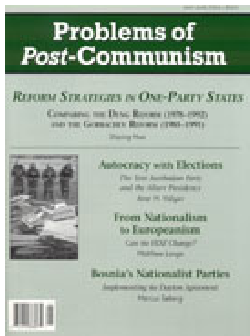

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Leonid Kuchma and the Personalization of the Ukrainian Presidency

Paul D'Anieri

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Until Ukraine creates a functioning parliament and party system, President Kuchma will continue to use democratic means to achieve authoritarian ends.

LEONID Kuchma's election as the second president of post-Soviet Ukraine in 1994 was seen as an important indicator that Ukraine's new democracy was rapidly consolidating. When his predecessor, Leonid Kravchuk, held fair elections, lost, and left office peacefully, it marked the first such transfer of power in any of the non-Baltic Soviet successor states. Especially when contrasted with Boris Yeltsin's violent dismissal of the Russian Supreme Soviet the year before, the election seemingly demonstrated that Ukraine, unlike Russia, had an inherently democratic inclination. The great fear accompanying Kuchma's election, his planned shift of Ukraine's foreign policy focus toward Russia, was rapidly dispelled as he established close relations with the United States and NATO and successfully deflected Russian economic pressure.

A decade later, this optimistic assessment is largely forgotten. Ukraine's politics now appear largely similar to governance in Russia and successors of the former Soviet Union. Moreover, although Russia's relations with the United States and the West have dramatically improved since 2001, Ukraine's have been strained by the misdeeds of the Kuchma administration. There is no longer much effort in Western capitals to conceal the hope that Kuchma will depart—either sooner, due to popular protests, or later, when his second term expires in 2004. Nevertheless, the ongoing protests are unlikely to force Kuchma out, because his opponents have been unable to arouse the massive participation that would increase pressure on him. More troubling, it seems unlikely that Kuchma will willingly accede to the constitutional requirement that he leave office at the end of his second term.

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With a near-monopoly on power, Kuchma exercises considerable control of the economy, media, and elections, and has been able to hamper any serious political challenge. Ukraine cannot accurately be labeled authoritarian, however, because elections continue to be held, the parliament meets and debates laws, and opposition political parties function openly, This form of government, which is not unique to Ukraine, has been variously termed "illiberal democracy," "delegative democracy," "competitive authoritarianism," and "electoral authoritarianism."[1] These labels indicate that Ukraine has certain characteristics of a democracy, such as partly fair elections, a liberal constitution, and tolerance for a fair amount of political dissent, but that its system is authoritarian in that these seemingly democratic tendencies are not allowed to endanger the president's grip on power. Paradoxically, Kuchma has figured out how to use democratic means to achieve authoritarian ends.

Kuchma's accumulation and abuse of power was widely acknowledged in 2000, when Heorhii Gongadze, an opposition journalist, disappeared. He later turned up—minus his head—in a forest near Kyiv. That autumn, a series of audio recordings made in the president's office and leaked to the public implicated Kuchma in the murder. The president was clearly heard complaining in foul language about Gongadze and ordering his subordinates to do something about him. The fact that such recordings were made and that someone caused them to be leaked attests to the intrigue surrounding Kuchma's presidency, an atmosphere not unlike the atmosphere surrounding Boris Yeltsin's "family" in neighboring Russia.

Kuchma's status in the West, and especially in the United States, plummeted even further in the autumn of 2002, when the U.S. government revealed that its experts had found the Gongadze tapes authentic. The recording also implicated Kuchma in a scheme to sell Kolchuga passive air-defense radar systems to Baghdad, in violation of the United Nations embargo just as Washington was planning to attack Iraq. If murdering opposition journalists was considered unsavory by the Bush administration, arming Iraq was considered hostile (although it remains uncertain whether the systems were actually delivered). Kuchma was disinvited to the November 2002 NATO Summit in Prague and then was shunned when he came anyway. NATO officials seated the countries alphabetically according to their French names in order to prevent Kuchma from sitting next to Prime Minister Tony Blair of the United Kingdom and one seat removed from George W. Bush. Instead, he had Turkey on one side and no one on the other, an arrangement that symbolized his new status as international pariah.[2]

How has Ukraine's international status declined so dramatically? What are the prospects for change? It is much easier to answer the first question than the second, not only because one looks at the past whereas the other seeks to project the future. At the time of this writing, Ukrainian politics is in considerable flux. With all actors beginning to look ahead toward next year's scheduled presidential elections, there is widespread consensus that the political future of the country is at stake. This is so not simply because elections sometimes bring change, but because of the possibility that the election will be delayed and that there will be a major constitutional revision in coming months.

