

Euromaidan, War, and the Development of Ukraine's Political System in 2014 - 2015

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Ukraine's political system has undergone tremendous stress as a result of the Euromaidan protests, mass shootings in Kyiv, the flight of ex-President Viktor Yanukovich and the start of a war in Eastern Ukraine. All elements of the political system were considerably misbalanced by the end of February 2014, and the period of March 2014 through July 2015 was a time of institutional revival in Ukraine. But have the Euromaidan protests broken the rout of authoritarian rule in Ukraine? Is Ukraine's political system tending towards free, democratic and open? It is probably too early to give a definite answer to these questions. In my opinion, there are two competing agendas in Ukraine, one of which supports the development of democracy, and the other which threatens it. The vast majority of Ukrainians supports one of these agendas and formulates demands correspondingly. Ukraine's democratic prospects are in the process of unfolding.

Between 2014 and the first half of 2015, the political system recovered and developed into a transitional system that reserves opportunities for both democratic and authoritarian prospects. This recovery was influenced by two visions for the nation's development: the "Euromaidan agenda" and the "war agenda." The first agenda is based on civic, liberal guiding ideas that in the Ukrainian context are called "European" and contrast with "post-Soviet" values. As I demonstrated in my research of Maidan and anti-Maidan visionaries, Ukrainians tend to regard European values as democratic rule, responsible governance, accessible justice, national emancipation and representative parliament; a considerable number of Ukrainians believe that the European Union promotes these values. On the contrary, the majority of Ukrainians believes that the post-Soviet values and practices promoted by Russia, its Customs Union and local—usually oligarchic—allies lead to corruption, socio-economic injustice, political serfdom, and Russification.¹ The Euromaidan agenda was derived from the liberationist aims of the protests,² and had the potential to point Ukraine's democratic development towards prospective EU membership.

The events of March – May 2014 have changed the dynamic of historical contradiction between European and Eurasian paths of development, which for almost 20 years has defined Ukraine's political trajectory. As Kataryna and Roman Wolczuk have justly described it, the major result of Ukraine's evolution between these geopolitical alternatives was the increasing radicalization of the choice: from soft in the 1990s to radical in 2013.³ The separatist threat, Crimean annexation and beginning of the Donbas war have dismantled the Eurasian option, and imposed another alternative: the war agenda. In a way, this created a massive shift in the long-term

¹ Mikhaïl Minakov, "Utopicheskiie obrazy Zapada i Rossii u storonnikov Evromaidana i ih protivnikov. Elementy ideologicheskogo oformleniia konflikta v Ukrainie 2013-2014 godov." *Forum noveishei vostochnoevropaiskoi istorii i kultury*, No. 2 (2013). See p. 64ff.

² Major arguments for this stance are provided here: Andreas Umland et al, Open letter: "Kyiv's Euromaidan is a liberationist and not extremist mass action of civic disobedience" (2014). <https://www.change.org/p/to-journalists-commentators-and-analysts-writing-on-the-ukrainian-protest-movement-euromaidan-kyiv-s-euromaidan-is-a-liberationist-and-not-extremist-mass-action-of-civic-disobedience>

³ Kataryna Wolczuk and Roman Wolczuk, "Soft is beautiful...! Ukraine's approach to regional integration." In G. Brogi, M. Dyczok, O. Pachlovska, and G. Siedina (eds.), *Ukraine twenty years after independence: perspectives, assessments, challenges*. Rome: Aracne editrice, 2015. See p. 35ff.

tendency of the Ukrainian political system's development. For official Kyiv, Moscow ceased to be a partner and one of the principal sources of development models. The war has introduced an alternative reform agenda for Ukraine.

On a political level, the war agenda demanded the creation of a political regime able to concentrate human, military and financial resources to defend Ukraine from the Russian army and Russian-backed separatists. The cornerstones of this agenda were effective government, a disciplined citizenry and economy, martial law, and the postponement of political and economic liberties. The war agenda thus aims to create an authoritarian state whose legitimacy stems from its ability to defend its territory and effectively allocate national resources for security needs.

These two competing agendas –development of a democratic nation inspired by the promise of European integration and development of an effective government, society and economy in military terms – constitute an ideological framework for the Ukrainian political system's development in 2014-2015. The vast majority of the Ukrainian population and certain members of the power elite supported one of these two agendas and formulated their expectations accordingly.

To analyze the impact of this framework upon Ukraine's development, it is important to avoid a paradox connected with scholarly understanding of the connection between war and development. Quite often, the social and political sciences regard war and development as fundamentally irreconcilable. For example, Paul Collier and Harvard Hegre argue that development and war are incompatible: war retards development, and development retards war.⁴ However, some scholars argue that development and military conflict not only are connected, but even enforce one another. For example, Mark Duffeld insists that development has "always existed in relation to a state of emergency."⁵ Authors that support these two positions have provided a satisfactory base of evidence for their contradicting conclusions, thus formulating a paradox of war and development.

