries; possible deployment of nuclear weapons against Ukraine; the lowering of military preparedness; the politicization of the military; and the creation of unlawful armed formations. Among the specifically ecological threats were the Chernobyl legacy; the ineffective or harmful use of natural resources; improper importation of hazardous materials; and negative ecological effects of military activity. Evidence of threats to science and technology would be vagueness of government

security of society and the state would be a mistake. The level of national security has to be indicated by the protection of society as a whole, as well as the qualitative condition of state security as a necessary condition for the existence of Ukraine" (Kartavtsev, "Kontsepsiia."). It specified the following priority national interests of Ukraine: creating a civil society; achieving national harmony; safeguarding state sovereignty; creating a market economy; assuring ecological and technological safety for societal life; developing scientific and technological potential; improving national health and the gene pool; the flowering of the Ukrainian nation; and "setting up equal and mutually beneficial relations with all states, and integrating into the European and world communities." As has been pointed out, "the 24th General Assembly of the United Nations on 14 December 1974 announced the permanent national interests of any country as being: sovereignty, territorial integrity, and political independence" (*Holos Ukrainy*, 16 January 1997). Oddly enough, the concept of national security adopted in 1997 makes no mention of political independence as a component of Ukraine's national interests.

policy in the area; brain drain; and a reduced level of training of scientific personnel. Finally, threats to national security in the sphere of information would manifest themselves in the absence of policy and infrastructure; slowness in entering the global informational space; intrusion of other states; the leakage of secret and confidential information; and the imposition of censorship. All in all, apart from the question of whether the government or this council was really in charge, this was a litany of every problem facing Ukraine at the time.

Corresponding to these potential threats, the basic orientation of state policy would be equally multifarious, with prescribed actions within each of the enumerated spheres. Practically all the activities of government, even the normal ones, were thus subsumed under the rubric of "national security." For example, in the political sphere national security policy was to be directed towards the following: creating effective mechanisms to protect civil rights; deflecting attempts to interfere in the internal affairs of Ukraine; joining security alliances; avoiding political extremism; fighting against corruption and organized crime; and ensuring the proper execution of the law by administrative bodies. In the social sphere, to use another example, the prescribed policy directions were far beyond the limits of the normal: narrowing the gap between rich and poor; righting the negative demographic situation; creating an effective system of social security; and defending the rights of consumers. But in line with the established trend of turning the focus of national security policy inwards rather than outwards, one of the new council's first decisions dealt with assuring an adequate supply and rational utilization of energy.²¹ The presidential edict enacting this decision directed the Cabinet of Ministers, the Ministry of the Economy, and other agencies to take corrective action. The law enforcement bodies were ordered to reduce infractions and misappropriations in this area, and the heads of the oil and gas and atomic energy agencies were to be fired.

Little wonder, then, that the question has been raised as to whether this comprehensive philosophy of national security is compatible with democracy.²² At the very least, the new National Security and Defence Council concentrates an inordinate amount of power in the hands of the president; at worst, it is a resurrection of the old Soviet-style Politburo—an all-powerful, unaccountable, and potentially unconstitutional coordinating body of government—a supragovernmental authority. Need-

21. *Uriadovyi kur'ier*, 3 April 1997.

22. "Demokratiia i natsionalna bezpeka: druzi chy vorohy?" *ibid.*, 25 December 1997.

less to say, its secretary, who declared that the council is in fact the instrument for creating democratic institutions in Ukraine, has vigorously denied such a characterization. He also asserted that certain parliamentarians intent on "halting the legislative strengthening of a democratic and independent Ukraine"²³ are obstructing the creation of democratic institutions.

On 5 March 1998 President Kuchma signed the law on the National Security and Defence Council, which previously had been passed by Parliament.²⁴ This statute clarified the status of the council somewhat, placing its existence and activities on a legal footing and clearly designating it as the top policy-making body in this area. The law defined the council as "the co-ordinating body for questions of national security and defence attached to the President of Ukraine" (article 1). Its functions (article 3) were identified as bringing forth proposals for presidential action in matters of security and defence and co-ordinating and monitoring the executive branch of government's fulfillment of such policies in peacetime as well as war and emergencies. In line with these functions, its competencies (article 4) included, of course, making recommendations to the president on matters within the policy area. But again the types of issues enumerated in the law were highly inclusive, to wit designating the country's strategic national interests; drafting state documents on security and defence; the organizational improvement and reorganization of the security system; drafting pertinent sections of the state budget; providing the means and resources to meet security objectives; suggesting ways to meet actual and potential threats to national interests; research; monitoring the implementation of the council's decisions; managing the flow of security and intelligence information; and declarations of a state of emergency or war. In addition to advising on all these matters, the council would have the following functions within its competency: ongoing monitoring of the executive branch of government and reporting to the president thereon; secondment of personnel from other bodies as analysts; initiation of the formulation of legal documents; co-ordination and monitoring of the executive branch and local government in case of war or emergency; and organizing the defence of the populace not only in case of war and emergency but also "in the event of crisis situations that endanger the national security of Ukraine."

As for the composition and structure of the council, the law made it clear that the president is its head (article 5). He appoints its membership

23. Ibid.

24. "Pro Radu natsionalnoi bezpeky i oborony Ukrainy," *Holos Ukrainy*, 3 April 1998.

(article 6). The secretary is appointed by and directly subordinate to the president (article 7), and the president determines the functions and structure of the council's permanent staff (article 8), which operates under the direction of the secretary.²⁵ In none of this is the president checked by another branch of government. Membership in the council includes the prime minister, the ministers of internal affairs, foreign affairs and defence, and the head of the Security Service. These belong *ex officio*; other members of the executive branch may be appointed, which gives the president additional flexibility. The secretary and his staff are civil servants, the Ukrainian equivalent to the Chinese "iron rice bowl."

There was a provision in the law for the appointment of assistant secretaries (article 13), and President Kuchma took advantage of it in an interesting way shortly after its promulgation. He appointed the security chief Volodymyr Radchenko as assistant secretary of the council, naming Leonid Derkach, who until then had headed the Customs Service, chief of the Security Service of Ukraine.²⁶ The appointment to this body of both current and past Security Service chiefs (as of 1998) once again underlined the reorientation of the priorities of national security policy from external to domestic ones. Taras Kuzio's prediction that "The activities of the armed and security forces ... are set to grow as the politicians seem unable to solve the country's domestic crisis" appeared to be coming true.²⁷

25. In a newspaper interview published before the promulgation of the 1998 law, the council's secretary, Volodymyr Horbulin, revealed some details of its structure and personnel. See *Uriadovyi kur'ier*, 22 August 1996. At that time the Secretariat was basically divided into two sections: strategic planning and co-ordination of national security policy (headed by a doctor of economic sciences) and information and analysis (headed by a doctor of technical sciences). Altogether five doctors and twelve candidates, representing nearly two-thirds of the staff, were employed there. Exemplifying the multidisciplinary composition of its staff and their work, Horbulin provided several illustrations. Until recently (March 1996), the chief of staff had been Anatolii Dovhopoly, candidate of technical sciences, now deputy minister of defence in charge of weapons. The deputy chief of staff had previously worked in the Ministry of Foreign Affairs and the UN. Organized in teams, various specialists were then working on such problems as economic security in all its aspects; the internal political stability of the state and society; development of the armed forces and the military-industrial complex; legal aspects of national security problems; and nuclear and ecological security. *Ibid.*; additional information on Dovhopoly from *Khto ie khto* (1996), 86–7.

26. *Uriadovyi kur'ier*, 25 April 1998. Both of them were old KGB hands. Derkach had worked at the Pivdenmash Works and in 1994–95 was first deputy head of the Security Service of Ukraine. See *Khto ie khto* (1996), 83–4.

27. Kuzio, *Ukrainian Security Policy*, 32.

TABLE 10.1
COMPOSITION OF THE NATIONAL SECURITY AND
DEFENCE COUNCIL OF UKRAINE, DECEMBER 2000

	Ministry or Other Position
Leonid Danylovych KUCHMA	President of Ukraine and Head of the Council
Viktor Andriiovych IUSHCHENKO	Prime Minister
Ievhen Kyrylovych MARCHUK	secretary of the Council
Vasyl Vasylovych DURDYNETS	Emergency Situations
Ivan Oleksandrovych ZAYETS	Ecology and Natural Resources
Iurii Fedorovych KRAVCHENKO	Internal Affairs
Oleksandr Ivanovych KUZMUK	Defence
Volodymyr Mykhailovych LYTVYN	Presidential Administration head
Ihor Oleksandrovych MITIUKOV	Finance
Borys Mykolaiovych OLEKSIHENKO	Border Guards
Borys Ievhenovych PATON	National Academy of Sciences
Siuzana Romanivna STANIK	Justice
Anatolii Maksymovych ZLENKO	Foreign Affairs
Vasyl Vasylovych ROHOVY	Economy
Volodymyr Petrovych SHKIDCHENKO	CGS and first vice-minister of defence

SOURCES: “Pro novyi sklad Rady natsionalnoi bezpeky i oborony Ukrainy: Ukaz Prezydenta Ukrainy,” no. 162/2000, of 2 February 2000; supplemented by presidential edicts nos. 938/2000 of 31 July 2000 and 1251/2000 of 25 November 2000.

After the first round of voting in the 1999 presidential election, the front-runner and incumbent, President Leonid Kuchma, appointed Ievhen Marchuk, the fifth-place finisher, to the post of secretary of the National Security and Defence Council, replacing Volodymyr Horbulin.²⁸ In this and other respects the Kuchma team was following the example of Russia's 1996 presidential election in which, to assure his own victory, Boris Yeltsin appointed General Aleksander Lebed, who had come in third, as secretary of the Security Council. The move paid off, as Marchuk's voters apparently gravitated to Kuchma in the second round. After his re-election and the formation of a new government under Prime Minister Viktor Iushchenko, Kuchma promulgated the new makeup of the council on 2 February 2000. In July Volodymyr Shkidchenko, the chief of the general staff and first vice-minister of defence, was added to the council's membership.²⁹ At the end of the year, owing to the *ex officio* nature of its membership and the replacement of Serhii Tyhypko and Borys Tarasiuk as economy and foreign ministers by Vasyl Rohovy and Anatolii Zlenko, respectively, the composition of the council was as shown in table 10.1. During the year 2000 four resolutions of the council were approved by presidential edict. These dealt with the energy crisis, railroad transportation, aviation, and the development of the armed forces until 2005.³⁰ The council apparently provides the president with additional clout to back up his orders for creating order in the country.

Defence

By taking over all of the military equipment, facilities, and personnel on its territory after the collapse of the USSR, Ukraine inherited a defence establishment of monstrous proportions unsuited to its independent needs.³¹ Assessments vary, but some inkling of the scale of the inventory

28. *Uriadovyi kur'ier*, 11 November 1999. Horbulin was then (23 November 1999) appointed adviser to the president (by edict 1468/99) from which position he was released on 9 October 2000 pending reassignment. See "Pro zvilnennia V. Horbulina z posady Radnyka Prezydenta Ukrainy: Ukaz Prezydenta Ukrainy," dated 9 October 2000, no. 1122/2000, at <alpha.rada.kiev.ua>, consulted on 5 January 2001.

29. Presidential edict no. 938/2000.

30. Presidential edicts no. 457/2000 of 10 March; no. 603/2000 of 20 April; no. 1143/2000 of 18 October; and no. 1237/2000 of 15 November 2000.

31. More correctly, Ukraine asserted control over conventional forces and equipment on its territory; strategic defence was initially expected to fall under the collective control of the CIS. The alacrity with which this was done in December 1991 is detailed in Kathleen Mihalisko, "Ukraine Asserts Control over Nonstrategic

as of January 1992 can be gained from table 10.2. According to the most extreme estimates, there was a total of 750,000 personnel; 6,500 tanks; 1,494 combat aircraft; and 833 ships in the Black Sea Fleet. It was thus the largest army in Europe except for Russia's.³² Ukraine, however, could not afford either to maintain or to reduce the size of these armed forces.

