President Yanukovych's Growing Authoritarianism
DOES UKRAINE STILL HAVE EUROPEAN PROSPECTS?

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The ambiguous results of Ukraine's October 2012 parliamentary elections suggested that President Viktor Yanukovych might find it difficult to control Ukraine's new legislature. Yanukovych has thus begun to rely on authoritarian methods involving direct pressure, falsifications, and legal manipulations to secure his reelection in 2015. At stake is the future of the EU-Ukraine Association Agreement, a document initialed but not yet signed, now an instrument hostage to Yanukovych's stratagems.

After Parliamentary Elections: A New Constellation on the Way to Presidential Elections
The 2012 parliamentary elections were based on a new electoral law, which introduced a mixed proportional-majoritarian system (instead of a purely proportional one). The law banned electoral blocs and raised the electoral threshold from three to five percent. Blackmailed by the presidential majority, most deputies from *Batkivshchyna* (the party of the imprisoned Yulia Tymoshenko) and the Front for Change (led by Arseniy Yatseniuk) voted for this electoral law as a "lesser evil." They thus share, to a certain extent, responsibility for the law.

The new system increased the opportunities to use so-called "administrative resources" in single-mandate districts. As an example of manipulation, "parties" unknown even to experts (such as "Power for Youth" or "Ukraine–Rus United") received spots in all district election commissions while the Ukrainian Democratic Alliance for Reforms (UDAR, led by Vitaliy Klitschko) and the nationalist *Svoboda* party received none. Most international observers stressed that while elections remained competitive they were still a step back on Ukraine's democratic path.

Nonetheless, the banning of blocs stimulated the creation of a United Opposition under the banner of *Batkivshchyna* that also included the Front for Change and several small parties. UDAR and *Svoboda* campaigned separately, but the latter agreed to coordinate with *Batkivshchyna* to nominate candidates in single-mandate districts.

Because of competition between three opposition forces, the ruling Party of Regions (led by Prime Minister Mykola Azarov) managed to win first place in the party list. Combined, however, the opposition was victorious in the party list over the Party of Regions and the Communist Party of Ukraine (CPU) (see Table 1). The opposition also heads 13 of 29 parliamentary committees. Although formally the Party of Regions, the Communists, and some aligned MPs from single-mandate districts (from smaller parties and so called "independents") have a simple majority, the work of the parliament has demonstrated that the Party of Regions does not have enough votes to adopt any decisions or openly violate parliamentary procedures and laws (as happened in the previous parliament).

Table 1. Results of the October 28, 2012 Parliamentary Elections in Ukraine.

Party	Percent	Seats by proportional vote	Seats in single-mandate constituencies	Total
Party of Regions	30.00	72	113	**185**
Batkivshchyna (Motherland)	25.54	62	40	**102**
UDAR	13.96	34	6	**40**
Communist Party	13.18	32	0	**32**
Svoboda (Freedom)	10.44	25	12	**37**
Other Parties			7	
Self-nominated (non-party)			42	
Total		**225**	**220**	**445**

As analysts predicted, despite their opposition rhetoric in the campaign, the Communists secured the re-appointment of Prime Minister Mykola Azarov (with 252 votes, 26 more than were needed). This was a tradeoff for the election of Communist Ihor Kaletnyk (former head of the customs service) as the first vice chairman of parliament. Three opposition factions were able to put forward Ruslan Koshulynsky from *Svoboda* as another vice chairman. While this was a success for *Svoboda*, it is clear that the presidential administration would like to provoke conflicts in parliament between it and the Communists, thus discrediting the opposition and the parliament in general, while presenting itself in contrast as a "guarantor of stability."

On the other hand, the polarization of Ukrainian society caused by Yanukovych's policies explains the sudden success of the right-wing *Svoboda* (10.5 percent against a forecasted five percent). *Svoboda* received many votes outside its core electorate: many "moderates" decided to vote for *Svoboda* at the last moment to ensure that it would overcome the five percent threshold and not have its votes wasted.