In my opinion, this contradiction can be resolved by understanding that war in all of its forms often constitutes its own distinct development agenda. This path of development may differ from or even prove antithetical to human or liberal development, but in terms of organizing society around a certain political order and socio-economic system, the war agenda has strong potential to be acknowledged as "developmental." In the post-Soviet context in particular, we see examples of development under the war agenda (Russia after the Chechen war, the Karabakh regime in a state of permanent low-scale war, post-war Transnistria, etc.).

In the case of post-Euromaidan Ukraine, the two development agendas clash violently. Furthermore, this conflict has diffused Ukrainians' mass support of a reform agenda and enabled the new power elite to distance itself from both agendas and pursue its own public and private interests. Those political-financial groups (FGPs) which won after the Euromaidan protests and imposed control over the centers of power in Ukraine defined policies for regime recovery and the revitalization of the Ukrainian political system after the shock of February 2014. By fueling the discord between the civil and liberal Euromaidan agenda and the anti-liberal war agenda, these groups managed to diminish the influence of both reform agendas, and have hastened the development of a political regime that has prerequisites necessary for

⁴ Paul Collier, V.L. Elliott et al, (eds.), *Breaking the Conflict Trap. Civil War and Development Policy*. Washington, D.C.: World Bank/Oxford University Press, 2003. p. 9-11.

⁵ Mark Duffeld, *Development, Security and Unending War. Governing the World of People*. Cambridge: Polity Press, 2007, p. 8.

the establishment of “power verticals” rather than a balanced system with separated branches of power and strong local self-governance.

In my opinion, the contradiction of these agendas has created a favorable environment for the institutional building of government to follow the old trend of vertical power rather than to develop into a constitutional democracy with a system of checks and balances. In this paper I will argue that the current divide in the reform agenda has the potential to weaken democratic consolidation, resulting in authoritarian tendencies and, ultimately, the loss of freedoms in Ukraine.

To prove my thesis, I shall describe and analyze the following issues in this paper: (1) the paths for development currently present in Ukraine; (2) how political groups, the private sector and civil society cooperated and competed to deal with emergent risks and opportunities resulting from the Euromaidan’s victory; (3) the major elements of Ukraine’s political system; and (4) what currently threatens democracy in Ukraine.

The two political agendas of post-Maidan Ukraine

Ukraine’s political development in 2014-2015 was defined by the contradiction of two political agendas: one connected to the Maidan supporters’ democratic expectations and another deriving from the de facto state of war in Ukraine.

Even though Euromaidan was comprised of numerous political and civic groups with different ideologies and programs, it was united by a twofold aim: to topple the authoritarian rule and to re-establish Ukraine as democratic republic with political and economic pluralism. After the Maidan’s victory, its pro-democracy agenda legitimized the rule of new political groups in Kyiv. In more concrete terms, the immediate Maidan agenda strove to:

- Reestablish the division between branches of power and return the constitutional order that was broken by the highly questionable ruling of the Constitutional Court in 2010 that imposed a presidential republic in Ukraine;
- Elect new leadership (President and Parliament) in a democratic and transparent way;
- Establish rule of law and limit corruption in the public sector (corruption reached a unprecedented level with the concentration of real power by the Yanukovich clan in 2013);
- Make political and economic freedoms real and accessible for all citizens;
- Integrate with the EU, which would safeguard Ukraine’s democratic development;
- Decentralize the Ukrainian polity, provide local communities with the opportunity to self-govern, and limit the ability of the power elite to abuse the central government by administering all regions at all levels.

The temporary post-Maidan government led by Olexandr Turchynov (acting President from February 23 – June 7, 2014; Parliament’s Speaker from February 23 – November 27, 2014) and Arseniy Yatsenyuk (acting Prime Minister since February 27, 2014) has a mandate to rule based on promises to implement the Maidan agenda. But few of these goals have been implemented. Formally, the Constitution of 2006 was reinforced on February 21, 2014. The president and the parliament were reelected in free and fair elections in May and October 2014, respectively. But the promised “European integration” has been delayed; as of August 2015

there are no considerable successes in that direction.⁶ Corruption continues to hold sway over Ukraine's politics and economy.⁷ Decentralization has slightly increased the budget autonomy of local communities but has immediately provoked attempts to increase the central government's ability to intrude into local decision-making. The Maidan agenda was implemented only partially, and with time its impact upon real-political decision-making has lessened.

