

Polarizing the Country?

YANUKOVYCH'S AUTHORITARIAN GAME BETWEEN RUSSIA AND THE EU ON THE EVE OF UKRAINE'S 2012 PARLIAMENTARY ELECTIONS

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Ukraine is too regionally and politically diverse to allow a single entity to monopolize power – this “pluralism by default” makes the Ukrainian political system more balanced than the Russian one. The electoral divide between, on the one hand, Ukraine’s south and east and, on the other, its west and center has persisted in every election since 1990. However, in the 2004 presidential election, Ukrainian politics were deliberately and dangerously polarized by former president Leonid Kuchma, who relied on Kremlin support to secure the succession of his prime minister Viktor Yanukovich.

By contrast, opposition leader Viktor Yushchenko managed to move beyond traditional voting patterns, whereby national-democrats existed mainly in the geographic west and center. Yushchenko concentrated on slogans common to the whole country – European values, social justice, rule of law, and the struggle with corruption. This proved to be an important factor in his electoral victory and in the Orange Revolution struggle against electoral fraud.

Nonetheless, due to polarizing strategies that his opponents employed, including pro-Russian slogans and an anti-Western, anti-American propaganda campaign, the country emerged from the 2004 elections extremely polarized.

Polarization Under Yanukovich: A Useful Strategy?

To a great extent, President Yushchenko’s policies appeared counterproductive and reinforced polarization. The anti-corruption struggle remained only on paper and reforms stalled. As a result, Yushchenko’s ratings dropped to only 3-5 percent by 2008. This meant that Yushchenko’s efforts to secure a Membership Action Plan from NATO played into Yanukovich’s hands (public support for Ukrainian membership in NATO was paradoxically higher under Kuchma than under Yushchenko). In 2008, an agreement on Ukraine’s membership to the World Trade Organization was finalized

and ratified. But as there were no economic successes within the country, the opposition blamed the Orange forces “for selling Ukraine to the West.”¹

Yanukovych’s victory in the 2010 campaign was partially based on a polarizing strategy, which included a promise to declare Russian as the second state official language. Yanukovych also toyed with the idea of recognizing the independence of Abkhazia and South Ossetia.

After his victory, Yanukovych continued to pursue polarizing policies. Most notably, he decided to make an important and symbolic concession to Russia: in exchange for cheaper gas, the lease of the Russian naval base in the Crimea was extended for an additional 25 years after its present term expires in 2017. Tellingly, this concession did not even redound to the benefit of local Crimean elites. Under Yanukovych, the new leaders of the Crimean peninsula hail from Makeevka, in Yanukovych’s home region of Donetsk. Yanukovych also enacted a new law on the fundamentals of Ukraine’s foreign and domestic policy, which excluded prospects of NATO membership and declared “non-bloc” status for Ukraine. He also rejected Yushchenko’s official position that Ukraine’s 1933 Great Famine was a genocide (recognized by the parliaments of more than 20 countries, including the U.S. Congress). Yanukovych also extended a clear preference to the branch of the Ukrainian Orthodox Church under the jurisdiction of the Moscow Patriarchate.²

While playing on contradictions between different regions, however, Yanukovych’s administration sought to preserve its control over the whole of Ukraine. Yanukovych therefore attempted to avoid the threat of separatism or talks about federalization, a card the Party of Regions tried to play during the Orange Revolution and after 2004 when it was in opposition. Despite his electoral promise, he also affirmed that Ukrainian would remain the sole state language.

Yanukovych also played on the ambivalent geopolitical orientations of Ukrainians. According to an April 2010 poll by the National Academy of Sciences’ Institute of Sociology, 62 percent favored Ukraine joining a “union with Russia and Belarus.” The leading reasons were cooperation and visa-free travel (rather than the formation of a union-state or military bloc). At the same time, 46 percent favored joining the EU while 19 percent were against. This meant that some of respondents were in favor of both union with Russia and Belarus and EU membership simultaneously. In an October 2011 Razumkov Center poll 44 percent of respondents were in favor of joining the European Union while 31 percent were in favor of joining the Customs Union with Russia, Belarus, and Kazakhstan. Of interest, the younger the respondents, the more they were inclined to favor the EU.