The discussion in this article sees the political system in Ukraine as "electoral authoritarianism." As this designation implies, Kuchma's Ukraine is not a liberal democracy even though elections still matter. Two key facets of electoral authoritarianism must be understood. First, many of the flaws in Ukrainian "democracy," such as interference with the media, corruption, and harassment of opposition parties, are not simply imperfections, but are part of a coherent method of ruling developed by Kuchma and often used elsewhere in the post-Soviet region. There is no room here to develop the comparison, but the way Kuchma runs Ukraine could certainly be compared to the "machine politics" once practiced in American cities. Second, recent developments in Ukraine are not a temporary digression on the path from authoritarianism to democracy. They may be quite durable, even if the leadership changes. Contrary to the hopes of many, the departure of Kuchma will not fundamentally change Ukrainian politics unless it is accompanied by far-reaching institutional and political changes.

How Kuchma Maintains Power

Kuchma has created a political system in which elections are not complete shams but are unfair enough to ensure that competition for political power is decisively skewed in his favor. In this method, elections play an important legitimizing role, for they help keep the regime in power with a minimal amount of coercion. From Kuchma's perspective, the legitimacy they provide ensures that both the mass of citizens and the political elites will passively accept his rule. Kuchma repulsed calls for his resignation by pointing to the fact that he was democratically elected. Ironically, protesters living in tents in central Kyiv were able to force the resig-

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nation of the Ukrainian prime minister in 1990, when the country was still ruled by the Soviets, but the same tactics (by many of the same protesters) failed in 2002, in large part because Kuchma, unlike the Soviet government, has a strong electoral basis for his legitimacy.

How can Kuchma accomplish this in the face of the many well-organized opponents competing for political power, including the communists and the popular former prime minister, Viktor Yushchenko? Simply put, the executive branch, which Kuchma controls, has a near monopoly on the vital resources of political influence, which means that any close battle will be tipped in his favor. Whether the task is winning votes in an election, winning votes in the parliament, or skewing the news, Kuchma holds almost all the important resources. The point of this method of rule is not simply to circumvent the rules that exist on paper (though that is often done), but to use the formal rules to lend authority to the exercise of informal power. The central tactic of Kuchma's regime is to convert informal, private power into institutionally recognized (hence legitimate) power. Up to a point, visible dissent contributes to the legitimacy of the regime by providing evidence of "democracy."

Contrary to the hopes of many, the departure of Kuchma will not fundamentally change Ukrainian politics unless it is accompanied by far-reaching institutional and political changes.

In Ukraine, as in most of the other post-Soviet states, institutional rules are confusing, poorly enforced, and often incomplete. The Soviet system was based on the absence of pluralism, for the legislative and executive branches were unified and controlled by a single political party. This is exactly the opposite of what is needed for liberal democracy. It was impossible to change the rules immediately in 1991, yet rules from the Soviet period were ill-suited to a competitive political system. A key issue in any real democracy pertains to the question of how political disputes are to be resolved. In the absence of a strong legal system, the answer relates to resources: What resources can actors use to have ambiguous rules interpreted in their favor, to rewrite rules in their favor, or to gain the most of whatever resource (such as votes) is defined as legitimate power by the rules?

In Ukraine, the resources that determine who wins political battles are concentrated in the hands of the executive. Kuchma differs from his predecessor in his skillful expansion and exploitation of the imbalance, but he did not create it. He has used informal power to institute rules giving himself additional formal powers, and has then used these formal powers to gain informal power, and so on in a self-reinforcing cycle.