The alternative political agenda was formed in the period of March-April 2014 in the midst of a series of attempts by separatists to launch "people's republics" in the Kharkiv, Luhansk, Donetsk, Zaporizhia, Dniprpetrovsk, Mykolayiv and Odessa oblasts, as well as during Russia's annexation of Crimea. The temporary government lost momentum in defending Crimea, but – with support from the Maidan Self-Defense groups – organized partially successful security operations (the so called "Anti-Terrorist Operation," ATO) in southeastern Ukraine. As a result, in most breakaway regions, Kyiv managed to overcome separatist forces. Still, the war in two oblasts of the Donbas region legitimized the war agenda, which sought a mandate to

- Impose martial law and a military state across the entire country;
- Reform the Ukrainian army and mobilize enough human and material resources to win the hybrid war;
- Introduce disciplinary measures to increase government effectiveness during wartime, including limiting economic and political freedoms;
- Reconstitute the state in such a way that the government would be able to effectively ensure state security at any moment.

Only part of this agenda was realized. Instead of declaring martial law, the Ukrainian government implemented the ATO as a somewhat contradictory legal regime, simultaneously giving authorities the go-ahead to mobilize the army within the country, but not changing the regime governing business and civic life. The president created a strong vertical structure of military and security power, but so far has failed to reform the army into an effective security tool. The war agenda supported limiting civil and political rights, but did not considerably increase Ukraine's military strength.

Both agendas hold great significance for Ukraine. These two agendas, one promoting democratic values and the other authoritarian, contrast starkly on most issues of Ukraine's development. The post-Maidan leaders failed to choose one of them definitively.

The lack of clear direction and partial implementation of both agendas has made the government ineffective both in waging the war and in reforming the political and economic systems. The tension between the two agendas has provided two groups of players with unprecedented opportunities: civil society organizations (CSOs) and oligarchs.

Opportunities for civil society and oligarchs

⁶ The Association Agreement was not fully enacted, although it was signed by the EU and Ukraine on March 21, 2014 (DCFTA was signed in June 2014). Not all EU member states have ratified it as of August 2015; on Moscow's insistence, the AA's enactment was postponed until December 31, 2015. The EU has not offered Ukraine prospective membership. There is also mounting criticism of Kyiv by EU leaders and the EU Ambassador to Ukraine.

⁷ In May 2015 IRI published a report stating that the vast majority of the population experiences multiple forms of corruption over the course of a lifetime (for details see *Ukrainian Municipal Survey*. Kiev. IRI: 2015. http://www.iri.org/sites/default/files/wysiwyg/2015-05-19_ukraine_national_municipal_survey_march_20_2015.pdf).

Driven by the energy of self-organization created during Euromaidan, Ukrainian civil society has taken over spheres of the state's emergency responsibilities in responding to war, humanitarian crisis and separatism. Since the flight of President Yanukovich and the subsequent transition of power to the political leaders of Euromaidan, civic post-Maidan groups have supported and even themselves carried out government actions. Partially in its quest for governmental efficiency, partially in pursuit of governmental legitimacy, and partially just because of its weakness, the Ukrainian temporary cabinet has allowed civil society to participate in the following five functions:

- Defense sector: volunteer battalions fought Russian intervention and separatist uprisings;
- Internal security: self-defense groups policed Ukrainian cities and towns for some time in 2014;
- Propaganda: activist groups combated Russian propaganda and promoted the Maidan cause as well as publicizing alternative interpretations of the events in Ukraine;
- Elections: alternative activist networks tried to ensure honest competition and vote-counting in two electoral campaigns in 2014;
- Lustration: civic groups demanded—and tried to control—the change of cadres in public service and the courts.

In all these cases, CSOs have played an ambivalent role. On one hand, they strengthened Ukrainian society's chance of surviving the crisis of post-revolutionary fragmentation and war. Ukrainian civil society was therefore fulfilling its "raison d'être": civil society advocated for the public interest and made public institutions act more efficiently to further this interest. On the other hand, civil society stepped beyond advocacy and began to act directly in lieu of the government. Civil society's unprecedented assumption of a primary political and military role has created a paradoxical situation: civil society eased certain challenges for the nation, but created new challenges for Ukraine's political order.

This ambivalence has provoked behavioral change in two groups that have historically defined Ukraine's development, the political class and oligarchs.

Traditionally, the Ukrainian political class has treated members of civil society either as agents of the West or as counter-elites undermining its rule. At the same time, civil society trusted neither government nor politicians. But with the inability of the political class to adequately respond to the critical situation in Ukraine last year, this mutual enmity has turned into competitive cooperation. Ruling groups and some members of civil society have teamed up to solve problems critical for collective survival.

The activities of "volunteer battalions" presented the biggest issue for the government. In response to the legitimate public interest of self-preservation, as well as to an inadequate response from the government's defense agencies, "volunteer battalions" grew out of the Maidan self-defense networks. Approximately 40 more or less long-term large-scale volunteer battalions with about 13,500 personnel fought Russian troops and separatist groups in southeastern Ukraine.⁸ Tactically, these battalions effectively combated separatist guerilla groups in the Donbas until the Ukrainian army arrived in the ATO zone. However, the volunteer battalions constituted a threat to the political regime's stability: the government exercises only weak control over these autonomous militant groups; they thus carry high potential to challenge both public order and national unity. This threat manifested itself, for

⁸ I arrived at these figures as a result of numerous interviews with the activists of the volunteer organizations, and based on data provided by scholarly and media reports.

example, in the recent clashes between “Right Sector” militants and MP Mykhailo Lanio, who was allegedly leading contrabandists in Transcarpathia.