Nevertheless, under an agreement signed in May 1992 by Ukraine as a member of the Commonwealth of Independent States, and owing to its obligation to comply with the Conventional Forces in Europe (CFE) treaty, Ukraine began to reduce the number of both weapons and personnel. According to a three-stage plan, 25 percent of weapons and equipment (representing 531 tanks, 422 armoured vehicles, and 140 combat aircraft) was to have been eliminated in the first stage by the end of 1993.³³ In fact, "Ukraine completed the first stage of reductions in November 1993 according to plan, dismantling 160 aircraft, 630 armored vehicles, and over 600 tanks."³⁴ The second stage, requiring the reduction of not less than 60 percent of weaponry (1,274 tanks, 113 armoured vehicles, and 390 combat aircraft), was carried out in 1994. In the third stage, beginning in 1995, all of the required reductions were to have been completed; in fact, they were finished ahead of time, before the 17 January 1996 deadline. Military personnel were reduced to 450,000.³⁵ By the year 2000 the number of troops would be reduced to no more than 250,000.³⁶ Owing to financial difficulties, the rate of reduction was actually accelerated. For example, in 1995 an additional reduction of 60,000 to 65,000 personnel was announced.³⁷ In December 1997 the mini-

Forces," *RFE/RL Research Report*, 24 January 1992, 50–3. On early problems of the loyalty of the largely Russian officer corps, see Stephen Foye, "The Ukrainian Armed Forces: Prospects and Problems," *RFE/RL Research Report*, 26 June 1992, 55–60; and his "Civilian-Military Tension in Ukraine," *RFE/RL Research Report*, 18 June 1993, 63–6. An overview of the challenges of reforming and reconstructing the Ukrainian armed forces can be found in D'Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 240–52.

32. Kuzio, *Ukrainian Security Policy*, 90–1; and Ustina Markus, "No Longer as Mighty," *Transition* (Prague), 28 July 1995, 25. For some of the other estimates of Ukraine's military manpower at this time, see Foye, "Civilian-Military Tension," 62.

33. *Vechirni Kyiv*, 28 April 1994.

34. Markus, "No Longer as Mighty," 25.

35. *Ibid.*, 25; and *Vechirni Kyiv*, 28 April 1994.

36. Markus, "No Longer as Mighty," 24; and Kuzio, "Nuclear Weapons and Military Policy in Independent Ukraine," *Harriman Institute Forum*, May 1993, 9.

37. OMRI Daily Digest, 14 February 1995.

TABLE 10.2
INVENTORY OF THE CONVENTIONAL FORCES OF UKRAINE, JANUARY 1992

Arm	Personnel	Organization	Equipment
Land Forces	210,254	14 motorized infantry divisions	6,655 armoured personnel carriers
			5,272 support vehicles
		4 tank divisions	6,103 tanks (T54/55, T62, T64, T72, T80)
		3 artillery divisions	3,431 artillery pieces
Air Forces	89,158	8 artillery brigades	500 mortars
		1 special designation brigade	
		9 anti-aircraft brigades	132 R300 rockets and 72 "Tochka" tactical missiles
		7 attack helicopter regiments	229 attack helicopters
		2 bomber divisions	30 Tu16, 30 Tu22, 36 Tu26 bombers
		2 strike aircraft divisions	150 Su24
		2 fighter divisions	80 MiG23, 220 MiG 29, 40 Su27
		3 reconnaissance regiments	
		1 electronic-warfare regiment	35 Yak28
		4 aviation-training centres	240 MiG21, 60 Su24, 550 L39/L29

Navy	67,534	302 ships	18 diesel submarines (16 tactical) 38 warships (5 cruisers, 26 frigates, 7 destroyers) 60 patrol boats 30 minesweepers 16 amphibious vessels 140 other vessels 351 aircraft 271 tanks 948 armoured vehicles 327 pieces of artillery S75, S125, S200, and S300 missiles
Anti-aircraft Defence	52,162	240 launch sites	
		7 fighter regiments	80 Su15 190 MiG 23 and MiG25
Other	76,547		
Total	495,655	277 generals 119,584 officers 66,297 warrant officers 34,063 sergeants 275,441 soldiers	

SOURCES: *Moloda Halychyna*, 18 February 1992; *Vechirni Kyiv*, 28 April 1994; Kuzio, *Ukrainian Security Policy*, 91; and John Jaworsky, *The Military-Strategic Significance of Recent Developments in Ukraine*, Operational Research and Analysis, Directorate of Strategic Analysis, Project Report No. 645 (Ottawa: Department of National Defence, August 1993), 82–3.

ster of defence said that he would cut 36,000 more positions by 2005.³⁸ According to an ITAR-TASS report, the target number of conscripts for 1998 was reduced to 50,000 from 80,000 the previous year "in order to reduce the military's expenditures and put its strength at the level of 'necessary sufficiency.'" In addition, "the 350,000-strong army is to be cut by 17,000 servicemen by year's end."³⁹ Indeed, at the end of 1998 a ceiling of 320,000 service personnel and 100,000 civilian employees was set for the armed forces, to be further reduced to 310,000 and 90,000, respectively, by 31 December 1999.⁴⁰

Besides conventional weapons and forces, Ukraine also possessed nuclear missiles and bombers and their associated troops at the beginning of 1992. At that time Ukraine had 176 intercontinental ballistic missiles (ICBMs) with over 1,200 warheads, as well as 21 Tu-95MS and 20 Tu-160 strategic bombers carrying 600 to 650 nuclear missiles. In 1992 nearly 2,600 individual tactical nuclear weapons were sent to Russia as part of Ukraine's denuclearization policy. The removal of all of these nuclear weapons also served to reduce the armed forces—by as many as 45,000 personnel.⁴¹ The removal of strategic nuclear weapons was delayed pending agreements between Ukraine, Russia, and the United States. These concerned the security assurances that Ukraine would obtain from the West in exchange for denuclearization, monetary assistance for dismantling nuclear weapons, and

38. RFE/RL Newsline, 2 December 1997.

39. RFE/RL Newsline, 19 June 1998.

40. *Vidomosti Verkhovnoi Rady Ukrainy*, 1999, nos. 2–3, statutes 26 and 38. These were in fact the current levels of numerical strength when Minister of Defence Oleksandr Kuzmuk announced a target of 295,000 military personnel and 80,000 civilians to be reached by December 2005. By that time equipment would also have been reduced "by 400 tanks, 289 aircraft, 189 helicopters, and 11 ships." Since actual numbers of personnel are really lower than authorized ones, it may mean no change at all in the status quo. See RFE/RL Newsline, 1 June 2000.

41. Markus, "No Longer as Mighty," 24–5; *Vechirniy Kyiv*, 28 April 1994; and *Moloda Halychyna* (Lviv), 18 February 1992. On the difficulties accompanying the denuclearization of Ukraine at this time, see John W. R. Lepingwell, "Ukraine, Russia, and the Control of Nuclear Weapons," *RFE/RL Research Report*, 19 February 1993, 4–20; Bohdan Nahaylo, "The Shaping of Ukrainian Attitudes toward Nuclear Arms," *RFE/RL Research Report*, 19 February 1993, 21–45; and Lepingwell, "Beyond START: Ukrainian-Russian Negotiations," *RFE/RL Research Report*, 19 February 1993, 46–58. The last of 111 SS-19 ICBMs were destroyed in February 1999, and the first of the Tu-160 and Tu-95 strategic bombers, in November 1998. The remaining SS-24 missiles and strategic bombers were to be eliminated by December 2001. See RFE/RL Newsline, 17 November 1998 and 1 March 1999.

supplies of nuclear fuel that Russia would provide in exchange. After some delay, Ukraine accepted the Trilateral Agreement on Nuclear Weapons in January 1994, ratified the Strategic Arms Reduction Treaty (START-1) in February 1994, and acceded to the Nuclear Non-Proliferation Treaty (NPT) in November 1994. This relieved Ukraine of the impossible burden of maintaining the strategic nuclear weapons and opened up the flow of loans and aid from the IMF and other sources.⁴²

Along with the reduction in numbers, there has also been a decline in the readiness or preparedness of the armed forces. For example, in 1994, according to their chief, the air defence forces received only 30 percent of the fuel needed to fly their airplanes. As a result, approximately 40 percent of their interceptors were grounded.⁴³ Meanwhile, "the readiness of the air force has decreased from approximately 75 percent to 40 percent, while the general readiness of the army is down to 70 percent."⁴⁴ According to the first deputy minister of defence, the air force and air defence forces were especially severely affected by declining readiness.⁴⁵ By early 1997 it was claimed that overall readiness of the armed forces was down to 20 percent.⁴⁶ According to the defence minister, some reversal of the decline in readiness may have begun, however, as a number of exercises were carried out in 1997, including the use of live ammunition.⁴⁷

Maintenance, reductions, and efficiency all require the expenditure of money, which is in short supply.⁴⁸ Out of a state budget of 335 trillion

42. For a detailed account of the tortuous road to non-nuclear status for Ukraine, see John W. R. Lepingwell, "Negotiations over Nuclear Weapons: The Past as Prologue?" *RFE/RL Research Report*, 28 January 1994, 1–11; idem, "The Trilateral Agreement on Nuclear Weapons," *ibid.*, 12–20; idem, "Ukrainian Parliament Removes START-1 Conditions," *ibid.*, 25 February 1994, 37–42; and Michael Mihalka, "Ukraine: Salvaging Nuclear Arms Control," *Transition* (Prague), 12 May 1995, 30–5. These also contain the texts of the key documents. The link between Ukraine's nuclear weapons policy and the country's vulnerability is ably explored in D'Anieri, *Economic Interdependence in Ukrainian-Russian Relations*, chap. 7.

43. OMRI Daily Digest, 21 February 1995.

44. Markus, "No Longer as Mighty," 26.

45. *Uriadovyi kur'ier*, 3 September 1996. On the reorganization of the air force, the formulation of the new air strategy and doctrine, and the merger of the air force with the air defence forces, see Ustina Markus, "Ukraine Restructures Its Air Forces: New Role, New Problems," *RFE/RL Research Report*, 22 October 1993, 48–53.

46. *Holos Ukrainy*, 10 April 1997.

47. *Uriadovyi kur'ier*, 14 March 1998.

48. *Ibid.*, 9 April 1996.

karbovantsi in 1994, only 14.7 trillion was allocated to defence, while 63.7 trillion had been requested. At the official exchange rate, the allocation amounted to \$1.17 billion; unofficially, \$343 million.⁴⁹ Parliament has not been generous to the armed forces. In January 1997 the minister of defence complained that "the military has sufficient funds only to pay for the salaries and provisions of the armed forces, ... [and] that the role of the army is not limited to 'eating porridge and receiving a paycheck' but should include enhancing the security of the country."⁵⁰ He made similar pleas during the next budget cycle, also to no avail, requesting 3.14 billion hryvnias and being offered 1.7 billion.⁵¹ The former head of the Ukrainian navy likewise said that the 1996 budget allocation had covered only 25 percent of needs; in 1997, he asserted, monies were sufficient only for salaries and 40 percent of provisions.⁵² At the beginning of 1998 over 66,000 armed forces personnel were without housing.⁵³

In these circumstances, morale and discipline among the troops has suffered. An opinion survey conducted in 1996 showed that more than 50 percent of officers were dissatisfied with various aspects of military service. Fully 96 percent identified their unduly low level of material security as the chief problem facing them; two-thirds identified as a major problem the inappropriateness of the organizational structure of the armed forces to the tasks of defending the country. Other problems preoccupied them: the low level of combat readiness; poor technical equipment; unwillingness of servicemen to serve; low discipline; the departure of large numbers of junior officers from the service; loss of the notion of "officer's honour"; the low level of training of NCOs; inadequate professionalism of the higher command staff; and theft of equipment and weapons.⁵⁴ In an address to the ministry of defence collegium on 13 December 1996, President Kuchma referred to the high death rate, the spread of uncivilized interpersonal behaviour ("barbarism"), and the growing crime rate (in ten months, 3,000 offences) as evidence of the discipline problem.⁵⁵

49. Markus, "No Longer as Mighty," 27; and *Vechirnyi Kyiv*, 28 April 1994.

50. OMRI Daily Digest, 17 January 1997.

51. RFE/RL Newswire, 12 November 1998 and 1 February 1999.

52. *Holos Ukrainy*, 10 April 1997. See also Stefan Korshak, "Development of Ukrainian Navy Hindered by Lack of Funds," RFE/RL Newswire, 13 August 1998.

53. *Uriadovyi kur'ier*, 14 March 1998.