One of the best examples is Kuchma's use of informal (and even illegal) power to coerce the parliament into endorsing the 1996 constitution. Although often viewed as a major step toward rule of law, the 1996 constitution gave Ukraine one of the most powerful presidencies in the world. Kuchma threatened to implement new constitutional arrangements via a referendum if the parliament did not approve it. There was no provision at that time to make constitutional changes via referendum. However, since Kuchma was popular and the parliament was not, it was widely expected that he would win such a referendum and then be able to disband the parliament. The example set by Yeltsin in Russia in 1993 showed that the niceties of legal procedure (tainted as relics of the Soviet era) would not obstruct the illegal disbanding of an unpopular parliament and the unilateral adoption of a new constitution. Because Kuchma controlled the Central Election Committee, he would have been able to implement the referendum even if the parliament passed a new law making it illegal. Moreover, he would have been able to use his extensive patronage powers to ensure a favorable result.

In the end, Kuchma did not need to hold the referendum. Instead, he offered a slightly less imbalanced arrangement of powers if the parliament agreed to the new constitution. Faced with this choice, the parliament chose compromise (and self-preservation) instead of a battle it would surely lose. Thus, by threatening something illegal, Kuchma was able to get full legal approval, hence legitimacy, for something that the parliament would never have approved within normal channels. The success of Kuchma's tactic is shown by the fact that since then the validity of the constitution has not been questioned.

The role of the right-wing "national democrats" in the parliament in this process demonstrates Kuchma's divide-and-conquer tactics. He was able to secure the national democrats' support for strong presidentialism in part because they were willing to vest power anywhere but in a parliament controlled by the left. He, in turn, was willing to accede to their demands on the key nationalist issues of language, flag, and emblems. As Kataryna Wolczuk points out, once the provision for a bicameral parliament was removed from the draft constitution, the rightist parties urged Kuchma to circum-

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vent the parliament and put the document to a referendum. The right was more concerned with winning partisan battles with the left and with pro-Russian forces than with building a balanced constitution. It is not that they were indifferent to the imbalance in the drafts under consideration, but that their other goals made them willing to compromise on the distribution of power. Kuchma shrewdly exploited this division between left and right.[3]

While a few observers in the West held that the success of such tactics in 1995 and 1996 indicated that Kuchma could rewrite the constitution anytime he wanted, Western governments and most opinion saw the adoption of the constitution as a step forward for Ukrainian democracy. Kuchma did, in fact, use the same tactics again in 2000, holding a referendum to give himself even greater power, although implementation was sidetracked by the Gongadze affair. Kuchma's grasp for power, therefore, did not begin with the 1999 re-election campaign, but was in force almost from the time he took office. It simply went unchecked by those who approved of his policies.

Kuchma's power stems from his control of the executive branch, which (having inherited the administrative apparatus intact from the Soviet Union) is better developed than the other two. The executive has a great deal of power because it is charged with executing and administering the laws of the country. The inability of the legislature or the courts to check executive power stems in part from their institutional underdevelopment, but also from the fact that they control few of the "extra-institutional" resources—patronage, law enforcement, administration of the economy—used to fight political battles. The executive's essential powers fall into six categories. Kuchma has used all of these in combination to form a coherent "machine."

Law Enforcement. The executive branch controls law enforcement. Politically motivated, selective law enforcement bolsters the president's position and undermines his opponents. The president can instigate unfounded investigations and criminal charges against his adversaries, and at the same time can protect his allies, however corrupt. Ukraine has seen both politically motivated charges against opposition leaders, such as Yuliya Tymoshenko, and the turning of a blind eye to the massive corruption of Prime Minister Pavlo Lazarenko, which was exposed only after he challenged Kuchma's authority. Self-interested elites have a powerful incentive to either support the president or at least not obstruct his plans.

Administration of Regulations. Selective enforcement of civil regulations of all sorts, from building and fire codes to taxes, can have much the same effect as selective enforcement of the criminal law. Enemies of the president can be harassed by administrative investigations, charges, hearings, and fines, whereas allies can be given a free ride through a burdensome regulatory environment.[4] Ukraine's notoriously complex tax codes and regulations make selective enforcement a very powerful tool. Because of their complexity, about which international organizations like the World Bank, have consistently complained, it is nearly impossible for a firm to be in total compliance with every regulation at all times. By creating a system in which everyone is guilty of something, all the power lies in the hands of those who decide who and what to prosecute. Among the infamous recordings made in Kuchma's office, there is a conversation in which he tells the head of the tax inspectorate, Mykola Azarov (now finance minister), to make sure he has something on everyone and to prosecute those who do not deliver enough votes in the 2000 referendum campaign.[5] These powers are firmly in the hands of the executive branch. They have been an important tool, not only to undermine the financing of rival political movements and create economic incentives for individual politicians to support the president, but in stifling the free press. Independent and opposition news outlets are a favorite target for arbitrary enforcement of arcane regulations, often with devastating effect. In one notorious case, a newspaper in Kyiv was shut down because the dimensions of its premises were incorrectly stated in the lease.