The government has attempted to control volunteer battalions by affiliating them with various institutions: the Ministry of Defense, National Guard, and Ministry of Internal Affairs, and by incorporating the battalions’ commanders into newly established political parties. Currently about 20 MPs in Verkhovna Rada served in battalions. Leaders who did not cooperate were either arrested or subjected to other types of pressure.

The same process took place with CSOs involved in policing, electoral processes, lustration, counter-propaganda, etc. With some rare exceptions, they either were integrated into political (or political-financial) groups or were pushed out of active work by 2015.

Oligarchs have also changed their treatment of CSOs. Oligarchic groups have long looked down on the third sector as their dysfunctional rival in dealing with public issues. After the “Orange Revolution,” the rent-seeking oligarchs created “private philanthropic organizations” that successfully competed with major NGOs in their impact on government, local communities and international donors. In 2014, however, oligarchic groups recognized the functionality of post-Maidan CSOs and attempted to use them either for increasing rent-gain or defending existing power-property.

Financial-political groups advocating interests of major rent-seekers changed their methods of dealing with civil society during Maidan. Already by December 2013, some representatives of oligarchic groups had personally joined Maidan and provided unconditional financial support to certain groups. After Maidan, those linkages increased due to the urgent need to provide volunteer battalions with ammunition and personal security. Patriotic behavior accorded oligarchs newfound legitimacy. Today, oligarchs standardly support volunteer or army detachments, as well as some local civic initiatives of self-defense and/or local lustration committees. As the aforementioned Transcarpathian case demonstrates, volunteers are eager to pay back their supporting oligarchs with illegal force.⁹

The Privat-Group of Ihor Kolomois’kyi offers a prime example. One of the most experienced post-Soviet Ukrainian oligarchs, Kolomois’kyi managed to create a network of battalions, post-Maidan CSOs, mass media and local political groups in southeastern Ukraine that let him control authorities and businesses in several oblasts (Dnipropetrovsk, Odessa, Zaporizhia), destroy separatists’ networks, increase local populations’ loyalty to him personally, and maintain control over several strategic state-owned companies up until March 2015. His creative strategies in post-Maidan Ukraine have also provided him with an opportunity to safeguard his property and status as of one of Ukraine’s five richest men despite the economic crisis and the “nationalization” of the Privat-Group’s assets in Crimea and the Donbas.

The Transcarpathian and Privat-Group cases are not unique. The oligarchic groups that surround Ukraine’s current leadership use the same strategies to increase their efficiency in using public instruments to advance their private interests.

This type of oligarch-CSO cooperation poses two major risks: (1) that volunteer battalions and associated CSOs independent from the central government will undermine the political order, and (2) oligarchs will increase their influence on government.

A strengthened civil society thus has resulted in a paradox: the government and power elites are somewhat more responsive to citizens’ needs and legitimate interests, but the creation of

⁹ As reported by the press, Governor Hennadiy Moskal and local experts, the Transcarpathian “Right Sector” used force against numerous local councils and companies in favor of Viktor Baloha, a politician and tycoon from Uzhhorod.

alternative structures in exclusive government domains hinders political stabilization. Stronger CSOs interfering in political and economic spheres pose a challenge to the existing political order in Ukraine. Yet these groups' behavior was often publically legitimized by the demands of wartime and national security reasons.

A political system facing post-Maidan problems

The Ukrainian political system survived a deep shock between December 2013 – March 2014. President Yanukovich and his political party have fled the capital and country. The government was ineffective for several days and – in some respect – weeks. The ruling coalition of the parliament has rapidly changed. The political elite became fragmented and disoriented. Some territories were wrested from Kyiv's control: Russian troops annexed Crimea, while Maidan and anti-Maidan activists controlled some other regional authorities. The Ukrainian political system urgently demands overhaul.

To cope with this situation, the political leaders of Ukraine who took power after Euromaidan's victory had to re-construct the order as quickly as possible. Their primary tasks consisted of:

- restoring the government's legitimacy after the escape of ex-President Yanukovich and most of his ministers;
- appointing heads of most government agencies, as well as an acting President and acting Cabinet of Ministers;
- regaining control of all regional administrations and local communities;
- restoring the functionality of the police, security services and army.

By the middle of March 2014, they had succeeded in fulfilling most of these tasks.

Under pressure from Maidan, Parliament managed to secure a more or less stable majority able to vote in an acting president, parliament speaker, acting prime minister, temporary cabinet, etc. The government could reassume its functions and respond to snowballing problems in post-revolutionary Ukraine.