¹ Another paradox is that the negotiations for an Association Agreement with the EU and a visa-free regime, which began under Yushchenko, were boosted by Brussels after the Orange bloc lost the 2010 presidential election and Ukraine’s subsequent backslide from democracy. If negotiations with the EU end successfully, it will be the new anti-Orange regime that capitalizes on this success.

² See Olexiy Haran and Petro Burkovsky, “[Russian Expansion: A Challenge and Opportunity for the Emerging Authoritarian Regime in Ukraine](#),” PONARS Eurasia Policy Memo No. 146, May 2011.

At the same time, the failure of Yanukovich to deliver on his socioeconomic promises have united the electorate, whatever their geopolitical orientation, around a growing criticism of the leadership. As **Table 1** shows, the highest number of individuals who say they are intending to abstain from voting in the upcoming October 2012 parliamentary elections is in the east, Yanukovich's core region.

By quickly returning and even overstepping the bounds of authority that Kuchma received only during his second term, Yanukovich faces the same danger: concentrating criticism on himself and creating a backlash from below. Ukraine lacks the material resources needed to increase the social base of an authoritarian regime. It also has no ideological base, such as the messianic idea of "greatness" or the "third Rome," which the Russian regime can utilize. Ukraine is also more pluralistic and has a far stronger national-democratic opposition, civil society, and traditions of nation-building than, say, Belarus.

Intra-elite splits (as happened under Kuchma) seem to be inevitable, although it is not clear when they will appear. The business group closest to Yanukovich, RosUkrEnergo, appears to have sought a deterioration of Ukraine's relations with the West, deliberately pushing Yanukovich toward Russia. At the same time, other business groups somewhat counterbalance RosUkrEnergo. Some of these seek to facilitate a deepening of relations with the EU via the Association Agreement, which includes a deep and comprehensive free trade area (DCFTA) and a roadmap toward a visa-free regime (negotiations on both issues continue under Yanukovich).

In order to mobilize his electorate on the eve of fall 2012 parliamentary elections, Yanukovich may again have to start using divisive slogans. His Party of Regions has already submitted a draft law on languages to upgrade Russian to the status of a regional language throughout most Ukrainian territory. Only a simple parliamentary majority is needed to pass this law. Despite loud protests from opposition deputies and the expert community, this law was passed in the first reading at the start of June 2012.

Many analysts have come to the conclusion that the Party of Regions is tacitly supporting the right-wing *Svoboda* (Freedom) party, known for its nationalist radical rhetoric. In the 2010 local elections, *Svoboda* won in Halychyna (Galicia), in the west of the country. This success coincided with the plans of the Party of Regions to destroy Yulia Tymoshenko and other moderate opposition forces and mobilize its own electorate using the "*Svoboda* threat." Given *Svoboda*'s limited base, its leader, Oleh Tyahnybok, would seem to be Yanukovich's best choice as a final-round opponent in the 2015 presidential election.

However, playing a game with *Svoboda* also contains risks. On Victory Day (May 9) last year, there were clashes in Lviv between *Svoboda* and activists of the marginal pro-Russian *Rodina* party, who arrived from Odessa especially for this purpose. Law enforcement bodies knew about the provocation but did nothing to prevent it. Many analysts considered that Yanukovich, perhaps unwillingly, was helping to play out a scenario developed in Russia, aiming to discredit both Yanukovich and Ukraine on the eve of finalizing the DCFTA agreement with the EU.

Yanukovych's Bipolar Foreign Policy

Despite Yanukovych's concessions to Russia, the pressure from Moscow has not decreased. Russian authorities have sought control (via a consortium) over Ukrainian gas pipelines and pressured Kyiv not to join the DCFTA with the EU but to join the Russia-led Customs Union and support the development of a broader Eurasian Union.