54. *Holos Ukrainy*, 30 July 1996.

55. *Uriadovyi kur'ier*, 17 December 1996.

Another survey that was conducted among rank-and-file servicemen in the armed forces, National Guard, and troops of the Ministry of Internal Affairs near the end of 1998 found that 77.9 percent reported experiencing problems getting fed, with 48.6 percent saying that it happened "all the time."⁵⁶ Difficulties obtaining clothing and footwear were cited by 57.2 percent. Tank troops were worst off among all the arms of the services on both scores—victualling and uniforms. Only 10.1 percent of respondents expressed full satisfaction with service life; 22.6 percent registered total dissatisfaction. One-half of those surveyed reported difficulties in relations with superiors, and 24.1 percent said they experienced hazing (*didivshchyna*) "very often," while 21.3 percent said "never." As for their preference for the type of army for Ukraine, 72.3 percent opted for a professional army, while only 6.0 percent favoured the draft.⁵⁷

At the end of 1996 the government adopted a new program for the further development of the armed forces to the year 2005, taking into account Ukraine's economic conditions and the current international context.⁵⁸ The program retained the existing branch structure—land forces, navy, air force, and air defence—but replaced the Soviet-era military districts with three operational commands—western, northern, and southern—that were expected to be more efficient. In early 1998, summing up the intent and results of its implementation thus far, Minister of Defence Colonel-General Oleksandr Kuzmuk warmly endorsed the program.⁵⁹ He emphasized its new approach to the problem of national security, which is closely tied to the state-building process and based on three clearly articulated principles: (1) Security must be

56. *Ibid.*, 12 December 1998.

57. These latter figures were practically identical to the results of an opinion survey of the general public conducted in October, which found 72 percent supporting the creation of a professional army and 9 percent opposed. See *Den*, 5 December 1998. An all-volunteer army was to be in place by 2005, the first stage having begun in 1999. See *Ukrainian News / Ukrainski visti*, 2–15 June 1999. In the third quarter of 1999 the draft quota promulgated by President Kuchma set 50,000 as the number of draftees. Of these, 35,789 would go to the armed forces, 3,000 to the National Guard, 592 to the Security Service of Ukraine, 4,000 to the armies of the Ministry of Internal Affairs, 5,000 to the Border Guards, and 1,619 to the Ministry of Emergency Situations. See *Uriadovyi kur'ier*, 7 September 1999.

58. *Ukrainian News / Ukrainski visti*, 2–28 January 1997.

59. *Uriadovyi kur'ier*, 14 March 1998. The headquarters of the three commands are located in Lviv, Chernihiv, and Odesa. A brief and very positive report on progress in executing the program was also given by the minister in *ibid.*, 5 December 1998.

obtained not by threatening other states but guaranteeing their security; (2) War-prevention measures must be further developed using all organizational means available, such as the UN and the OSCE; and (3) Defence sufficiency together with international society (world public opinion) can be highly effective in the prevention of military conflict. As for the results of the program, Kuzmuk stated that a legal-normative basis was being laid for armed forces reform. In 1997 the Ministry of Defence had drafted nineteen pieces of legislation, four of which had already been adopted. Structural changes, including the creation of combined units, such as operational and administrative mobile forces, were being implemented, military and operational training had been improved, and new weapons were being subjected to trials. In sum, the minister said, the armed forces were no longer just struggling to survive, but were improving their fighting capability. A new model army—optimal in numbers, mobile, well armed, and properly supplied—was taking shape.⁶⁰

Foreign Policy and International Relations⁶¹

At the end of May 1997 the presidents of Ukraine and Russia signed a comprehensive treaty of friendship, co-operation, and partnership between their two countries.⁶² This was the culmination of five years of preparation, disagreement, and delays, involving not only a very broad range of issues but also the very most vital ones for Ukraine's independent existence.⁶³ As Ukraine's relations with Russia are undoubtedly of

60. For subsequent substantiation of this, notwithstanding serious difficulties, see *Uriadovyi kur'ier*, 15 February 2000.

61. Fuller treatment of this topic by a group of experts whose interpretations largely coincide with the present writer's is given in Lubomyr A. Hajda, ed., *Ukraine in the World: Studies in the International Relations and Security Structure of a Newly Independent State* (Cambridge: Harvard University Press, 1998).

62. *Uriadovyi kur'ier*, 3 June 1997; *The Economist*, 7 June 1997, 53–4; and *Ukrainian News / Ukrainski visti*, 4–17 June 1997. After its conditional ratification by the upper house of the Russian Parliament in December 1998, the treaty was published in *Holos Ukrainy*, 13 January 1999. It went into effect formally on 1 April 1999, having been finally ratified in February. See *Den*, 18 February 1999; and RFE/RL Newline, 17 and 18 February and 2 April 1999.

63. Ustina Markus, "Shoring Up Russian Relations," *Transition* (Prague), 28 April 1995, 55–8. For blow-by-blow accounts of the highlights in the early stages of the negotiations, see the following articles in *RFE/RL Research Report*: Stephen Foye, "CIS: Kiev and Moscow Clash over Armed Forces," 17 January 1992, 1–3; Roman Solchanyk, "Ukrainian-Russian Confrontation over the Crimea," 21 February 1992, 26–30; Solchanyk, "Ukraine and Russia: The Politics of Independence," 8 May 1992,

primary importance,⁶⁴ the significance of this treaty for normalizing these (and, by extension, all of Ukraine's other foreign) relations cannot be exaggerated.

The treaty opened with a declaration that both sides respect each other's territorial integrity and confirm or acknowledge the inviolability of their existing borders.⁶⁵ Whether this amounted to a proper recognition by Russia of Ukraine's borders, about which there had earlier been some disagreement, which continues, or of Ukraine's very existence, to which many Russian nationalists are still not reconciled, is a moot point. Perhaps for practical purposes the wording in the treaty and an ideally full-fledged recognition are the same thing.⁶⁶

According to the treaty, the two sides took as a point of departure the concept that good neighbourliness and co-operation between them would contribute to stability and peace in Europe and the world. They agreed to conduct regular consultations to deepen their bilateral relations and exchange ideas on matters of mutual interest. Each of them also agreed to refrain from engaging with a third party in activities that might be construed as directed at the other, a provision that blocks Ukraine's membership in NATO and thus reassures Russia. In a series of security-related matters, they agreed to negotiate separate

13–16; Solchanyk, "Ukrainian-Russian Summit at Dagomys," 24 July 1992, 36–9; Solchanyk, "The Crimea Imbroglio: Kiev and Simferopol," 21 August 1992, 13–16; Solchanyk, "The Crimean Imbroglio: Kiev and Moscow," 9 October 1992, 6–10; Solchanyk, "The Ukrainian-Russian Summit: Problems and Prospects," 2 July 1993, 27–30; John W. R. Lepingwell, "The Black Sea Fleet Agreement: Progress or Empty Promises?" 9 July 1993, 48–55; Suzanne Crow, "Russian Parliament Asserts Control over Sevastopol," 30 July 1993, 37–41; and Bohdan Nahaylo, "The Massandra Summit and Ukraine," 17 September 1993, 1–6.

64. John Morrison, "Pereyaslav and After: The Russian-Ukrainian Relationship," *International Affairs* 69, no. 4 (October 1993): 677; and Ustina Markus, "Belarus, Ukraine Take Opposite Views," *Transition* (Prague), 15 November 1996, 20.

65. "Dohovir pro druzhbu, spivrobitnytstvo i partnerstvo mizh Ukrainoiu i Rosiiskoiu Federatsiieiu," *Uriadovyi kur'ier*, 3 June 1997.

66. "The treaty's main message," wrote *The Economist* on 7 June 1997, "is that Russia accepts the reality of Ukrainian statehood and will recognize Ukraine's borders." Paragraph 2 of the treaty, meanwhile, spoke about "respect" for territorial integrity and affirming the inviolability of existing borders, but not specifically about recognizing either Ukraine or its border with Russia. Paragraph 3, however, committed the two sides to "build their relations with one another on the basis of principles of mutual respect for their sovereign equality, territorial integrity, inviolability of borders," peaceful resolution of conflicts, renunciation of coercion, non-interference in internal affairs, co-operation, and "other generally acknowledged norms of international law" (53).

treaties not covered by the present one: military relations, co-operation in military technology, state security, and co-operation in questions of border controls, customs, and export and immigration controls. They committed themselves to arms reduction measures and to strengthening collective security in Europe as well as UN peacekeeping.

The treaty promised co-operation across the entire spectrum of areas of concern to states: economic integration, trade, investment and entrepreneurship, international activity, transport, emergency measures, property, fuel and energy, space exploration, education, science, technology, culture, the environment, the Chernobyl cleanup, social security, and the fight against organized crime. It committed each side to guarantee the rights of its neighbour's citizens within its own borders and to protect ethnic minorities, but also recognized their right to defend their own expatriates in the other state. These latter provisions obviously responded to Russia's concerns for Russians in the "near abroad" and its outrage at the mythical "forcible Ukrainization" of Russian speakers in Ukraine. But significantly they stopped short of instituting dual citizenship as per Russia's preference.⁶⁷ The treaty would be in effect for ten years, automatically renewable for a further ten in the absence of any major difficulties; it was ratified in the Ukrainian Parliament on 14 January 1998.⁶⁸

While the division of other conventional forces—land and air—between Ukraine and Russia was quickly settled in 1992, the question of the Black Sea Fleet was more nettlesome, so much so that it delayed the signing of the overall treaty by two whole years.⁶⁹ At issue was not so much the fleet itself, since neither state could afford to maintain it and the configuration of the fleet did not correspond to the security needs of either one.⁷⁰ It was whether Ukraine would preserve its sovereignty or Russia would maintain its "colonial toe-hold on the Crimean

67. After President Yeltsin's meeting with Leonid Kuchma in October 1994, during a CIS summit meeting in Moscow, Russia dropped its demand for dual citizenship. See *Ukrainian News / Ukrainski visti*, November 1994.

68. The vote was 317 to 27. See RFE/RL Newslines, 15 January 1998. The Russian Duma did not ratify it until 25 December 1998, by a vote of 244 to 30, with only Vladimir Zhirinovskiy's Liberal Democrats against. See *Ukrainian News / Ukrainski visti*, 1–26 January 1999.

69. *Uriadovyi kur'ier*, 3 June 1997.

70. Adrian Karatnycky, "The Ukrainian Factor," *Foreign Affairs* 71, no. 3 (Summer 1992): 102–3; Gow, "Independent Ukraine," 262–3; and William H. Kincade and Natalie Melnychuk, "Eurasia Letter: Unneighborly Neighbors," *Foreign Policy*, no. 94 (Spring 1994): 92.

peninsula.”⁷¹ Russian encouragement of Crimean separatism was linked to Russia’s claim to entitlement to the entire Black Sea Fleet; Ukraine’s claim to the fleet rested on its claim to Crimea.⁷² It was a tussle over a comatose, if not already expired, albatross, yet the stakes were prestige, territory, and legitimacy.

An agreement on the Black Sea Fleet was signed by the two prime ministers, Lazarenko and Viktor Chernomyrdin, on 28 May 1997, just two days before President Boris Yeltsin’s visit to Kyiv to sign the main treaty of friendship and co-operation.⁷³ It divided the fleet’s 525 naval vessels thus: Ukraine was allocated 254 and Russia, 271. Out of its share, Ukraine would hand over to Russia 117 vessels valued at over U.S.\$520 million, which would go towards the repayment of Ukraine’s U.S.\$3,074 million debt to Russia. Russia would rent port facilities in the Sevastopol area for twenty years for an annual sum of about U.S.\$100 million, also to be applied to the debt. Of the five bays in the area of Sevastopol suitable to accommodate naval vessels, Russia would lease three (Sevastopol, Southern, and Quarantine) with the main base in Sevastopol. But the city itself would not be the base for the Black Sea Fleet of the Russian Federation (ChFRF), as it would henceforth be known. By mutual agreement and for the time being, some ships of each side were to remain based in the other’s naval bases. The Ukrainian navy would thus end up with 18 percent of the Black Sea Fleet.⁷⁴

Nationalists on either side were not happy with any of this. Moscow’s mayor Iurii Luzhkov insisted that notwithstanding the agreements Sevastopol would remain Russian.⁷⁵ Russians in Crimea denounced the

71. Morrison, “Pereyaslav,” 693.

72. In 1954, on the occasion of the 300th anniversary of the Treaty of Pereiaslav, the governments of the RSFSR and the USSR transferred the Crimean Peninsula, an oblast of the RSFSR, to Ukraine. Excerpts from the relevant legislation of the day can be found in Crow, “Russian Parliament,” 38. See also Volodymyr Serhiichuk, “Chomu Rosiia ‘pozbulasia’ Krymu,” *Uriadovyi kur’ier*, 20 February 1999.