Another major decision of the new government was to reinstate the Constitution enacted in 2006. This Constitution was approved in 2004 as part of a compromise between the pro-Yushchenko and pro-Yanukovich political groups, and it established Ukraine as a parliamentary-presidential republic. A highly questionable ruling of the Constitutional Court in September 2010 reversed the 2004 decision; the court reestablished a presidential republic and gave President Yanukovich more extensive powers than he had won in the election.

By reinstating the Constitution and parliamentary-presidential model on February 21, 2014, Parliament asserted the need for elections: a president should have been elected on May 25, and the Verkhovna Rada on October 26, 2014.

All these decisions have reset Ukraine's political system and set in motion a long process of recovery. While this recovery has been distorted by the contradiction between the Euromaidan and war agendas, it has nevertheless enabled Kyiv to resist foreign intervention and separatist uprisings.

As of August 2015, major political institutions have undergone considerable evolution:

Office of the President. Even though the re-enacted constitution considerably limits the president's authority, in times of war and due to the personal efforts of Petro Poroshenko, this post remains the most influential in Ukrainian politics. The president now oversees:

- growing and strengthening the Army and Security Service of Ukraine (SBU);
- a strengthened Security Council; the agency's influence has grown to envelop not only security issues, but now also extends to internal politics and the balance of branches of power;
- the unprecedentedly active (in the political sphere) office of the General Prosecutor acting under the president's guidance;
- the anti-corruption Bureau, a new agency fighting corruption in the highest echelons of public office (though it is not yet functional);
- lustration processes (the president reserves the power to overrule lustration committees' decisions);
- a network of loyal governors;
- the National Guard, a military agency directly subordinated to President with over 60,000 staff.¹⁰

In spite of the constitutional model, which limits the president's influence over internal politics, as a political leader, Petro Poroshenko controls one of the biggest factions in the Rada, and a number of ministers belong to his party (Blok Petro Poroshenko, BPP).

The president has also enforced control over governors. In 2014, many governors were appointed based on agreement with local elites. Between August – December 2014 many governors operated independently from their de jure supervisor, the president. But in January – March 2015, especially after the resignation of Ihor Kolomois'kyi, an oligarch and governor of Dnipropetrovsk oblast, the president exerted full control over governors.

In the spring of 2015, President Poroshenko began a campaign to limit the influence of major financial-political groups. Privat-Group and groups around Rinat Akhmetov and Dmitry Firtash were the primary targets of this campaign. It is still too early to assess the results of this campaign; however, its results will play a critical role in Ukraine's evolution as a democracy.

After 9 months in power, Petro Poroshenko remains one of the most popular politicians in Ukraine. In spite of the country's economic and military problems, he enjoys the support of around 20 percent of Ukrainians (his closest competitor Yulia Tymoshenko draws 6 percent of support) as of March 2015.¹¹

The Prime Minister and Cabinet of Ministers. After the parliamentary elections of October 2014, Arseniy Yatsenyuk managed to retain the office of prime minister. According to the constitution, he holds great authority over internal politics, in both the economic and social spheres. Despite his constitutional powers, Yatsenyuk and his party have slowly lost control over the Cabinet and major governmental agencies to some neutral foreigners,¹² BPP and financial-political groups.

¹⁰ The National Guard was reorganized in 2000-2001 as the result of a long conflict between Verkhovna Rada and President Kuchma. Direct subordination of the 10,000 members of the National Guard to Kuchma was interpreted by the parliament as a threat to democracy. The reorganized National Guard then became an "Internal Force" (vnutrishni viis'ka), an agency controlled by the Ministry of Interior.

¹¹ The results of the KIIS poll can be viewed here: <http://kiis.com.ua/?lang=eng&cat=reports&id=511&page=1>

¹² Several foreigners (formally, with recent Ukrainian citizenship) have been appointed to lead Ministries in the public interest. Distrust of political elites runs so rampant in Ukrainian society that the president and prime minister invited experienced public managers from the US, Lithuania, and/or Georgia to run governmental agencies during the reforms.

By March 2015, Yatsenyuk and his party's (National Front) popularity dropped to 4 percent.¹³ This low number is mainly connected with the slow pace of reforms and with the first disillusioning results of the reforms conducted so far (namely, as the Ukrainian population sees it, inflation, rising food prices, and high bills for communal services).

However, the Cabinet of Ministers has increased its authority in comparison with, for example, Mykola Azarov's Cabinet in 2010-2013.

The prime minister and the cabinet wield particular power due to plans for vast privatization in 2015-2016. In the second half of 2015, the Cabinet will be a battlefield of political-financial groups trying to secure privileges in future privatization.

Judiciary. The judiciary branch has been under the greatest pressure. Political and political-financial groups attempted to establish control over different courts and bodies of judicial self-governance for the entire period following Euromaidan.