The dilemma for *Svoboda* is to identify which European party can best serve as its model: the radical and marginal British National Front or the Italian National Alliance, which evolved from the far right to later join Silvio Berlusconi's center-right People of Freedom Party. *Svoboda*'s program contains provisions that attract many Ukrainians, such as sharp criticism of Yanukovych and, especially, opposition to Russification. Some of its proposals, however, are also polarizing, such as the restoration of the Soviet-era "line 5" in passports denoting "nationality" (ethnicity) and a referendum to cancel Crimea's autonomy.

Some analysts thus suggest that Oleh Tyahnybok, *Svoboda*'s leader, is Yanukovych's ideal competitor in a second round of the 2015 presidential election. According to a March 2013 forecasting poll by the Kyiv International Institute of Sociology, Yanukovych would beat Tyahnybok 53 to 47 percent, while he would remain about even with the imprisoned Tymoshenko (49 to 51 percent) and lose considerably to either Yatseniuk (46 to 55 percent) or Klitschko (40 to 61 percent).

The Increasing Role of "The Family"
Reshuffles in the cabinet Yanukovych created after parliamentary elections has demonstrated the increasing influence of the so-called "Family," which is associated with Yanukovych and his elder son Oleksandr. The latter's close associate, Serhiy Arbuzov, moved from his position as head of the national bank to become first deputy prime minister. According to analysts, Arbuzov has a chance at becoming prime minister when the "old-guard" Azarov is fired at a moment convenient for Yanukovych to demonstrate his commitment to government "modernization." All the main financial and law enforcement agencies are now headed by representatives of the "Family."

The "Family"'s influence has increased at the expense of other business groups, with the exception of the richest Ukrainian, oligarch Rinat Akhmetov, whose presence in the government remains strong. In this system, few Ukrainian oligarchs can feel safe. In early 2013, even Valeriy Khoroshkovsky, former head of the security service and former first deputy prime minister, had to sell his share of the most influential Ukrainian TV channel *Inter* to Serhiy Liovochkin, Yanukovych's chief of staff. He then left the country.

The system of corrupt power Yanukovych has created, however, faces increasing economic pressure from inside and outside the country. Relations between Russian President Vladimir Putin and Yanukovych remain tense. On the one hand, Putin has wanted to drag Ukraine into the Customs Union or at least gain control over Ukraine's gas pipeline infrastructure. Yanukovych has resisted full membership in the Customs Union, agreeing only to amorphous "observer" status. The negotiation process was not transparent, however, and it is not clear what Putin has gained (or expects to gain) in return.

Democratic Means to Authoritarian Ends?
For about two years, former Ukrainian president Leonid Kuchma's chief of staff Viktor Medvedchuk (whose daughter is Putin's goddaughter) has been actively promoting the idea of the "direct voice of the people" via referendums. There are dangers associated

with this mechanism for issues like joining the Customs Union, the federalization of Ukraine, or the adoption of Russian as the second state language—all traditional Russian demands.

Nonetheless, Yanukovych has decided to prepare the ground for rule by referendum. The reason is that the Party of Regions does not have a clear majority in the new parliament. Moreover, Yanukovych has taken into account his experience with a fragmented parliament in 2004, an experience he does not want to repeat closer to the 2015 presidential elections. A process of disintegration among the majority coalition is likely to intensify as single-mandate deputies, not assured of Yanukovych's victory, put their eggs in different baskets. In November 2012, the law on referendum was adopted by the outgoing parliament and, despite many violations of parliamentary procedure, Yanukovych signed it.

This reform opens the way to bypass parliament when changing the constitution and adopting laws. According to independent legal experts, this contradicts the constitution. Nonetheless, in spring 2013, Mykhailo Chechetov, deputy head of the Party of Regions's parliamentary faction, clearly revealed such plans. He noted that referendums could be used to dissolve the present parliament, adopt constitutional changes to introduce a bicameral parliament, and change the electoral law to a purely majoritarian one.