Control of Media. The presidential administration is able to control the media not only by selectively enforcing regulations to harass or close outlets that become too oppositional, but also through state ownership of a substantial portion of the most widely available outlets, most notably the major television and radio stations. The managers and editors of the state-owned media are appointed by the president. Quite naturally their coverage favors the president rather than the opposition. Control of the media is so institutionalized that in 2002, the presidential administration began issuing *temnyki* (daily bulletins) to the press telling them what stories to cover and how.

Control of the Election Process. The president appoints the head of the Central Election Commission, which oversees all the country's elections. Giving this post to a political appointee bodes ill for the impartial applica-

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tion of election laws and regulations. Ukraine has a fairly strong system of ensuring that observers from a variety of parties monitor polling and the tabulation of returns, but there is little the observers can do about violations of the electoral law that take place in advance of polling, and they cannot investigate dubious returns or declare elections invalid. The observers can make allegations, but little more. The executive branch's control of the army, hospitals, and prisons yields a ready supply of votes. There are many reports of prisoners and patients being threatened with mistreatment if they do not vote correctly. In the 2002 parliamentary elections, precincts with hospitals, army bases, and prisons provided some of the highest returns for Kuchma. The phenomenon was so widespread that the pro-Kuchma bloc Za Yedinu Ukrainy ("For a United Ukraine") was given the nickname Za YedU ("For Food").

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Control of Patronage. Another of Kuchma's key resources is his ability to win elections, whether for the presidency itself, for pro-presidential parties in parliamentary elections, or for referenda changing laws in his favor. This requires votes. While his control of the Central Election Commission is a valuable tool, large-scale falsification of election returns would raise great difficulties for the regime, both domestically and internationally, as President Aliaksandr Lukashenka (in Belarus) and President Robert Kocharian (in Armenia) have discovered. It is crucial, therefore, to do well enough in elections to keep the scale of outright fraud manageable. Patronage—control of government jobs, and the exchange of jobs for electoral support—is crucial in winning elections that superficially appear to be fair. The evidence of massive and well-organized efforts to use the substantial state payroll to ensure a high pro-Kuchma voting turnout is too widespread and well documented to be doubted. Following the 1999 presidential elections, Kuchma fired several regional governors as well as the ambassador to the United States because they did not deliver enough votes from their jurisdictions. Since Ukraine is a unitary rather than a federal state, every government employee, even at the local level, can be controlled indirectly. Every one of Ukraine's 600,000 teachers, for example, is an employee of the Ministry of Education.

Control of the Economy. The extraordinary powers of the executive branch would be less effective if the state did not control the economy. Under the Soviet system, the state owned nearly the entire economy. With the exception of Russia, most of the successor states have privatized only slowly. State ownership is conducted at arm's length in some of the other successors through state participation in joint-stock companies, but in Ukraine the state owns entire firms and industries. These include the notoriously lucrative and corrupt energy sector and the arms industry, which is a major source of hard currency.

State ownership yields political power in many ways. First, profits can siphoned off into the coffers of the president and his supporters, either to finance political campaigns or to buy loyalty. The scale on which this takes place was made somewhat apparent when, under Prime Minister Yushchenko and Energy Minister Tymoshenko, a crackdown on the energy sector yielded several billion dollars for the state budget. Second, although in the long term privatization should reduce the power of the executive branch, in the short term the executive derives both political advantage and incredible financial gains from its ability to determine who wins prized assets and how much they pay. Third, the ability to subsidize certain state industries can be used to reward political allies and punish adversaries. In sum, selective application of the laws is as relevant in administering state-owned firms as in other areas of administration.