On April 8, 2014 the Verkhovna Rada approved the law "On the Restoration of Trust in the Judiciary in Ukraine." This act formed a compromise between different political and civic groups that would answer Maidan demands for lustration. Politicians postponed the lustration of other categories of public servants, while judges would undergo a controversial review of their behavior. Later in 2014, the Venetian Commission criticized this law for its inconsistency with human rights and norms practiced in the EU. In fact, the law was used by different political groups—primarily by financial-political groups close to the president and prime minister—to replace existing judges and administrators with preferred candidates loyal to them.

Competition for control over the judiciary peaked in April – May 2015. This period saw the appointment of members of the Supreme Council of Justice, a key body of the judiciary responsible for the appointment of new judges and for the conduct of judges on the Supreme Court of Ukraine and other high specialized courts. Groups close to the president, prime minister, and other politicians tried their best to obtain a majority of loyal members on the Council.¹⁴

So far, no evidence suggests that the Ukrainian judiciary has made significant progress in terms of its independence and its adherence to the constitution and laws in 2014-2015. Access to justice remains problematic in Ukraine.

Parliament. Since November 2014, the Verkhovna Rada of Ukraine is ruled by a coalition consisting of five post-Maidan parties (National Front, Block of Petro Poroshenko, "Samopomich" Party, "Batkivshchyna" Party, and Oleh Lyashko's Radical Party) with over 300 votes (a constitutional majority) behind it. Even though internal disputes within the coalition have multiplied, it remained united as of August 2015. Since it possesses a constitutional majority and controls all the parliamentary committees, the coalition assumes full responsibility for implementing the reforms.

Parliamentary opposition constitutes of the "Opposition Block" (40 MPs), a weak situational union of ex-members of the Party of Regions and associated political groups. It has relatively low impact on public opinion in spite of the hardships the population is enduring. The Rada stripped some opposition MPs of their immunity based on evidence provided by the General Prosecutor.

¹³ Data from the aforementioned KIIS poll.

¹⁴ By the time of this paper's completion, this process was not finished. However, evidence showed that the active groups included not only currently ruling groups, but also those associated with Viktor Yanukovich and Leonid Kuchma.

The non-parliament opposition includes groups divided by their support of Maidan and anti-Maidan causes. Some of these groups – the Communist party on the left, and the “Right Sector” on the far right– have slowly gained support from populations that lost the most under the current economic reforms. But so far no evidence suggests that this support will result in the election of those parties to parliament. Both parties are under pressure from ruling groups, including the use of security forces. However, the use of force is not necessarily illegitimate, considering that both organizations’ radical wings have taken part in the war or other anti-governmental activities.

The current parliament has continued to abuse the power of majority and is working to diminish the opposition’s influence. By August 2015, out of 28 committees and special commissions, no committees are headed by MPs from non-coalition factions or groups.¹⁵ The monitoring of voting for laws shows that the ruling coalition often approves legislative acts through a “simplified” procedure (i.e., without discussion between the majority and opposition, and without providing the opportunity to add changes, etc). Interviews with current MPs from the coalition show that laws are approved frequently without discussion within factions and the coalition at large; rather, the heads of factions make deals amongst themselves. Moreover, draft laws are often approved despite negative feedback from Rada’s legal counsel. The low standard of democratic process in the current parliament negatively impacts the quality of legislation.

Party system. Ukraine’s party system has changed tremendously since Euromaidan. All political parties represented in parliament were either newly formed or radically renewed as political organizations during the period of February – August 2014. Judging by the dynamics after the most recent parliamentary elections, most parties are temporary unions of political and economic agents close to the popular figures Petro Poroshenko, Yulia Tymoshenko, and the once-popular Arseniy Yatsenyuk.

The “Samopomich” and “Right Sector” parties represent somewhat of a departure from the political establishment; they are deeply intertwined with different Maidan networks and economic groups. Although their leaders enjoy relatively high levels of popularity, these cannot be called “leader’s parties” (that is, parties which revolve entirely around the personality of their leader).

In sum, the actual development of political institutions furthers neither a democratic agenda nor the enforcement of a security agenda. This third path has developed due to the vacuum created by the two competing agendas. This vacuum is being filled by public actors pursuing private interests, and thus de facto reconstructs the oligarchic structure that characterized pre-Euromaidan Ukraine.

Risks for democracy in post-Maidan Ukraine

The clash of competing development agendas and the disappointing results of post-Maidan government pose several major risks for Ukraine’s democratic perspectives: first, the decline of the Euromaidan agenda’s consolidating potential; second, potential unintended repercussions of the war agenda. Widespread disillusionment with the democratic prospects of the Euromaidan cause may lead the majority of citizens to conclude that a “strong hand,” a “good” authoritarian leader, is necessary to carry out reforms and restore Ukraine’s unity.