73. RFE/RL Newswire, 29 May 1997; *Ukrainian News / Ukrainski visti*, 4–17 June 1997; and *Uriadovyi kur’ier*, 6 June 1997. The agreement was ratified by the Parliament of Ukraine on 24 March 1999. See Stefan Korshak, “Rada Ratifies Black Sea Fleet Deal with Russia: Treaty Gives Russia Right to Use Sevastopol Base and Other Military Sites Until 2017,” *Kiev Post*, 1 April 1999, at <www.thepost.kiev.ua/archive/ar03_is013_01apr1999.txt>, consulted on 9 February 2000.

74. This was the same proportion as stipulated in an agreement reached between Presidents Kuchma and Yeltsin on 9 June 1995. See *Uriadovyi kur’ier*, 15 June 1995.

75. *Ukrainian News / Ukrainski visti*, 4–17 June 1997. He continued in this vein throughout the following year. *Ibid.*, 4–17 November 1998. On the rearguard action

treaty as treason against their fatherland, Russia.⁷⁶ In Ukraine, "Conservative Republican leader Stepan Khmara called the [Black Sea Fleet] agreement 'an act of treachery' and 'a disgraceful capitulation of Ukraine's leaders in the face of Russia.'"⁷⁷ President Kuchma, on the other hand, referred to the wide-ranging treaty as "the beginning of a new era in Russian-Ukrainian relations."⁷⁸ None of this greatly mattered, in view of the lack of funds hampering the development of the navy, regardless of its size or ownership.⁷⁹

In the wake of the signing of the comprehensive treaty, relations between the two states have generally operated smoothly but not without problems. Some Russians in Crimea were urging the Duma in Moscow not to ratify the treaty, and the majority of Duma deputies were happy to oblige them.⁸⁰ The two countries' foreign ministers, however, have been consistently positive and upbeat about relations between their states.⁸¹ In April 1998 a large-scale joint naval exercise lasting eight days was held on the Black Sea, including missile launches, parachute landings on Crimea, and anti-submarine warfare.⁸² At the end of May 1998, a full year after the signing of the comprehensive treaty, a great number of bilateral problems remained unresolved.⁸³ These included treaty ratification (just as the Russian Duma objected to the comprehensive treaty's "recognition of Ukraine's territorial integrity," so too the Supreme Council in Kyiv objected to a Russian naval base in Crimea); land border delimitation; borders in the Kerch Strait and Sea of Azov; the attitude towards NATO (a "cold-war institution" for Russia, "a major factor of security in Europe" for Ukraine); assets of the former USSR (Russia proposes a "zero option" under which claims to assets would be cancelled out by debts, but Ukraine demands disclosure of all assets, which is not forthcoming); and Ukraine's demand for unimpeded access

by Luzhkov just before the treaty's ultimate ratification, see Julie A. Corwin and Jan Maksymiuk, "Sparring over Sevastopol," RFE/RL Newsline, 11 February 1999.

76. *Uriadovyi kur'ier*, 3 June 1997.

77. *Ukrainian News / Ukrainski visti*, 4–17 June 1997.

78. *Uriadovyi kur'ier*, 3 June 1997.

79. *Ukrainian News / Ukrainski visti*, 9–23 September 1998.

80. RFE/RL Newsline, 19 January 1998.

81. See, for instance, *ibid.*, 22 January, 11, 17, 24, and 25 February, and 15, 27, and 28 May 1998.

82. *Ibid.*, 15 April 1998.

83. *Ukrainian News / Ukrainski visti*, 3–16 June 1998.

to Caspian oil and Turkmen gas.⁸⁴ The accession of Vladimir Putin to the presidency of Russia and the replacement of Borys Tarasiuk by Anatolii Zlenko as Ukraine's foreign minister offered the prospect of a more business-like relationship between the two countries, but Russian capital may turn out to be more influential than diplomacy.⁸⁵

A framework treaty of good neighbourliness and co-operation with Romania was signed on 2 June 1997, also after much delay and dispute.⁸⁶ In particular, Romania had some serious claims to northern Bukovyna and southern Bessarabia, which had been seized by Stalin in 1940, and to Serpent Island off the mouth of the Danube. The treaty recognized the existing borders (leaving the disputed territories in Ukrainian hands) and promised co-operation in a wide range of matters of mutual concern. Romania was anxious to conclude such a treaty to facilitate its application for membership in NATO.⁸⁷

The normalization of relations with other neighbouring countries and with the rest of Europe, Asia, and the world has proceeded much more quickly and positively than with Russia and Romania. Poland was the first state to recognize Ukraine, on 2 December 1991. A treaty of friendship and co-operation was signed on 18 May 1992 in Warsaw, and the treaty was confirmed on 21 March 1994. Numerous state and ministerial visits have taken place, including visits by both presidents.⁸⁸

84. In 2000 Ukraine was still pursuing talks on the division of Soviet assets with Russia. RFE/RL Newslines, 10 July 2000.

85. Ibid., 19 April and 27 December 2000; and Viktor Zam'iatin, "Ukraina-Rosii: znovu neobkhidne vtruchannia prezydentiv," *Den*, at <www.day.kiev.ua/2000/236/1-page/1p2.htm>, consulted on 29 December 2000.

86. *Uriadovyi kur'ier*, 5 June 1997.

87. Sherman W. Garnett, *Keystone in the Arch: Ukraine in the Emerging Security Environment of Central and Eastern Europe* (Washington, D.C.: Carnegie Endowment for International Peace, 1997), 91–4; *Ukrainian News / Ukrainski visti*, 7–20 May 1997; OMRI Daily Digest, 26 February and 3 March 1997; and RFE/RL Newslines, 14 May 1997; and Kuzio, *Ukraine: State and Nation Building*, 110.

88. Jan B. de Weydenthal, "Polish-Ukrainian Rapprochement," *RFE/RL Research Report*, 28 February 1992, 26; Andrej Kreutz, "Polish-Ukrainian Dilemmas: A Difficult Partnership," *Canadian Slavonic Papers* 39, nos. 1–2 (March–June 1997): 214–15; Ian J. Brzezinski, "Polish-Ukrainian Relations: Europe's Neglected Strategic Axis," *Survival* 35, no. 3 (Autumn 1993): 28–9; and Garnett, *Keystone in the Arch*, 85–91. An "historic declaration of friendship and reconciliation ... designed to lay to rest the long history of conflicts ... and to provide a framework for cooperation in the future" was signed on 21 May 1997, during a visit to Kyiv by President Alexander Kwasniewski of Poland. See *Ukrainian News / Ukrainski visti*, 21 May–3 June 1997. A program of co-operation to help Ukraine assimilate the Polish

Needless to say, the interests of the two countries are still not fully matched, nor are their economic relations as well developed as their political relations. Finally, "despite official good relations and all presently existing socio-historical and legal preconditions, we still cannot speak of a real Polish-Ukrainian partnership or even of expected progress in this direction."⁸⁹ This is because Poland, which is more oriented towards the West than the East, does not see itself as a "bridge" between the two. Furthermore, it is further advanced in terms of economic reform and has an economy competitive with rather than complementary to Ukraine's. Nevertheless, Poland can serve as mentor to Ukraine in the ways of democracy and market economics; Ukraine can serve Poland and the rest of Western Europe as a bridge to the Middle East and Asia. Hungary was "the first country to establish diplomatic relations with Ukraine; its consulate in Kiev was upgraded to an embassy" on 3 December 1991.⁹⁰ Relations with Hungary have developed apace, as they have with the Czech Republic and Slovakia; Ukraine has been providing UN peacekeepers in the former Yugoslavia, thereby consolidating its international standing.⁹¹ Good relations have been established, and high-level visits exchanged, with Great Britain, France, Germany, Italy, and Austria.⁹²

An agreement on partnership and co-operation with the European Union was signed on 14 June 1994, facilitating trade and political and economic assistance; it was the first such agreement to be reached with a former republic of the USSR.⁹³ Experts agree that membership in the

experience of implementing market reforms with the assistance of the United States was signed on 29 October 1998. See RFE/RL Newsline, 30 October 1998.

89. Kreutz, "Polish-Ukrainian Dilemmas," 215. However, the secretary of Ukraine's National Security and Defence Council, V. Horbulin, has claimed that by mid-1997 the relationship had indeed reached the level of "strategic partnership." See *Uriadovyi kur'ier*, 2 September 1997. This may have been wishful thinking on Horbulin's part.

90. Alfred A. Reisch, "Hungarian-Ukrainian Relations Continue to Develop," *RFE/RL Research Report*, 16 April 1993, 22.

91. Ibid., 22-7; Bohdan Nahaylo, "Ukraine and the Visegrad Triangle," *ibid.*, 5 June 1992, 28-9; Ustina Markus, "Ukraine and the Yugoslav Conflict," *ibid.*, 23 July 1993, 36-41; and *Ukrainian News / Ukrainski visti*, 12-25 March 1997.

92. Beginning 1 May 2000, citizens of the EU, the United States, Japan, and Canada no longer had to secure invitations in order to apply for visas; this was a simplification of requirements. See RFE/RL Newsline, 4 May 2000.

93. *Holos Ukrainy*, 11 June 1994, translated in FBIS-SOV-94-119, 21 June 1994, 44.

EU is a long way off and depends on internal developments in Ukraine.⁹⁴ Yet it is interesting to note that, on the Ukrainian side, owing to the lack of co-ordination among government departments concerned and the ineffectiveness of the especially created interdepartmental committee on the EU, the National Security and Defence Council had to become involved. According to its then secretary, Volodymyr Horbulin, this was justified because nowadays economic security forms a component of national security, and because the EU is an essential component of European security.⁹⁵ If association with the EU falls into the category of national security in terms of governmental organization and response, this again raises the spectre of Ukraine's becoming a "national security state," not something normally associated with the European Union's prosperity, integration, and bureaucracy. Ukraine is also a member of the Council of Europe, despite its unfavourable stand until recently on the death penalty and failure to comply with European standards of law-making, separation of powers, and rule of law.⁹⁶

Ukraine's relationship with NATO has been controversial in both the domestic and international arenas. Caught between NATO on the one side and CIS security arrangements on the other, it has existed in a kind

94. *Ukrainian News / Ukrainski visti*, 4–17 November 1998. Ukraine still does not qualify for membership. Furthermore, the EU demonstrates supreme caution while paying lip service to Ukraine's importance for Europe. *Ibid.*, 21 October–3 November 1998. Ukraine's official posture remains optimistic. A program of steps towards integration has been worked out by the government and approved by the president. See "Pro prohramu intehratsii Ukrainy do Ievropeiskoho Soiuzu: Ukaz Prezydenta Ukrainy," no. 1072/2000, 14 September 2000, consulted on 5 January 2000 at <alpha.rada.kiev.ua>. See also Barry James, "Ukraine Doesn't Take EU 'No' as Final," *International Herald Tribune*, 20 December 1999, at <www.ihf.com/IHT/today/mon/in/uke.2.html> consulted on 19 December 1999; and RFE/RL Newline, 5 November 1999 and 23 May 2000. But see also *ibid.*, 7 July 2000, reporting that the current round of expansion, according to the EU Enlargement Commissioner, will have to be completed *before* such countries as Ukraine are considered.

95. *Uriadovyi kur'ier*, 2 September 1997.