The EU-Association Agreement is Under Question

After the imprisonment of former prime minister Yulia Tymoshenko and former minister of internal affairs Yuri Lutsenko, the EU began to speak of "politically selective justice" in Ukraine. Combined with other factors, this complicated the future of the EU-Ukraine Association Agreement and its related "deep and comprehensive free trade agreement." In March 2012, the agreement was initialed but Brussels postponed its signing.

A year later, during the February 2013 EU-Ukraine summit, Brussels raised the possibility of signing an Association Agreement with Ukraine during the November 2013 Eastern Partnership summit in Vilnius. For this to happen, however, Kyiv has to meet several conditions. These include: judicial reform and resolution to the problem of political prisoners; reform of the electoral system (including the introduction of a new electoral code that would reduce falsifications); and real implementation of reforms necessary for approximating EU rules, first and foremost related to anti-corruption measures and business tender procedures.

While the summit kept the door open to Ukraine, Yanukovych subsequently made steps contrary to what Brussels expected by stepping up pressure against the opposition. The High Administrative Court of Ukraine unconstitutionally decided in March to deprive Serhiy Vlasenko, Tymoshenko's lawyer, of his status as member of parliament. Earlier, in February, the court made a similar decision against two independent deputies who refused to join the Party of Regions faction. At the start of April, the Court of Cassation refused to reverse the previous decision to imprison Lutsenko, even though it had the possibility to release him on grounds of bad health.

Nonetheless, Yanukovych's game with the EU is not over. Four days after the court's decision, Yanukovych pardoned Lutsenko, who after his release emerged as a moral leader and stressed his desire to help the opposition. The decision was well received in the West, although officials emphasized that it was insufficient, especially since Tymoshenko remains in prison.

Local Elections: A Symbol of Yanukovych's Manipulative Tactics
Problems with the system of local elections in Kyiv, Ukraine's capital, have become a sign of how the Party of Regions wishes to rule the country: by manipulating laws and changing election rules. The term of Kyiv's city council expired at the start of June and the mayor's term expired last summer. Kyiv thus has no mayor at present, and real power is concentrated in the hands of the Kyiv state administration head, appointed by the president. Knowing that the Party of Regions does not enjoy support in Kyiv, Yanukovych prefers to postpone elections in the capital while trying to split the opposition. In April, the Party of Regions failed to vote in favor of scheduling elections in Kyiv, provoking the opposition to call for protests and block the work of parliament.

Using the blockade as a pretext, the Party of Regions left parliament, convened in the parliamentary committees building, and began adopting laws behind closed doors and without discussion. It was not even clear that there was a parliamentary majority present. The next day, the Party of Regions returned to parliament. Pro-presidential MPs stated that the majority wanted to demonstrate that it could (and would) make decisions without the opposition and, if necessary, proceed with a dubious constitutional referendum.

At the end of May, the Constitutional Court, which lost its role as an independent arbiter already in 2010, decided that the next elections for the Kyiv city council should be in 2015—using the pretext that this date is simultaneously the date for local elections nationwide. Since the Kyiv council was elected in 2008 (for five years), this means that its term will be extended by more than two years. As for the mayor, the decision of the Constitutional Court was vaguer, and the opposition declared its readiness to push for Kyiv mayoral elections in the fall of 2013. The presidential administration will likely reject such a demand, however, since there is a high chance that an opposition candidate would win.

Conclusion
Yanokovych's domestic policy includes the concentration of power, neglect of the law, and manipulation of rules. However, he needs to take into account the relative strength of the opposition as well as his relations with the West. If the Association Agreement is not signed, this will be a personal defeat for Yanukovych in his relations with the West. This would be especially problematic on the eve of the 2015 presidential campaign.

Although it seems that the window of opportunity is narrowing, a final EU decision whether to sign the Association Agreement with Ukraine in November at the Vilnius summit has yet to be made. Yanukovych could thus conceivably still use Tymoshenko's release as a bargaining chip. One option being discussed privately with

EU officials is to send Tymoshenko to Germany for medical treatment. If this happened, the atmosphere surrounding the agreement would palpably change for the better, despite the numerous problems the Yanukovych regime is still creating domestically.