Both risks are real. In the recent past, Ukrainians have already passed through disillusionment with the Orange Revolution (in 2005-2010) and hopes for an authoritarian solution (in 2010). In the 2009-10 presidential campaign the “strong hand” argument held great sway. The two

¹⁵ Source: http://w1.c1.rada.gov.ua/pls/site2/p_komitis.

politicians competing during the second round of the elections occupied the same ideological ground: Yulia Tymoshenko and Viktor Yanukovich both used authoritarian rhetoric and symbols. They differed not in substance but in style and compatibility with their previous political image.

Behind the democratic and authoritarian agendas – both then and now – lurked longer-term processes that directly affected Ukraine’s development. The evolution of political institutions in post-revolution Ukraine (2005-2009) contradicted the need for democratic consolidation.

Democratic consolidation is a necessary prerequisite for the establishment of a democratic regime. As Larry Diamond argued, consolidation legitimizes the establishment of a system of checks and balances in power relations, which supports an independent civil society, reinforces the rule of law, buttresses economic development, and maintains separation of powers.¹⁶ While recovering from the February 2014 shock, Ukrainian power institutions managed to sustain their non-democratic set-up, as they did after the shock of revolution in 2004, albeit in a new context.

In the past five years, Ukraine’s political institutions have developed along a contradictory path. As David Kramer, Robert Nurick and Dan Wilson have showed, the evolution of Ukraine’s political system in 2010 demonstrated that its democratic institutions are simultaneously dynamic and fragile.¹⁷ Almost five years later, Pietro Grilli di Cotorna and Barbara Pisciotta diagnosed the “degeneration of democratic institutions” by 2014.¹⁸ Ukraine entered the post-Euromaidan period with a government positioned for authoritarian rule. Reform attempts that started in the spring of 2014 consolidated Ukrainians around the new democratic and decentralized political system. However, the failure to create a system of checks and balances has enabled dangerous anti-liberal tendencies. By disabling each other, the two reform agendas allowed vertical power structures to survive, strengthen and continue evolving, to the detriment of Ukraine’s strategic needs.

Regarding political institutional setup, I see four major systemic risks for Ukrainian democracy:

- The quota principle in practice for the appointment of public officials, which threatens the separation of powers;
- Institutional conflict between the president and prime-minister within the executive branch;
- Lack of opportunity for the political opposition, which pushes it to propose anti-establishment alternatives rather than work from within the system;
- Insufficient autonomy of local governments beneath a super-strong central government.

All these misbalances of power in the political system present emergent risks; they prevent the expansion of the democratic cause and enable any one finance-political group to consolidate political, economic and media resources to establish another power vertical.

¹⁶ Diamond, L., *Developing Democracy Toward Consolidation*. Baltimore and London: Johns Hopkins University Press, 1999.

¹⁷ Kramer, D., Nurick, R., and Wilson, D. *Sounding the Alarm: Protecting Democracy in Ukraine*, in “A Freedom House Report on the State of Democracy and Human Rights in Ukraine,” 2011. https://freedomhouse.org/sites/default/files/inline_images/98.pdf.

¹⁸ Grilli di Cotorna, P., and Pisciotta, B., “The Ukrainian Political System from Independence to Democratic Involution,” in G. Brogi, M. Dyczok, O. Pachlovska, G. Siedina (eds.), *Ukraine twenty years after independence: perspectives, assessments, challenges*. Rome: Aracne editrice, 2015. See p. 103.

The quota principle contradicts the separation of powers. Financial-political groups (FPGs) united by personal relations and private interests constitute a vital element of Ukrainian political culture and are key players in political competition. Personal relations within the group usually span decades. The core group consists of a real leader, a public leader (this may be the same person), several business-owners, and CEOs of associated corporations. The core group usually controls several governmental agencies, local governments, a registered political party, a parliamentary faction, a group of influential judges, a media holding and several popular public figures. After Euromaidan, FPGs began to incorporate several pan-Ukrainian and local civil organizations such as self-defense groups, lustration groups, volunteer networks and “volunteer battalions” into their networks.

In the past 18 months, the appointment of both key figures and middle management in public agencies was based on a quota principle. The quotas supported cooperation between the winners of post-Euromaidan elections, but had the adverse effect of recreating power verticals in miniature. Most power agencies in Ukraine currently face a dilemma: on one hand, they function according to their legally prescribed official purpose; on the other, the decision makers in these agencies are compelled to act in the interest of their FPGs.

In the last year of Viktor Yanukovich’s presidency, FPGs’ interests dominated the public sector. After February 2014 the Euromaidan and war agendas returned the public interests into power agencies. Even though these two agendas contradicted each other, they both lightened some of the pressure on the public sector in Ukraine: the public interest became as important as FPGs’ bottom lines. The reforms implemented were legitimized either by the Euromaidan agenda or by wartime demands. Yet the clash of agendas let the quota principle survive and remain strong in many sectors, including energy, security, and justice.

FPGs thus perpetuate virtual power verticals in Ukraine.