96. RFE/RL Newline, 13 and 15 May 1997; and *Ukrainian News / Ukrainski visti*, 1–26 January 1999. Ukraine was threatened with suspension in January 1999, primarily for failing to abolish the death penalty. See RFE/RL Newline, 29 January 1999. In February 2000 Parliament voted to abolish capital punishment and in June 2000, to substitute life imprisonment, thereby winning praise from the Council of Europe. A moratorium on executions had been in effect since March 1997. See *ibid.*, 6 January, 23 February, and 9 June 2000. At the same time, the Council of Europe expressed concern about the April referendum and was again considering suspending Ukraine's membership if the results were going to be implemented by unconstitutional means. See *ibid.*, 18 February and 7 April 2000.

of limbo.⁹⁷ Unlike Russia, Ukraine has taken the position that it is not opposed to NATO expansion, but does not seek membership for itself and prefers to remain non-aligned, outside of military blocs.⁹⁸ Nevertheless, pressured as it has been by Russia, and having perhaps generated some apprehension in the West over its relations with the Middle East, and Iran in particular, Ukraine signed on to NATO's Partnership for Peace program in February 1994, becoming the first CIS state to do so.⁹⁹ On 9 July 1997 President Kuchma signed, with the leaders of the sixteen member-countries, a charter providing for a special partnership between Ukraine and NATO.¹⁰⁰ The charter, similar to one that was concluded with Russia, stated Ukraine's commitment to military reform and provided for consultations and co-operation on a wide range of matters of mutual concern. The NATO members promised to uphold the sovereignty, independence, and territorial integrity of Ukraine as part of the overall scheme of stability and security in Eastern Europe. A NATO information and documentation centre was opened in Kyiv, as was a Ukrainian mission to NATO.¹⁰¹ If non-alignment was earlier viewed by some as meaningless, it must certainly have appeared more so thereafter. Nor has the basic question of the relevance of NATO been answered.¹⁰² While parliamentary opinion is split on the question, in 1997 then Minister of Foreign Affairs Borys Tarasiuk left open the possibility of Ukraine's full-fledged entry into NATO sometime in the future.¹⁰³ The

97. F. Stephen Larrabee, "Ukraine: Europe's Next Crisis?" *Arms Control Today*, July–August 1994: 18.

98. This position has been articulated at various times by President Kuchma, for instance, in *Uriadovyi kur'ier*, 13 April 1996, and RFE/RL Newslines, 27 May 1997. For a review of NATO-Ukraine relations, see Volodymyr Pedchenko, "Ukraine's Delicate Balancing Act," *Transition* (Prague), June 1997, 72–6, and Morris T. Chernesky, "Ukraine and NATO," *Ukrainian News / Ukrainski visti*, 26 August–8 September 1998.

99. *Post-postup*, 30 August 1993, translated in FBIS-SOV-93-171, 7 September 1993, 79; *Kievskie vedomosti*, 25 January 1994, translated in FBIS-SOV-94-023, 3 February 1994, 43–5; Radio Ukraine World Service, 1600 GMT, 9 February 1994, translated in FBIS-SOV-94-028, 10 February 1994, 39; and Pedchenko, "Ukraine's Delicate Balancing Act," 75.

100. *Uriadovyi kur'ier*, 12 July 1997.

101. *Ibid.*, 2 and 13 June 1998.

102. *Holos Ukrainy*, 24 July 1996.

103. Speaker Oleksandr Moroz was categorically opposed to Ukraine's membership in NATO. See Interfax, 1602 GMT, 25 November 1994, in FBIS-SOV-94-228, 28 November 1994, 50; OMRI Daily Digest, 27 January and 27 March 1997; and

conditions for such membership would include guarantees that it would not injure relations with Russia, conformity with NATO military standards, and “decisive public opinion in favor of accession.”¹⁰⁴ According to a poll reported in January 1997, 36 percent of the Ukrainian public favoured Ukraine’s joining NATO someday, and 19 percent were opposed; meanwhile, 19 percent said they did not trust NATO, and 12 percent stated that they did.¹⁰⁵ In another poll, conducted in October 1997, 31 percent were in agreement with the statement “Full integration of Ukraine into NATO and the EU can give it comprehensive guarantees of national security,” while 24 percent disagreed. On the other hand, in response to the assertion that “Ukraine should not only refuse to cooperate with NATO, but together with fraternal Russia and Belarus, should stop the expansion of this aggressive bloc towards the East,” 36 percent disagreed, while 27 percent agreed.¹⁰⁶ Ukrainian public opinion is certainly not unanimous on this question.¹⁰⁷ Most recently a Ukrainian foreign affairs official has emphasized the importance of the NATO link as vital to his country’s economic security, but outside observers still see the relationship as an irritant to Russia.¹⁰⁸

Ukraine has been referred to as a keystone or linchpin to security and stability in Europe.¹⁰⁹ Yet it is too weak to play that part alone: it is

RFE/RL Newswire, 11 March 1998. In Parliament 187 deputies were reported to have formed an anti-NATO caucus. See *Holos Ukrainy*, 19 March 1998. Horbulin, the secretary of the National Security and Defence Council, took a stand similar to that of Foreign Minister Tarasiuk, which seems far less cautious than President Kuchma’s. See OMRI Daily Digest, 16 January 1997, and RFE/RL Newswire, 3 October 1997.

104. RFE/RL Newswire, 27 March 1998.

105. OMRI Daily Digest, 23 January 1997.

106. *Den*, 8 July 1998.

107. See the unclear and contradictory sample of results of opinion polling on matters relating to Russia, NATO, and the CIS in Sherman W. Garnett, “Like Oil and Water: Ukraine’s External Westernization and Internal Stagnation,” in *State and Institution Building in Ukraine*, ed. Kuzio, Kravchuk, and D’Anieri, 120–2. He rightly observes that these results “suggest the existence of important constraints on Ukrainian foreign policy.”

108. RFE/RL Newswire, 23 November 1999; and “Finally, NATO Tests a Resurgent Russia—in Kiev,” stratfor.com, 2 March 2000, in CDI Russia Weekly, no. 91 (3 March 2000).

109. “Independent Ukraine is central to the new security agenda in Europe” (Gow, “Independent Ukraine,” 253). See also John Edwin Mroz and Oleksandr Pavliuk, “Ukraine: Europe’s Linchpin,” *Foreign Affairs* 75, no. 3 (May–June 1996): 52–62; and Garnett, *Keystone in the Arch*.

vulnerable to Russian pressure, and its foreign policy aims are undermined by a shaky economy.¹¹⁰ It should perhaps be called the weak link.

Why does Ukraine shy away from the security arrangements associated with the CIS?¹¹¹ It is because the CIS is generally seen as a vehicle for Russian influence.¹¹² Russian strategic thinking regards the outer CIS borders as Russia's responsibility. It subordinates all political and economic relations within the CIS to Russian foreign policy goals, and would make Russia the peacemaker and peacekeeper within the CIS space.¹¹³ In a word, Russia's preference would be to ignore whenever convenient the sovereignty of its fellow CIS states in pursuit of its own definition of security. Unless Russian decision-makers shift their thinking from nineteenth-century parameters of geopolitics, which equate national power with territorial expansion, control and military might, to twenty-first-century realities of economic power as the foundation of international standing, Ukraine will continue to avoid entanglement in security arrangements designed by Russia for the CIS.¹¹⁴ Similarly, Ukraine has no interest in joining the Russia-Belarus union, a proposal frequently made by Russian politicians. However, expanded bilateral trade with Belarus is being pursued.¹¹⁵ Ukraine would prefer that the CIS restrict its sphere of activity to

110. Mroz and Pavliuk, "Ukraine: Europe's Linchpin," 58.

111. For background to the question of Ukraine's relations with the CIS, see the following articles in *RFE/RL Research Report*: Roman Solchanyk, "Ukraine," 14 February 1992, 1–5; Solchanyk, "Kravchuk Defines Ukrainian-CIS Relations," 13 March 1992, 6–9; Solchanyk, "Ukraine and the CIS: A Troubled Relationship," 12 February 1993, 23–7; and Ann Sheehy, "The CIS Charter," 19 March 1993, 23–7.

112. Peter Rutland, "Search for Stability," *Transition* (Prague), 23 June 1995, 22.

113. *Nezavisimaia gazeta*, 4 October 1995.

114. "The debate over Ukrainian security is symptomatic of a broader crisis in the field of security studies, which is struggling to deal with the shift from military to economic power as the core attribute of states in today's international system" (Rutland, "Search," 22). For the argument that geopolitics and its accompanying neo-imperialism are an inevitable outlook for Russia that has been consciously chosen by post-Soviet decision-makers, see David Kerr, "The New Eurasianism: The Rise of Geopolitics in Russia's Foreign Policy," *Europe-Asia Studies* 47, no. 6 (September 1995): 977–88. Geopolitics still characterizes some Western thinking. "The emergence of an independent Ukraine was one of the most important geopolitical results of the collapse of the former Soviet Union" (Larrabee, "Ukraine," 14).

115. RFE/RL Newsline, 17 and 22 May 2000.

economic integration, relinquishing all security aspects.¹¹⁶

Beyond Europe, a number of countries have shown an interest in expanded relations with Ukraine, among them China, Iran, and Turkey. China, quick to recognize Ukraine (27 December 1991), has been Ukraine's biggest trading partner outside the CIS. Its support for Ukraine's position on several sensitive issues, as well as the fact that some 90 percent of the two countries' total trade consists of exports from Ukraine to China, indicates China's interest in using these relations as a counterbalance to Russia.¹¹⁷ Ukraine's interest in Iran is as an export market and source of oil, but the relationship has failed to develop to both parties' satisfaction because of Ukraine's lack of cash to pay for imports. An agreement whereby Ukraine would have supplied turbines for an Iranian nuclear power plant was cancelled in 1998 after U.S. intervention and Secretary of State Madeleine Albright's visit to Kyiv.¹¹⁸ This soured relations somewhat: until that time Iran's support for Ukraine's position on Crimea was very welcome in the Ukrainian capital.

116. "The Ukrainian delegation to the working group that is preparing proposals for a fundamental reform of CIS structures has advocated drastically reducing areas of cooperation between CIS member states, 'Izvestiya' reported on 23 July [1998]. It proposes excluding from such cooperation political, military, border protection, military-technical, humanitarian, legal, exchange of information, ecology, and collective security issues. Instead, the Ukrainian representation wants to transform the CIS into a mechanism for economic cooperation, provided that its structures do not duplicate those of other European and international bodies and hinder the integration of CIS members into those bodies" (<www.infoukes.com/news/rfe-ukraine/1998/0723.html>). On 3 March 1999, after several earlier defeats, the Ukrainian Parliament passed a resolution of adherence to the CIS Interparliamentary Assembly. See *Ukraina sohodni*, 9 March 1999, consulted on 23 April 1999 at <www.ukraine.org/www/ukrainet.lviv.ua/infobank/1999/0309u.html>.

117. Ustina Markus, "Ukrainian-Chinese Relations: Slow but Steady Progress," *RFE/RL Research Report*, 12 November 1993, 19–23; and idem, "To Counterbalance Russian Power, China Leans toward Ukraine," *Transition* (Prague), 22 September 1995, 34–7. China and Ukraine signed two trade agreements during a visit to Beijing by Foreign Minister Borys Tarasiuk. See *RFE/RL Newslines*, 14 December 1998.

118. *Holos Ukrainy*, 27 August 1993, translated in FBIS-SOV-93-168, 1 September 1993, 33; UNIAIR, 1130 GMT, 22 June 1994, translated in FBIS-SOV-94-121, 23 June 1994, 36; ITAR-TASS World Service, 1005 GMT, 12 September 1994, translated in FBIS-SOV-94-177, 13 September 1994, 35; *Molod Ukrainy*, 8 December 1994, translated in FBIS-SOV-94-238, 12 December 1994, 59; OMRI Daily Digest, 23 May 1996; and *RFE/RL Newslines*, 9 March 1998. In 1997 Ukraine's Antonov Complex won a bid to build some 100 An-140 aircraft in Iran and transfer the appropriate technology for Iran to build its own airplanes in the future. See *RFE/RL Newslines*, 24 September 1997. Assembly of the aircraft was to have begun in 2000. See *ibid.*, 28 April 2000.