Furthermore, the state holds one asset that is especially useful in influencing parliamentarians and judges: state ownership of many of the finest apartments in Kyiv. Especially for judges, with low nominal pay, the state's ability to offer or withdraw housing is a powerful lever. It may be weaker for those with independent sources of wealth, but, as stressed above, almost no source of wealth is beyond the reach of law enforcement, code administration, and tax administration. Much state influence on the economy, however, results not from state ownership of enterprises but from state regulation. In addition, the ability to regulate the economy with political goals in mind, punishing opponents and rewarding allies, probably constitutes the most far-reaching and regularized way for the state's role in the economy to yield political influence for the executive branch.

The Mutually Reinforcing Nature of Political and Economic Power

Political and economic power in Ukraine are connected in part through state ownership in the economy, which creates opportunities for the politically powerful to exercise economic power. However, the influence runs the other way as well. In societies where most people are impoverished, money can be very influential. Moreover,

both the status and enforcement of laws governing the use of money in politics (e.g., campaign finance laws, enforcement of bribery laws) are very weak. Therefore, actors who have accumulated wealth can convert it into political power with relative ease. Because of this two-way link between economic and political power, the two realms reinforce one another and tend to become nearly synonymous. The advantage of wealth in becoming politically powerful is not unique to Ukraine, as demonstrated by the Bush family in the United States or Silvio Berlusconi in Italy. However, both directions of influence are much stronger in Ukraine—there are relatively few barriers to the use of money to gain political power, and there is an extraordinary capacity to use political power to make money. Since money and power tend to be more highly concentrated in Ukraine than in other countries, there is a greater tendency for a single powerful group or individual to emerge, and less likelihood that competing interests will keep one other in check.

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Assessing the Prospects for Change

As the preceding discussion demonstrates, Leonid Kuchma's extraordinary power did not accumulate by accident. The flaws one sees in Ukraine not accidental, they are part of a coherent strategy to maintain and extend political power that is not unique to Ukraine. This strategy may be quite enduring.

The single largest challenge to a system of this kind is posed by the question of succession. Incumbent presidents may have incredible advantages but cannot easily pass them on to others. Kuchma's machine is highly personalized—it is not institutionalized in a party or other organization that can simply transfer its allegiance to an agreed successor. Therefore, Ukraine's two-term limit and the presidential succession that will be required in 2004 constitute an opening far larger than when Kuchma ran for reelection in 1999. As in liberal countries with term limits, Kuchma can be expected to do whatever he can to ensure the election of a successor whom he favors. He has far more resources to do this than leaders in other states, however. Nonetheless, the prospects are daunting. Because of the uncertainty of electing a chosen successor, there are persistent rumors that Kuchma will find a way either to run for a third term or at least to extend his second term.

The problem for Kuchma is that the politicians who support him—Volodymyr Lytvyn, the speaker of Parliament; Viktor Medvedchuk, head of the Presidential Administration; Viktor Yanukovych, the prime minister; Mykola Azarov, the finance minister, Serhiy Tyhypko, head of the National Bank of Ukraine—are not popular with voters. None of them receives more than 10 percent in the polls. Getting any of these people elected would take more than just skewing media coverage and applying "administrative resources," such as patronage and small-scale fraud. More massive, and hence more visible, fraud would be required, and this would undermine the legitimacy an election might provide.

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In contrast, opposition groups have a number of popular potential candidates. The front-runner is former prime minister Viktor Yushchenko, whose Nasha Ukraina ("Our Ukraine") alliance triumphed in the proportional-representation section of the 2002 parliamentary elections. Yushchenko has his own problems, including a reputation for being weak and indecisive. He also may have a difficult time maintaining an alliance with the likes of Tymoshenko and Socialist Party leader Oleksandr Moroz, both of whom influence significant portions of the vote but have their own presidential ambitions. Moreover, there is little chance of a left-right alliance that would include the Communist Party. Therefore, there is considerable room for Kuchma to apply divide-and-conquer tactics. In 1999, his administration supported the arch-leftist Nataliya Vitrenko as a way to divert votes from Moroz and prevent him from reaching the second round of balloting. The tactic succeeded, and Kuchma had to face the much less popular communist candidate Petro Symonenko in the second round. One can imagine a similar tactic in 2004, with an effort to support Tymoshenko to prevent Yushchenko from advancing. References to Ukraine's "opposition" are misleading. The country actually has several oppositions that find it very difficult to work together, and Kuchma has always exploited this successfully.