Yanukovych has sought to use relations with the EU as a counterweight against this Russian pressure. But the arrest of Tymoshenko in 2011 threatened the future of the the EU-Ukraine Association Agreement. It seems that Yanukovych's phobias and desire for revenge played an important role in his persecution of Tymoshenko. However, Tymoshenko's seven-year sentence for allegedly "betraying national interests" in a 2009 gas deal with Russia weakened Yanukovych, both within Ukraine and in the EU. Brussels considers the Tymoshenko case and that of her similarly imprisoned former minister of internal affairs, Yuri Lutsenko, as politically motivated and as an application of selective justice.

The EU demands that the political prisoners be released and be able to participate in the electoral campaign, which was why it postponed initialing the Association Agreement (originally planned for December 2011). After a pause, the EU decided to initial the agreement in March 2012. Ukrainian civil society organizations supported this move, warning the EU not to repeat the situation that occurred with Kuchma during the "Kuchmagate scandal" in the early 2000s, when isolation from the West pushed him toward Russia. From their prison cells, Tymoshenko and Lutsenko also called on the EU to initial the agreement. At the same time, the deal was downplayed by Brussels and explained as a technical step, which meant that the text of the treaty had been agreed upon but that the "pause" would continue. A formal signing of the agreement and its ratification by EU members and the EU parliament is stalled.

The upcoming elections in October 2012 will be a litmus test for EU-Ukraine relations. Accordingly, the Party of Regions may try to win elections without an open falsification of the vote. The first sign of this was how the government changed the Ukrainian electoral law. Instead of moving from a closed to open party list, as Yanukovych promised during his presidential campaign, he pushed through an electoral law upholding a mixed proportional-majoritarian system. In the current narrowing political space, the ruling party is expected to tightly control the majoritarian seats. No blocs are allowed, and the threshold for parties has been increased from 3 percent to 5 percent. Despite initial loud protests, most deputies from Tymoshenko's party (and those of another opposition party, Arseniy Yatseniuk's Front for Change) supported this system in the end, thus securing themselves against competition from new players. The justification for this step was that otherwise the ruling party would pass an even worse law, which would pave the way to greater vote fraud.

The Party of Regions will also try to play on splits within the opposition in majoritarian districts, as happened in the March 2012 mayoral elections in Obukhiv (near Kyiv) when several opposition candidates split the votes and, as a result, lost to the Party of Regions.

Yanukovych's dream is to preserve the present situation, whereby parliament serves as a rubber stamp for his administration. As always in Ukraine, however, elections matter and the electoral struggle will be a tough one. A lot will depend on the ability of the opposition to counteract Yanukovych's "divide and rule" policy.

Table 1.

Who would you vote for if parliamentary elections were held today (February 2012)?

Parties	Ukraine, %	Macroregions ³			
		West	Center	South	East
Batkivshchyna (Yulia Tymoshenko)	14.0	25.7	20.0	5.8	3.6
Svoboda (Oleh Tyahnybok)	3.4	10.3	2.6	0.8	0.5
Communists (Petro Symonenko)	5.7	1.3	2.5	8.3	11.3
Party of Regions (Viktor Yanukovych)	16.5	5.7	9.1	25.8	26.4
Strong Ukraine (Serhiy Tihipko)	3.6	2.8	2.8	4.7	4.3
Ukrainian Democratic Alliance for Reforms (UDAR) (Vitaliy Klychko)	4.6	7.2	5.8	3.0	2.2
Front of Change (Arseniy Yatseniuk)	7.9	13.6	9.1	5.7	2.9
Other Parties	7.0	7.8	8.6	6.8	3.8
Abstain from Voting	16.1	8.5	16.0	17.9	21.9
Difficult to Say	21.2	17.1	23.5	21.2	23.1
Total	100	100	100	100	100

Source: Kyiv International Institute of Sociology, Poll, February 2012.

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³ These are defined as follows: South – Autonomous Republic of Crimea, Dnipropetrovsk, Odessa, Kherson, Zaporizhzhia, and Mykolaiv (26% of the electorate); Center – Kyiv, Vinnytsia, Zhytomyr, Kyiv, Kirovohrad, Poltava, Sumy, Cherkasy, and Chernihiv (30%); West – Volyn, Zakarpattia, Ivano-Frankivsk, Khmelnytsky, and Chernivtsi (22%); East – Donetsk, Luhansk, and Kharkiv (22%).