Turkey has also taken Ukraine's side against Russia on the Crimean question, not only to assert its position as a dominant regional power, but also to demonstrate sympathy with the Crimean Tatars. A friendship treaty was signed with Turkey in 1992. Both states are interested in developing pipelines to the Black Sea from the Caspian oil fields and Iraq.¹¹⁹ Turkey was also the initiator of the Black Sea Economic Co-operation Council. Ukraine is a member of this council, in which Russian influence has been diluted by the principle of equality.¹²⁰

For the first two years of Ukraine's independence United States policy, consistent with George Bush's infamous "Chicken Kiev" speech of August 1991, was focussed myopically on the question of nuclear weapons—and on pressuring the Ukrainian government to surrender them—to the exclusion of other considerations.¹²¹ A change of policy was seen in 1994, with a doubling of aid (to U.S.\$350 million for the year for economic aid and the same amount for dismantling nuclear weapons), and President Kravchuk's visit to Washington, which he described as a "positive breakthrough."¹²² Likewise, in August Vice-President Al Gore, during his six-hour stopover in Kyiv, spoke of "a 'dramatic improvement' in relations between the two countries" and said that his country was "committed to continuing its close cooperation and support for Ukraine's transition to democracy and market economy."¹²³ On 16

119. On 26 April 1997 the two countries agreed "on Ukrainian participation in the construction of an oil pipeline connecting the Turkish ports Samsun on the Black Sea and Ceyhan on the Mediterranean" (*Ukrainian News / Ukrainski visti*, 7–20 May 1997).

120. *Kyivska pravda*, 9 December 1993, translated in FBIS-SOV-93-241, 17 December 1993, 67–8; Interfax, 1736 GMT, 30 May 1994, translated in FBIS-SOV-94-104, 31 May 1994, 51; ITAR-TASS, 2018 GMT, 31 May 1994, in FBIS-SOV-94-105, 1 June 1994, 32; Vladimir Socor, "Demirel Asserts Turkish Interests in Ukraine and Moldova," *RFE/RL Research Report*, 12 August 1994, 18–22; Oles M. Smolansky, "Ukrainian-Turkish Relations," *The Ukrainian Quarterly* 51, no. 1 (Spring 1995): 5–34; and RFE/RL Newslines, 13 February and 22 May 1998.

121. Anne Applebaum, "How We Bombed on Nukes in Ukraine," *Wall Street Journal*, 30 June 1993.

122. *Ukrainian News / Ukrainski visti*, February 1994; *The New York Times*, 4 March 1994; and Radio Kyiv World Service, 1258 GMT, 11 March 1994, translated in FBIS-SOV-94-049, 14 March 1994, 34–5.

123. *The Ukrainian Weekly*, 7 August 1994. In July 1998 Gore made a second, longer, visit during which "the U.S. vice president said that economic reforms are most critical to Ukraine now and that the U.S. will assist Kyiv in implementing them," encouraged boldness in economic reforms, and promised to help in the replacement of power pending the closure of the Chornobyl nuclear generating

November 1994 the Ukrainian parliament, by a vote of 301 to 4, at last ratified the Nuclear Non-Proliferation Treaty, much to the joy of both Russia and the United States.¹²⁴ In May 1995 President Bill Clinton paid a two-day visit to Ukraine. He pledged several hundreds of millions of dollars to help the country's participation in the Partnership for Peace program, the importation of critical goods, nuclear disarmament and defence conversion, and the upgrading of conditions at the Chornobyl nuclear power plant pending its closure.¹²⁵ With the removal of the last of its 1,600-odd strategic nuclear warheads to Russia, Ukraine finally became a nuclear-free state on 1 June 1996 and earned the praise of both Presidents Clinton and Yeltsin.¹²⁶ During President Kuchma's visit to Washington in May 1997 a series of agreements was reached. The agreements dealt with American technical assistance to improve Ukraine's natural gas sector; the supply of American nuclear fuel to Ukraine's power plants; assistance with scrapping the remaining SS-19 and SS-24 missiles; a Ukrainian cosmonaut's participation in the space shuttle program; and military reforms.¹²⁷ The friendly intergovernmental relations that now exist should bring business deals, trade, and investment in their wake; unfortunately, official corruption and other Soviet legacies on the Ukrainian side are a hindrance to such developments.¹²⁸

Ukraine's economy is not only weak and thus an impediment to its full participation in global trade and international relations;¹²⁹ it is also distorted. At the end of the Soviet era between one-third and two-fifths of industrial capacity was taken up with military production; Ukraine

station. Consulted at <www.infoukes.com/news/rfe-ukraine/1998/0723.html>.

124. *The New York Times*, 17 November 1994.

125. OMRI Daily Digest, 12 and 15 May 1995.

126. *Ibid.*, 3 June 1996. President Clinton paid a second visit in June 2000, when he pledged American support for Ukraine's transformation and announced the lifting of restrictions on commercial space launches by Ukraine. See RFE/RL Newsline, 6 June 2000.

127. *Ukrainian News / Ukrainski visti*, 21 May–3 June 1997.

128. *Ibid.*

129. In 1994 Ukraine asked to have its contribution to the UN budget reduced from 1.87 percent to 1.09 percent owing to economic difficulties. See Interfax, 1253 GMT, 19 September 1994, in FBIS-SOV-94-182, 20 September 1994, 24. In 2000 Ukraine's voting right was suspended pending repayment of an outstanding debt of U.S.\$15 million. See *Ukraine Today*, 7 February 2000, consulted on 2 December 2000 at <www.ukrainet.lviv.ua/infobank/2000/0207e.html>. The suspension took place despite the fact that Ukraine had become a non-permanent member of the UN Security Council in 2000–2001. See RFE/RL Newsline, 18 October 1999.

was said to have inherited U.S. 89 billion dollars' worth of arms.¹³⁰ This meant that thereafter Ukraine had to depend on arms exports as the core of its foreign trade.¹³¹ But this was fraught with difficulties. For instance, Russia was probably the sole potential customer for the 25 Tu-95 and 19 Tu-160 bombers in Ukraine's possession; they were worth U.S.\$1 billion and U.S.\$3 billion each, respectively, but Russia offered only U.S.\$4 million each.¹³² Indeed, it was said to be "extremely unlikely that Russia would pay Ukraine for any of the strategic bombers left in Ukraine after the breakup of the Soviet Union."¹³³ The reason Russia did not want them is that it could not afford a strategic bomber force. On the other hand, where Ukraine has been successful in sales—to countries of the Third World—it is doubtful that it was thereby contributing to world peace rather than conflict and instability. In 1996, for example, Ukraine entered into a three-year agreement to supply 350 T-80 tanks to Pakistan.¹³⁴ At the end of 1998, ninety battle tanks from Ukraine were

130. *Uriadovyi kur'ier*, 26 April 1997, and 23 June 1998. One source gave the following figures: in 1991 military production accounted for 22.7 percent of all production; in 1996, 3.4 percent. While Ukraine has a large store of military hardware and considerable capacity for producing more, it is dependent on Russia for nearly 50 percent of its spare parts; domestic military industry was able to supply only 3 percent of needed spare parts. See *Holos Ukrainy*, 23 December 1998.

131. Arms exports earned Ukraine U.S.\$416 million in 1992 and U.S.\$600 million in 1997. See *Uriadovyi kur'ier*, 26 April 1997, and 23 June 1998.

132. *Holos Ukrainy*, 22 April 1995.

133. *Ukrainian News / Ukrainski visti*, 12–25 March and 4–17 June 1997. In December 1998 it was reported that Ukraine had decided to sell 10 Tu-160s and 12 Tu-95MS strategic bombers to Russia for the sum of U.S.\$75 million, or an average of U.S.\$6.25 million, at a time when a comparable American B-1B bomber was worth \$300 million. See *Holos Ukrainy*, 23 December 1998.

134. *Uriadovyi kur'ier*, 26 April 1997. In 1998 Ukraine was reported to have sold an unspecified number of tanks to Turkey. The report originated in Russia's Ministry of Defence, presumably upset by being underbid by Ukraine. See *Ukrainian News / Ukrainski visti*, 9–23 September 1998. Vietnam, Malaysia, and Thailand were said to be potential customers for Ukraine's T-72, T-80, and T-84 tanks, but these would have to compete with Russian T-80U and T-90S models. See *Holos Ukrainy*, 23 December 1998. In 2000 a decision was announced to begin serial production of the AN-70 military transport aircraft, with the first one being completed in 2002. Ukraine's Ministry of Defence would begin buying the planes in 2006; Russia's Ministry of Defence would be another customer. With a cargo capacity of 35 tonnes, the AN-70 has a range of 5,000 km. See RFE/RL Newline, 13 October 2000.

being delivered to Uganda.¹³⁵ As of 1998 Ukraine was supplying arms to nearly sixty countries.¹³⁶ It is ironic that by capitalizing on its only economic strong point Ukraine is inhibiting the development of a consumer-oriented market economy internally and at the same time impairing the friendly relations it needs on the international arena.¹³⁷

Conclusion

Contrary to the generalization with which this chapter opened, that Ukraine's international status is as fraught with ambiguity as its domestic affairs, the evidence examined here indicates that it is unambiguously positive, at least in a relative sense. For all the difficulties, dilemmas, and obstacles, Ukraine has had more success in this aspect of its independent state building than on the domestic front. Perhaps this is due to its foreign-service bureaucracy, which is experienced in the conduct of diplomacy and international relations from Soviet times, and especially to the fact that it has been a member of the United Nations from the outset. Perhaps it is also due to help from outside, although Ukraine's leaders always complain there is never enough.¹³⁸ To the surprise of many, Ukraine has managed to conclude a treaty normalizing relations with Russia and even to resolve the Black Sea Fleet problem. It has divested itself of its nuclear weapons and their associated equipment. It has reoriented its armed forces to current needs rather than to those of the USSR. It has defied Russia by developing close relations with NATO. The only ambiguity about Ukraine's actions in the sphere of foreign relations stems from the possibility that this country will become a "national security state" owing to its unruly domestic situation and its

135. *Ukrainian News / Ukrainski visti*, 16–29 December 1998. The Ukrainian export agency responsible for arms sales denied having authorized the delivery. At the time the Ugandan army was involved in neighbouring Congo, where it was supporting a rebellion against President Laurent Kabilla and also helping both sides in the Sudanese civil war.

136. *Uriadovyi kur'ier*, 23 June 1998.

137. Allegations that Ukraine has sold arms to "rogue states" such as Libya have not been uncommon. See OMRI Daily Digest, 12 December 1996. Even if untrue, they do no good for Ukraine's international reputation.

138. "External actors do play a significant role in supporting and furthering reform, and that role proceeds not only by setting conditions, but also by engaging in dialogue, gaining voluntary consent to change, and by acting as a model" (Karen Dawisha and Michael Turner, "The Interaction between Internal and External Agency in Post-Communist Transitions," in *The International Dimension of Post-Communist Transitions*, ed. Dawisha, 423).

pursuit of markets abroad for its arms manufacturers. These are unacknowledged but nevertheless genuine threats to the transition to democracy within the country and to its contribution to a stable world outside its borders.

CHAPTER 11

From Communist Dictatorship to Pseudo-Democracy

The dominant tendency among new democracies seems to be neither democracy nor dictatorship but rather hybrid regimes.... In the Manichaeian world of democracy versus dictatorship, these regimes manage to be neither here nor there.¹

Ukraine's transition to democracy must be examined in a comparative context. While the goal of democracy has been widely promoted, and there is little reason now to doubt the commitment of the country's leaders to that goal, it remains a fact that Ukraine got off to a bad start, its entire journey having been a path-dependent one. For example, in a study of twenty-four post-war countries on several continents where transitions to democracy were successfully, unsuccessfully, or uncertainly attempted, researchers found that the path taken—the character of the contest between defenders and challengers—generally determines the outcome of the process.² The “intense negotiation path,” exemplified by Poland and characterized by “diverging preferences, cues from the Mass Public to which the Defender ultimately acquiesces, and the Defender eventually switching to a facilitating strategy in the negotiations,” leads most certainly to consolidated democracy.³ Variation on this sequence is possible, as happened in Hungary. Clearly, Ukraine did not follow the path of “intense negotiation” in its transition to democracy—the challengers to the old order were merely the defenders of the old order posing as its challengers, and no negotiations, either intense or low-key, took place. The odds against consolidation of democracy, then, were very high when Ukraine became independent in 1991, because no one really fought for democracy: it fell into their laps, having been

1. Valerie Bunce, “Comparative Democratization: Big and Bounded Generalizations,” *Comparative Political Studies* 33, nos. 6–7 (August–September 2000): 723.

2. Gretchen Casper and Michelle M. Taylor, *Negotiating Democracy: Transitions from Authoritarian Rule* (Pittsburgh: University of Pittsburgh Press, 1996).