It would be difficult for Kuchma to control completely an election that pitted Yushchenko against one or more of his allies. For this reason, there has been a steady stream of speculation about other ways Kuchma can retain power. He could attempt, for example, to use a method that Boris Yeltsin reportedly considered before resigning. With this approach, he would claim that since the constitution, with its two-term limit, was

adopted after he became president, his first term does not count, and therefore he can legally run again. Trial balloons have been floated on this question. Kuchma might be able to persuade the rather malleable Constitutional Court to go along with the idea, but it would surely be counterproductive.

In the event, Yeltsin named Vladimir Putin prime minister and then resigned, making Putin acting president and thereby enabling him to run as an incumbent. However, this strategy would not work in Ukraine, because there is no law specifying who succeeds the president. Instead, new elections are mandated, without the prime minister becoming interim president.

Kuchma advanced another tactic in the spring of 2003: constitutional revision. Ostensibly in deference to the criticism he has generated, Kuchma proposed a number of constitutional changes that would seemingly shift power from the president to the parliament. Some speculate that Kuchma knows that Yushchenko may win and wants to weaken the presidency in advance. However, there is much skepticism as to whether the proposed changes would actually weaken the presidency. For example, one change would add an upper house consisting of the heads of Ukraine's regions. The new chamber would resemble Russia's Federation Council, but since in Ukraine, unlike Russia, the regional heads are appointed by the president, the change would give Kuchma control over a parliamentary body able to veto any pending legislation. Similarly, a proposal that would make ex-presidents senators for life would conveniently provide Kuchma with immunity from prosecution, along the lines of that received by General Augusto Pinochet in Chile (Kuchma has curiously dropped his former insistence on revoking parliamentary immunity).

All of these proposed changes may simply be intended to delay the election and give Kuchma more time to come up with a different strategy or to find a better successor. One proposal specifies that presidential and parliamentary elections must be held in the same year. Since the parliament was just elected in 2002, it is unlikely that it would countenance early elections in 2004. If so, the presidential election would have to be delayed until 2006, or even 2007, if a proposal for a five-year parliamentary term is enacted.

A proposal to allow the enacting of legislation through popular referendum would increase the president's power more than anything else. As Kuchma demonstrated in 2000, the president has considerable power to hold referenda and to apply resources to ensure victory. A bizarre ruling by the Constitutional Court that year found that even though there is no constitutional provision for amending the constitution through referenda, such referenda were binding on the parliament, and therefore could compel the parliament to amend the constitution. If so, further legitimizing the status of the referendum would enable Kuchma to seek what his colleagues in Central Asia have achieved: the elimination of term limits, longer presidential terms, and lifetime immunity.

The situation is in flux, with new proposals continually being floated and dropped, to the point that it is difficult to see where the process will end. One may reasonably conclude that the Ukrainian presidency is actually becoming less institutionalized. Discussions of its status reflect the short-term interests of Kuchma and his opponents rather than an attempt to stabilize the office or at least to construct a long-term constitutional settlement that will create a basis for political life that goes beyond individual leaders and transient conflicts.

This is unfortunate, because there is a much deeper question about presidential power in Ukraine, and more broadly about its government in general—namely, whether the country is better off with a presidential system or a parliamentary system. The same question may be asked about many states, but in most it is merely academic, because there is no realistic chance of changing the system. In Ukraine, however, constitutional revision is quite likely, whether initiated by Kuchma to preserve and strengthen his prerogatives, or by opposition forces hoping to redistribute political power in the country.

Institutional Reform in Ukraine

There is a wealth of political science literature on the suitability of presidential versus parliamentary systems for new democracies. The bulk of opinion, citing what Juan Linz called the "perils of presidentialism," finds that in new democracies, presidential systems are likely to lead to an aggrandizement of presidential power that undermines democracy.[6] The issue is still being debated, however, and many scholars maintain that in situations where democratization must be accompanied by rapid economic reform, the concentrated power of presidentialism can overcome entrenched interests that often hamper reform in parliament. Ukraine demonstrates the validity of both arguments. Many reformers, both in Ukraine and in the West, welcomed the strengthening of Kuchma's powers as a means of overcoming the leftist parliament (just as they welcomed Yeltsin's defeat of Russia's leftist parliament). Kuchma's continued accumulation of power, however, has convinced many of the same people that the presidency must now be restrained.