Two-headed executive. Ukraine’s executive branch grew out of a 2004 compromise. The conflicting parties agreed to have two de facto heads of the executive, the president and prime minister. According to the constitutional compromise, President Yushenko would have to release some authority to the prime minister, while opponents would recognize his electoral victory. The Constitution of 2004 came into effect on January 1, 2006 and proved ruinous to the executive’s efficacy. The prime minister and president are locked in permanent conflict.

President Yanukovich used the inefficiency of the two-headed executive to his advantage when he strong-armed the destruction of the established constitutional order and re-introduced Kuchma’s Constitution in 2010.

In the past 18 months, these events repeated themselves. The competition between the two offices is growing. The first signs of the conflict between Poroshenko’s circle and Yatsenyuk’s group surfaced during the 2014 parliamentary campaign. After Yatsenyuk’s re-election as prime minister, his group became less cooperative with the president’s. The quota principle let the parties establish their own domains of interests, but the sectors of shared responsibility – security, state budget, and/or energy politics – show that the two institutions have very different interests. Each group now competes for power redistribution and access to state-controlled resources.

President Poroshenko has obviously made out well in the competition after the parliamentary elections. He has concentrated powers as chief of most law enforcement agencies (except for the Ministry of Interior) and his popular support hasn’t sunk to the level of Arseniy Yatsenyuk’s. Yet Prime Minister Yatsenyuk controls the budget and privatization process. The prime minister is also safe in his position until December 2015. Their competition negatively affects official goals while bolstering the FPGs around them.

The competition within the executive branch's negative consequences for governing may well offer an argument for a return to the presidential model. This prospect is currently being discussed in the constitutional reform debates and is garnering support in the Rada. However, the parliamentary model remains outside public discussions.

Pushing political opposition outside the system. The political opposition faces considerable pressure in Ukraine. What's left of the Party of Regions and the Communist Party of Ukraine has been pushed out of public politics by the coalition. While the criminal cases against many opposition leaders have a basis in fact, the Ministry of Justice has taken what seem to be arbitrary, capricious actions preventing these groups from participating in local elections. The far right groups, including the now infamous "Right Sector" party, also report having encountered barriers to their legal activities. From my interviews with activists of all parties mentioned here, I learned that they see their political future in action "outside of the political system."¹⁹ In a way, by excluding these parties from legal participation in public politics, the coalition has engendered radical, anti-establishment forces.

Citizens' dissatisfaction with the war and economic situation may well be channeled into popular support of the radicalized opposition. This burgeoning support has the potential to prefigure a radical political crisis led by a non-democratic political force. Thus the absence of a functional opposition has led to another grave misbalance in Ukrainian politics.

The dependence of local communities on a super-strong central government. The disparity between central and local governments represents the systemic misbalance. Local governments' dependency on the center recreates a specific post-Soviet citizenship where widespread acceptance of patron-client relations mingles with the inability to participate in decision-making.

Post-Soviet Ukraine's political economy is based on local communities' fundamental dependency on the Kyiv government. The collapse of the Soviet Union in the 1990s destroyed communal freedoms. Humble attempts to revive local self-governance in the late 1990s – early 2000s produced no lasting equilibrium between the capital and regions. In 2009, Prime Minister Tymoshenko's decision to produce and approve all approximately 10,000 local budgets by the Cabinet of Ministers definitively and indisputably asserted Kyiv's dominance. Viktor Yanukovich's power vertical was partially grounded in this dominance.

In the absence of efficient public institutions, super-centralization provides Kyiv with a sense of control over Ukraine's territory. It also simplifies the *real* political control of local governments by FPGs. The costs of control over local communities are lower for FPGs if they win it alongside successful bids for centers of power in Kyiv. That is to say, in Ukraine, victors elected to Kyiv's central government secure control over all the regions.

After Euromaidan, decentralization formed a key promise. The budget dependency was lessened in December 2014. But the constitutional amendments proposed by President Poroshenko with the tepid endorsement of the Constitutional Commission, Parliament and Constitutional Court²⁰ show that Ukraine's political class is hardly ready to establish a fair balance with local communities. The president and politicians loyal to him use an argument from the war agenda toolkit to explain their anti-Euromaidan draft laws: local communities' independence may aggravate the separatist threat.

¹⁹ In all eight of my interviews, leaders of all three parties repeated this expression.

²⁰ All institutions officially supported the amendments proposed by the president's administration, but later many of their members approached the press with dissenting opinions condemning the proposed decentralization (for example, see the statement by Mykola Melnyk, a judge of the Constitutional Court).

Since the debate around Constitutional changes is ongoing, there is still hope that this risk can be solved and the disparity between the central Ukrainian government and local governments resolved.

Living in times of terror, Ukrainians lose optimism and instead focus on survival. The contradictions between the Euromaidan and war agendas have empowered anti-democratic forces to take a bigger stake than could have been imagined in February 2014. These contradictions have created an environment for public institutions and political practices that favors “power verticals” over constitutional democracy, thus increasing the chances for another authoritarian regime to take root.