3. *Ibid.*, 139.

inaugurated in the USSR by the liberalizing reforms of Gorbachev in 1988.⁴

If anything, initiating the transition from Communist rule in Ukraine resembled the “compromise path,” which usually leads to installation of democracy but not its consolidation. It is a watered down version of democracy in which too many concessions are made to the defenders of the authoritarian order. As Casper and Taylor write, “democratic installation is the most likely outcome of the process when the Defender and Challenger have converging preferences, the Mass Public gives and the Defender heeds cues that it opposes the status quo or supports democracy, and the Defender is able to impose constraining rules on the process which are part of an overall facilitating strategy.”⁵ Since for all intents and purposes the Defender and Challenger were one and the same in the Ukrainian case, and the mass public did not express itself on the question of democracy, this “compromise path” model fits only loosely. But it does provide a partial theoretical explanation of the “stalled” nature of Ukraine’s transition to consolidated democracy as deriving from the initial process.

Nothing can be done now, of course, about the fact that Ukraine did not get off on the right foot from the very beginning. That factor will prolong the transition, as it has been doing, but the transition itself is not doomed. Progress towards democracy can still be made even after a bad start. According to conventional wisdom it depends, among other things, on several key determinants of democracy, such as a country’s wealth, a sizeable middle class, and civic values. However, the authors of a study of

4. This point is made emphatically by Ilya Prizel. He writes: “The old system neither collapsed as in Czechoslovakia and Russia, nor negotiated a ‘contractual’ retreat as in Poland and Hungary. Ukraine has established a government Ukrainian in form and Brezhnevian in content” (“Ukraine between Proto-Democracy and ‘Soft’ Authoritarianism,” in *Democratic Changes and Authoritarian Reactions in Russia, Ukraine, Belarus, and Moldova*, ed. Karen Dawisha and Bruce Parrott [Cambridge: Cambridge University Press, 1997], 344). The same can be said more or less about Ukraine’s independence. “As in 1918, independence was as much dropped upon Ukraine as a *deus ex machina* as it was a result of a deliberate Ukrainian movement” (D’Anieri, Kravchuk, and Kuzio, *Politics and Society in Ukraine*, 25). Independence and democracy are, of course, related. As *The Globe and Mail* reported on 28 October 1999, on the eve of the presidential election, “since the 1991 Soviet collapse, many ordinary Ukrainians say the independence they wanted so badly has brought little improvement in their lives.” Naturally, the reason for the failure of independence to bring people economic well-being is the democratic deficit—no democracy, no rise in the standard of living.

5. Casper and Taylor, *Negotiating Democracy*, 95.

twenty-seven countries have found on the basis of empirical evidence that the truly critical variables, in descending order of importance, are income inequality, support for gradual reform (as opposed to revolution or the status quo), the level or quality of democracy in the immediately preceding period, and subcultural pluralism.⁶ The first and last of these have a negative effect, the second and third, a positive one. As Muller and Seligson write, "the results of our analysis of causal linkages between levels of civic culture attitudes and change in level of democracy are not supportive of the thesis that civic culture attitudes are the principal or even a major cause of democracy."⁷ For the advocates of the efficacy of civic culture, this means going back to the drawing boards. "The single most important explanatory variable in our causal model of determinants of democratization," these authors conclude, "is not an attitude of the general public but rather a macroeconomic variable—income inequality."⁸ How does Ukraine measure up in terms of the most critical of these determinants of democracy?

Ominously, the 1990s in Ukraine saw a growing gap between rich and poor.⁹ The general impoverishment of the population can be read from the drop in per capita incomes. In January–June 1999 real personal income went down by 11.8 percent from a year earlier; the average monthly salary in June 1999 was equivalent to U.S.\$50.30, but by February 2000 this was down to U.S.\$21.00.¹⁰ At the end of 2000, people were asked how they had fared: 16 percent reported that their material situation had improved, but 27 percent said it had worsened. The director of the surveying institute gave a positive interpretation to the 16 percent figure, declaring that these people were largely young, urban, well educated, and active. Theirs is the future, such as it may be, but they are a tiny minority, an elite.¹¹ These are not encouraging figures, and they do not bode well for the country's democratization effort, especially given that, instead of supporting gradual reform, the Ukrainian public is very

6. Edward N. Muller and Mitchell A. Seligson, "Civic Culture and Democracy: The Question of Causal Relationships," *American Political Science Review* 88, no. 3 (September 1994): 635–52.

7. *Ibid.*, 647.

8. *Ibid.*

9. M. Sokolyk, "Hroshovi dokhody i vytraty naselennia Ukrainy: Tendentsii ta struktura," *Ekonomika Ukrainy*, 1999, no. 3: 21–30.

10. *Economic Reform Update*, nos. 2–3 (July and August 1999) and 10 (March 2000).

11. *Den*, 29 December 2000, consulted on 29 December 2000 at <www.day.kiev.ua/2000/241/notabene/nb3.htm>.

resistant to change. This resistance is indicated by the largely unipolar, pro-leftist distribution of party support; the abysmal level of democracy in the Soviet era (not a helpful starting point), and the ethnolinguistic division of Ukrainian society, which is characterized by continuing tension.¹² As both logic and the example of Latin America suggest, great disparities of wealth are inimical to democracy.¹³ Therefore, the prospect of a pseudo-democracy in Ukraine, with overtones of the "national security state," or "police state," referred to earlier, would not be too far-fetched, but definitely somewhat removed from images of a fully consolidated, liberal democratic political system.

It is common to find fault with the choice and design of institutions in new democracies, and there is an enduring debate in the discipline of political science about the virtues of presidentialism as opposed to parliamentarism. Some findings from a study of Third World countries, however, indicate that such considerations should be regarded as secondary, and that the findings themselves appear to complement the study by Muller and Seligson.¹⁴ In the Third World, contrary to general assumptions, there is in fact no greater tendency for presidential systems to break down than for parliamentary ones. Furthermore, the assumed vulnerability of presidentialism combined with multi-partyism is not supported by systematic evidence. "When we disregarded constitutional type and focused exclusively on the number of parties, we found that by two of our [three] measures democratic consolidation was associated

12. On the latter, see Dominique Arel, "Ukraine: The Temptation of the Nationalizing State," in *Political Culture and Civil Society in Russia and the New States of Eurasia*, ed. Vladimir Tismaneanu (Armonk, N.Y., and London: M. E. Sharpe, 1995), 157–88.

13. "High levels of income inequality are likely to produce either a high level of rebellious political conflict ... or else the perception among elites of rebellious political conflict and lower-class revolution. Therefore, executive or military coups to quell mass rebellion and preserve elite privileges are likely to occur in countries with inegalitarian distributions of income that attempt to establish democracy" (Muller and Seligson, "Civic Culture," 647). See also Edward N. Muller, "Economic Determinants of Democracy," in *Inequality, Democracy, and Economic Development*, ed. Manus I. Midlarsky (Cambridge: Cambridge University Press, 1997), 133–55. There Miller concluded: "In sum, high levels of income inequality are incompatible with the development of a stable democratic political system.... Thus, optimism about the current 'third wave' of democratization must be tempered by the fact that the prospect for long-term consolidation of democracy is poor in countries where highly inegalitarian income distribution prevails" (152–3).

14. Timothy J. Power and Mark J. Gasiorowski, "Institutional Design and Democratic Consolidation in the Third World," *Comparative Political Studies* 30, no. 2 (April 1997): 123–55.

with more fractionalized party systems and that breakdown was associated with more concentrated party systems.”¹⁵ If what has been found to operate in the democratic experiences of the Third World has application to post-Communist countries like Ukraine, then the implications (all of them positive for a change) are that the actual design of executive and legislative institutions is secondary rather than critical for democratic consolidation, that presidentialism is not more vulnerable to breakdown than parliamentarism, and that a larger number of political parties may actually help stave off a breakdown.

Perhaps more important than the design of institutions is the strength of the state, a factor overlooked in the various theories of transition and glaringly absent from contemporary Ukraine. Juan Linz has emphasized this point with the aphorism, “No State, No Rechtsstaat, No Democracy.”¹⁶ As he sums it up, “a weak, flawed, underdeveloped, corrupt, incompetent state apparatus is a poor instrument for democratic government.”¹⁷ This is a stern and unsettling warning indeed.

If the four variables cited above—income inequality, support for gradual reform, quality of democracy in the immediately preceding period, and subcultural pluralism—truly are the critical ones on the road to consolidated democracy, then they in turn must be determined or at least influenced by the choices pursued by elites. This is done by policies on taxation and welfare, vision and leadership, policies on human rights and citizenship, and management of ethnic relations, education, and accommodation. Unfortunately, given the longevity of “Soviet” outlooks and structures among both elites and the public, it is doubtful that fully

15. Ibid., 146. Albania comes to mind as a confirming case in post-Communist Eastern Europe: it has a two-party system, but political chaos.

16. Juan J. Linz, “Democracy Today: An Agenda for Students of Democracy,” *Scandinavian Political Studies* 20, no. 2 (1997): 118. He writes: “We had forgotten that democracy evolved or was introduced in societies where a modern state had developed over more than a century. A distinction between the private interests of the ruler and officials had largely been institutionalized, a more or less autonomous judiciary had gained the confidence of the citizens, reasonably disciplined and honest police forces served the state, taxes were collected according to laws that treated categories of citizens more or less equally and for public purposes, etc. The modern state, as it evolved, did not always respond to the highest standards of legality and fairness but progressively had been transformed into the modern Rechtsstaat” (ibid.). By contrast, “we now discover that ... these preconditions are not institutionalized and even less satisfied in countries where democratically elected politicians, politicians committed to democratic political processes and to satisfying the expectations of citizens, take over the governing of the state” (ibid., 119).

17. Ibid.

consolidated democracy can be achieved soon in Ukraine.

The term “post-Communist” rather than “post-Soviet” was chosen for the title of this book not through a process of scientific inquiry and verification but rather through a visceral appreciation of the inertia of culture, which remains impervious to revolutions, including the collapse of the USSR. This feeling about the continuity on either side of the chronological dividing line of 1991 for Ukraine has been supported by the moving and astute observations recorded by Catherine Wanner in *Burden of Dreams*.¹⁸ “Their patterns of thinking and behavior,” she writes of Soviet citizens (subjects), “have been shaped by the structural constraints of Soviet society (shortages, repression, and lack of dignity) and the values that the system bred in Soviet citizens (feeling of inferiority, the ‘two personalities’ syndrome, and sharply honed manipulative abilities).”¹⁹ Of course, the Soviet system is fading, “but the culture of fraud, “ she emphasizes,

the Kafkaesque state regulations, and established conceptions of self and community carry on, all of which give life to the Soviet legacy and persist in the face of attempts at sweeping economic, political, social, and cultural reform. The culture of fraud not only endures but intensifies in post-Soviet Ukraine because of the persistent urge and even need to lie, cheat, and steal when confronting the state and because of decreasing fear of punishment.... Meanwhile, state authorities deceive their own constituents in a multitude of ways, ranging from neglect of urgent social problems to active participation in dishonest pyramid schemes which robbed many people of their savings.²⁰

This reinforces my own pessimism about the democratization project in Ukraine and my insistence that it will continue to be a long, hard, uphill struggle.

Democratic elites have relative autonomy from the state and some independent power. This is not the case in Ukraine. Instead of pluralism, the prevailing pattern is one of corporatism, involving a close interconnection between state and society and the overwhelming of the interests of society by those of the state. Both labour unions and business associations are combined into monolithic “peak” organizations that monopolize the channeling of interests and serve as transmission belts for government

18. Catherine Wanner, *Burden of Dreams: History and Identity in Post-Soviet Ukraine* (University Park: Pennsylvania State University Press, 1998).

19. *Ibid.*, 72.