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What the discussion has missed, however, is another, less controversial finding: For a presidential system to avoid conflict and breakdown, the country in question must have a two-party system. As Scott Mainwaring asserts, "Problems typical of presidential systems—especially conflict between the executive and legislature resulting in immobilism—are exacerbated by multipartism."[7] For a variety of reasons, scholars argue, coalition-building by multiple parties is nearly impossible when the right to choose the government is not present as an incentive for them to compromise. Moreover, a presidential system may weaken the political party system. Faced with a fragmented parliament, presidents are more likely to circumvent the legislature than to build a majority coalition. This has certainly been true in Ukraine. Although Brazil may be establishing a counter-example, all of the world's stable presidential systems (there are not many) have two-party systems. Therefore, whatever one thinks about presidentialism in general, it seems clear that it is unsuited to Ukraine, where the structure of societal cleavages makes a two-party system unlikely even with the strongest of electoral laws.

These arguments imply that unless the current time of flux leads to a parliamentary system, the problems of the Kuchma era are likely to recur even if someone else becomes president. This conclusion goes against the standard American practice of categorizing foreign leaders as "good" or "bad," and seeking simply to have the good ones in power. Washington supported Kuchma as opposed to the communists, but now the West supports Yushchenko over Kuchma. However, the institutional context matters, and global experience indicates that an unchecked presidency will eventually lead Ukraine back into something resembling its current morass.

As flawed as the presidency is, however, it is very difficult to put any faith in the Ukrainian parliament as an institution, since it has never functioned well. The weakness of political parties, the fluidity of their membership, and pervasive corruption mean that a parliamentary system may not work any better than a presidential one. The presidency in Ukraine may be flawed, but so are the other major branches of government, the legislature and the judiciary. In fact it was parliament's flaws that provided an important impetus to the strengthening of the presidency in the first place. Simply reapportioning power from a presidency that has too much power to a parliament that has been immobile will not improve the situation. Fortunately, there is reason to believe that the parties in Ukraine have developed considerably and that the parliament has become more structured during the two election cycles since Kuchma forced through the constitution in 1996. Perhaps the parliament has become more capable of shouldering the burden of legislation. If not, tinkering with the presidency will probably be fruitless.

In sum, the obstacles to a stable liberal democratic system in Ukraine are considerable and go well beyond the presidency. In the short term, the greatest threat to democracy is the incredible power wielded by President Kuchma and his use of it to control politics. Kuchma's policies have led to a deinstitutionalization and personalization of political power in Ukraine. It is difficult to see how the situation can improve while he or a successor chosen by him holds power. However, it would be simplistic to assume that getting rid of Kuchma will solve Ukraine's institutional and political problems. If the country's parliament were not dysfunctional and its party system fragmented, Kuchma would not have become so powerful in the first place, and these deep-rooted problems will not be solved simply by replacing him. Absent a functioning parliament, a structured party system, a truly independent judiciary, an independent civil service, and a host of other assets, Ukraine will find it difficult to become a "European" country in substance, even if it is already "European" in its history, geography, and declared intentions.

Notes

1. See Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 78, no. 6 (November/December 1997): 22–44; Guillermo O'Donnell, "Delegative Democracy," *Journal of Democracy* 5, no. 1 (January 1994): 55–69; Thomas Carothers, "The End of a Paradigm," *Journal of Democracy* 13, no. 1 (January 2002): 5–22; Steven Levitsky and Lucan A. Way, "The Rise of Competitive Authoritarianism," *Journal of Democracy* 13, no. 2 (April 2002): 51–63.

2. *New York Times* (November 23, 2002): A10.

3. Kataryna Wolczuk, *The Moulding of Ukraine: The Constitutional Politics of State Formation* (Budapest: Central European University Press, 2001), pp. 201, 205.

4. See Keith A. Darden, "Blackmail as a Tool of State Domination: Ukraine Under Kuchma," *East European Constitutional Review* 10, nos. 2/3 (spring/summer 2001): 67–71.

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