20. *Ibid.*, 72–3.

policies.²¹ The reduction of the autonomy of regional administrators by various means, including the posting of latter-day “political commissars” in the oblasts (“deputy heads of administration for political-legal questions”), is just another step backwards.²²

Public attitudes towards leaders and their roles are full of ambiguities, which again bring the prospect of democracy’s consolidation into question. When respondents were asked in 1998 whether they agreed with the statement “Several powerful leaders can do more for our country than all the laws and discussions,” 61 percent of a national sample replied in the affirmative; only 20 percent disagreed.²³ In a similar vein, 70 percent in 1999 answered “yes” to the question “Does Ukraine today need, in your opinion, a new and authoritative political leader?”²⁴ Yet 38 percent of the people participating in a survey conducted at the end of January 1999 would not support a constitutional amendment to abolish the presidency and to make the parliamentary speaker the head of state.²⁵ So the public wants an authoritative leader (perhaps even an authoritarian one), wants (or at least a plurality does) to retain the presidency (rather than welcome a “man on horseback”), but holds the present incumbent in rather low and declining esteem. In a series of surveys the percentage of respondents expressing full trust in President Kuchma rose modestly from 13 to 14 between October 1995 and a year later. It then dropped to only 4 percent in November 1998, before recovering to 7 percent in March 1999.²⁶ The decline is more dramatic when the percentage of those registering total distrust—always greater than the percentage giving full trust—is factored in. Thus, the deficit of trust

21. Paul Kubicek, “Variations on a Corporatist Theme: Interest Associations in Post-Soviet Ukraine and Russia,” *Europe-Asia Studies* 48, no. 1 (January 1996): 27–46; and idem, “Ukrainian Interest Groups, Corporatism, and Economic Reform,” in *State and Institution Building in Ukraine*, ed. Kuzio, Kravchuk, and D’Anieri, 57–81. A practical illustration of this corporatism is the trilateral agreement “Heneralna uhoda mizh Kabinetom Ministriv Ukrainy i Konferentsiieiu robotodavtsiv Ukrainy ta profspilkovymy ob’iednanniamy Ukrainy na 1999–2000 roky,” published in *Uriadovyi kur’er*, 14 September 1999. See also the similarly corporatist law on trade unions, “Pro profesiini spilky, ikh prava ta harantii diialnosti: Zakon Ukrainy,” *Holos Ukrainy*, 5 October 1999.

22. Valerii Zaitsev, “Konflikty mizh hilkamy vlady v protsesi ikh stanovlennia (1991–1996),” in *Stanovlennia vladnykh struktur v Ukraini*, 28.

23. *Den*, 15 July 1998.

24. *Ibid.*, 4 March 1999.

25. *Ibid.*, 17 February 1999.

26. *Ibid.*, 16 December 1998, and 15 April 1999.

in Kuchma—or absolute distrust—rose from 5 percentage points in October 1995 to 47 in March 1999. Indeed, in November 1998 Leonid Kuchma received the largest number of mentions as the politician for whom people would never vote—31 percent of respondents.²⁷ Yet he remained in the running for the presidency and was often the front-runner in many surveys.²⁸ Eventually, though, President Kuchma won re-election in October–November 1999, his victory being a combination of manipulation on his part and resignation to fate on the public's part—a thoroughly unhappy situation.

Whereas my own understanding and use of the term “post-Communism” refers to a period that comes after another one and derives its name from it—a transcendence of the Communist phase—other writers see it as an end point or condition towards which countries like Ukraine are moving.²⁹ They describe it not as nirvana, but more often as a void that awaits the people of the post-Communist states of Eastern Europe and Eurasia. The free market, which was promised to these people, has never existed except in the United States, so the neo-liberal economic reform project is a forlorn utopian dream. American capitalism is incompatible with and destructive of foreign cultures. The Western world is unravelling and in flux; Western models of democracy and market economy are irrelevant. Post-Communist politics are most likely to be anti-politics. Marx can still be saved from historical (the ultimate) irrelevance. But these scholars are still basically fighting an ideological battle between capitalism and Marxism.

For all its influence on practical politics throughout the twentieth century, the Marxist paradigm totally fails to explain any of the political events of that century, even ones that took their inspiration from its

27. Ibid., 28 November 1998. The second most frequently mentioned politician in this regard was V'iacheslav Chornovil with 18 percent.

28. “For whom would you vote, if elections for President of Ukraine were held next week?” In response to this question in March 1999, 22.3 percent named Leonid Kuchma. Nataliia Vitrenko received support from 17.6 percent. See *Uriadovyi kur'ier*, 25 March 1999. For a review of other survey results anticipating the presidential elections, see *Holos Ukrainy*, 16 February 1999.

29. Nicolas Spulber, *Redefining the State: Privatization and Welfare Reform in Industrial and Transitional Economies* (Cambridge: Cambridge University Press, 1997); Richard Sakwa, *Postcommunism* (Buckingham, U.K., and Philadelphia: Open University Press, 1999); John Gray, *Endgames: Questions in Late Modern Political Thought* (Cambridge: Polity Press, 1997); and Charles H. Fairbanks, “The Public Void: Antipolitics in the Former Soviet Union,” in *The End of Politics? Explorations into Modern Antipolitics*, ed. Andreas Schedler (Houndmills and London: Macmillan; New York: St. Martin's Press, 1997), 91–114.

founder.³⁰ It is rather the elite paradigm, so thoroughly overshadowed by Marxism, behaviouralism, developmentalism, dependency theory, and neo-liberalism, that offers the better tool for understanding politics and change. Elites and their interrelationships give shape to every independent country's political system. Their degree of mutual trust is a necessary prior condition to the drawing up of constitutions, the design of institutions, and the ultimate operation of democratic politics. Change requires a transformation of the elite; no utopian recipe can succeed without that. Such elite transformations, however, are constrained by their publics' dispositions and orientations; there is interdependence between the elites and their people. What is critical is the choice of elite configuration, more so than choice of policy.

In this light, the most critical factor determining the course of future change in Ukraine is bound to be its political elite, particularly its next generation. Some mixed omens come from the results of a study carried out in the first half of 1998, which identified twenty individuals, none at the time older than thirty-seven years, as members of the future political elite of Ukraine.³¹ Out of these twenty individuals, five were deputies to the Supreme Council before the 1998 elections and twelve others won places in Parliament in 1998, a total of seventeen (85 percent) with parliamentary experience. This ought to be a positive sign signalling their acceptance of political competition through the electoral route, rather than of bureaucratic competition (military, public service, or party) for power. At least ten of them could be characterized as professional politicians, another sign of modern political development. The others also had modern career backgrounds—four in banking, three in the energy business, and three in the media. But their backgrounds are not unlike those of the "oligarchs," who usually combine two or more professions. It is unclear whether these are "oligarchs" in the making or their challengers.

30. This paragraph is a paraphrase of John Higley and Jan Pakulski, "Epilogue: Elite Theory versus Marxism: The Twentieth Century's Verdict," in *Elites after State Socialism*, ed. Higley and Lengyel, 229–41, esp. 238–9, with which I agree strongly but not absolutely.

31. "Vony mozhut buty pry vladi v tretomu tysiacholitti ...," *Holos Ukrainy*, 24 July 1998. The study was carried out by applying a standard American methodology. Out of 300 points, the highest-ranking individual, Bohdan Hubsy, obtained 280; the lowest-ranking was Artur Bilous, who obtained 62. Only two of these twenty, Hubsy (no. 1) and Iuliia Tymoshenko (no. 3), also appear in Kost Bondarenko's book of "oligarchs," *Atlanty i kariatydy*, passim. They would, therefore, seem to represent a younger, not yet established, upwardly mobile group.

Also unclear is the connection between these young politicians and the increasingly unsavoury political team around President Kuchma. At the beginning of the 1998 Parliament, seven out of twelve members of this group joined the pro-presidential Popular Democratic Party caucus, even though they had not run under the party's banner, and five had links with Dnipropetrovsk and possibly one of its clans.³² This closeness to the president and his clan and supporters could hardly be interpreted as helping to develop autonomous centres of power and challenging the established "oligarchs." Out of those twelve, all but two were connected with former prime ministers' parliamentary fractions (Kuchma's Popular Democratic Party, Marchuk's Social Democratic Party [Unified], and Lazarenko's Hromada); one of the "non-partisans," of course, was none other than the president's former chief of staff, Dmytro Tabachnyk. Considering their close ties to the present regime, it is difficult to tell whether these young politicians are set to take over and reform the political establishment or have already been co-opted by it.³³

Beyond transitology, a further research agenda awaits those who are still interested in Ukraine and other post-Communist countries undergoing transformation. Borrowing a leaf from our colleagues the Latin Americanists, we need to look past constitutions, parliaments, elections, and macroeconomic policies. We need to investigate three crucial and more basic elements central to genuine democracy: the legal atmosphere for business and entrepreneurial economic activity; effective political decentralization of power and local government; and judicial independence.³⁴ Meanwhile, I rest my case. In its post-Communist transformation, Ukraine has achieved a condition best described in the comparative politics literature as "pseudo-democracy" or "unconsolidated democracy."³⁵ This simply means that there is less than full elite consensus and

32. *Holos Ukrainy*, 18 April 1998; *Khto ie khto* (1998), *passim*; and *Ofitsiina Ukraina sohodni*, 12–68.

33. Two of its members were taken into the Cabinet at the beginning of 2000, but both hailed from Dnipropetrovsk. Serhii Tyhypko started in banking from his position as a Komsomol secretary; Iuliia Tymoshenko was head of Unified Energy Systems and formerly no. 2 in Lazarenko's Hromada fraction. In the course of the year, however, Tyhypko was pushed out of the economy portfolio, and Tymoshenko was under fierce, continuous attack for attempting to reform the energy sector.

34. David G. Becker, "Latin America: Beyond 'Democratic Consolidation,'" *Journal of Democracy* 10, no. 2 (April 1999): 146–9.

35. Michael Burton, Richard Gunther, and John Higley, "Introduction: Elite Transformations and Democratic Regimes," in *Elites and Democratic Consolidation*,

only perfunctory public participation. There is a sort of plebiscitary and corporatist presidential monarchy with a democratic facade, which is liable to lapse into authoritarianism.

ed. Higley and Gunther, 4–8; Michael Burton, Richard Gunther, and John Higley, “Elites and Democratic Consolidation in Latin America and Southern Europe: An Overview,” *ibid.*, 323–48; John Higley and Gyorgy Lengyel, “Introduction: Elite Configurations after State Socialism,” in *Elites after State Socialism*, ed. Higley and Lengyel, 1–21; and Higley and Pakulski, “Epilogue,” 229–41.

1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The History of the United States of America". The author is "John Adams". The date is "1776".

2. The second part of the document is a table of contents. It lists the chapters of the document and the page numbers where they begin. The chapters are "The Declaration of Independence", "The Constitution", "The Bill of Rights", "The Federalist Papers", and "The Anti-Federalist Papers". The page numbers are 1, 2, 3, 4, and 5 respectively.

3. The third part of the document is the main body of the text. It contains the full text of the Declaration of Independence, the Constitution, the Bill of Rights, the Federalist Papers, and the Anti-Federalist Papers. The text is written in a formal, legalistic style. It is written in English and is the original text of the documents.

4. The fourth part of the document is a bibliography. It lists the sources of the text. The sources are "The National Archives", "The Library of Congress", and "The University of Michigan".

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When Ukraine's transition from Communism began in 1991, it was assumed as being, naturally enough, towards democracy. Over ten years later, although the country's politics now include political parties, elections, and a relatively free press, the wishes of the Ukrainian people still do not determine the policies of the government. Nor is the government accountable to the public; too often, governing is a means of personal enrichment for those in office. How this came about, how far along Ukraine is in its transformation into a democracy, and why it remains stuck in between democracy and authoritarianism, are explained in *Post-Communist Ukraine* convincingly and with originality.

Taking a comparative approach, the book breaks free of the usual historical-cultural mode of dealing with Ukrainian politics by other scholars. Step-by-step, it examines the primary elements of a modern, democratic state and the degree to which these are in place: an agreed-on set of rules of the game in the form of an accepted Constitution; a state capable of governing and claiming the loyalty of its people; a Parliament representative of the public and able to legislate; a bureaucracy skilled at fashioning and implementing public policies, and not just following orders; a nation of fellow-citizens living as a community; political parties channeling the interests of, and responsive to, their followers; elections that reflect the preferences of the voters; and policies ensuring the security and well-being of both state and society. These are analyzed in view of other countries' experience with these institutions and processes. As a result, a comprehensive portrait of Ukraine's politics, which can be characterized as "post-Communist" but not yet "post-Soviet," emerges.

This masterful and well-written case study will be indispensable to students and scholars of comparative, East European, and post-Soviet politics. It is also of great value to anyone interested in learning about contemporary Ukraine from a social-science perspective.

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