Mykola Riabchuk

GLEICHSCHALTUNG

Authoritarian Consolidation in Ukraine 2010–2013

K.I.S. Publishing

Mykola Riabchuk

GLEICHSCHALTUNG

Authoritarian Consolidation in Ukraine 2010–2012

K.I.S.
2012

Over the past two years, Mykola Riabchuk has commented regularly on political developments in Ukraine in international periodicals. His best essays, collected within this book, provide a revealing chronicle of the creeping authoritarian consolidation under the presidency of Viktor Yanukovych. An astute analysis of political processes combined with a sound essayistic narrative make the book essential reading for political scientists, students, and all those interested in the region.

Published by K.I.S. (kis.kiev.ua)

Книжка є своєрідною хронікою політичних подій в Україні за останні два роки, окреслених автором як «авторитарна консолідація». В її основі – аналітичні статті, опубліковані Миколою Рябчуком в англомовних виданнях. Поєднання аналітичної проникливості з майстерним публіцистичним стилем робить книжку цікавою як для фахівців, так і для ширшої публіки, зацікавленої політичними процесами в регіоні.

ISBN 978-617-684-001-5

Contents

Acknowledgements

Throughout the past twenty years, I have been contributing op-ed articles to various periodicals, considering this Kulturträger job as important as academic writing and lecturing and other related activities. It was David Marples, however, who persuaded me to do this on a regular basis, contributing my monthly comments to the blog *Current Politics in Ukraine* that he edits through the Stasiuk Program for the Study of Contemporary Ukraine at the Canadian Institute of Ukrainian Studies. I was free to cover any topic I wished, from any angle, and even generously allowed to overstep the regular length for op-ed articles of 1,000 words.

The second person that deserves credit for the collection of articles presented here is my publisher Yuri Marchenko who has always supported all my publishing projects and often initiated them himself. The book that emerged is, in a way, a sequel to the previous one that he published back in 2009 under the title *Mrs. Simpson's Favorite Gun. The Chronicles of the Orange Defeat.* Those "chronicles," however, had not been coherent enough, even though they reflected, as the subtitle suggested, both the general tendency of the orange dysfunctional governance and its anticipated end.

The new "chronicles" – of the authoritarian consolidation – remain open-ended since I feel it is just too early to predict the time and the way in which Yanukovych's kleptocratic regime might fall. The new "chronicles" cover the 2010-

2012 developments in Ukraine more systematically, with due theoretical digressions and references to suitable explanatory models. At this point, I would like to express my sincere gratitude to the American National Endowment for Democracy and Uppsala Centre of Russian and Eurasian Studies for the grants they provided in the past two years, and the excellent opportunity for both research and writing that I enjoyed in Uppsala and Washington, DC.

The "chronicles" are, in a way, a by-product of my scholarly research that has been focused primarily on attempts to conceptualize the postcommunist transitions in Eastern Europe and place the Ukrainian case within that framework. There were quite a few sources that influenced my understanding and interpretation of political processes in Ukraine. For obvious reasons, I could not refer to all of them properly in editorials. A couple of the most inspiring texts, however, should be mentioned.

First of all, there was the classic book by Robert Putnam "Making Democracy Work" (special thanks to Prof. Yaroslav Hrytsak who drew my attention to it). Additionally, there were seminal articles by Keith Darden on the "blackmail state", Paul D'Anieri on Ukraine's flawed institutional design, the late Dmitri Furman on post-Soviet "imitative democracies," and Thomas Carothers and Lucan Way on the various characteristics of "hybrid regimes" to which Ukraine definitely belongs.

I am obliged to many more colleagues and friends who shared with me their books, articles, ideas, opinions and, sometimes, bread and wine and living space. Needless to say, however, no persons or institutions share responsibility for the opinions expressed in this book or the possible mistakes made by the author.

I would like to dedicate this book to my mother in law, a Holodomor survivor, who died last year in Kyiv while I was in the United States. Throughout her life, she proved to be a person of exemplary integrity, diligence, purposefulness, and strong commitment to her patriotic principles. May her dream about a free and progressive Ukraine come true.

* * *

The major part of this book ("Chronicles") consists of the articles published monthly, from July 2010 to April 2012, in the site *Current Politics in Ukraine*, http://ukraineanalysis.wordpress.com. I left them virtually unchanged, even though occasionally I felt a temptation to make some updates – to explain, for example, that Valery Khoroshkovsky is no longer the head of Security Service of Ukraine (he is the first vice prime minister now and, ironically, is also in charge of Ukraine's notorious "European integration"), that Hanna Herman is no longer a deputy head of the Presidential Administration (she is merely a Yanukovych adviser today), and Andriy Kliuyev is not the first vice prime minister since he replaced Raisa Bohatyriova (who got the Ministry of Health instead) in charge of the National Security and Defense Council. I refrained, however, from fixing the "chronicles," after concluding that all the important changes are actually reflected in the follow-up stories, whereas minor reshufflings of Yanukovych's personnel change little, if anything, in the general flow of events.

The addendum to the main part of the book consists of six articles ("Topicals") that were published in other periodicals but both topically and chronologically belong to the same collection of stories. Two of them were published before I began my cooperation with *Current Politics in Ukraine*. The first one reflects the author's feelings and expectations

immediately after Yanukovych's victory ("What's Left of Orange Ukraine?"), the second one discusses the old-new problems of the national politics of memory ("Bandera's Controversy and Beyond"). The first piece was published in *Eurozine* on March 4, 2010; and the second one in *Russkii vopros* quarterly (no. 1, 2010).

"The End of a Post-Soviet 'Pragmatism'?" was commissioned by the *Neue Zuricher Zeitung*, and published on July 15, 2010; whereas "Tymoshenko: Wake-up call for the EU" was written for *Eurozine* and published on October 28, 2011. The topics of these two articles seemingly overlap with those published at the time in *Current Politics in Ukraine,* but the aspects discussed in them are substantially different, so I decided to include them in the book as important supplements.

And finally, the 'Russian spring' (or, perhaps, 'winter') – the massive anti-government protests in Moscow and elsewhere in December 2011 – prompted me to take a closer look at this awakening of Russian civil society and its possible consequences for both Russia and Ukraine. This resulted in two articles: "Birds in the Bush" (*Russkii vopros*, no. 1, 2012) and "Burden of 'Unity'" (*Open Democracy*, March 12, 2012). At the time, I did not feel they were appropriate for the *Current Politics in Ukraine* blog. In the book context, however, I think they might contribute to a better understanding of the political processes and prospects in Ukraine as well.

My thanks to the various publishers for their permission to reprint the articles included in this book.

Chronicles

2010

07. 2010
Yanukovych's Gleichschaltung and Ukraine's Future

It seems neither Ukrainian society nor international observers have come yet to terms with what really happened in the country within the last half a year. Back in February, when Viktor Yanukovych, a notorious villain of the 2004 Orange revolution, scored a narrow victory (49 vs 46 per cent) against the incumbent prime-minister Yulia Tymoshenko, no one expected much good from his comeback but very few people considered it as a national catastrophe either.

The predominant experts' view, including my own, was that the new president would probably pursue a Kuchma-style "multi-vector" policy internationally and a "Kuchma-lite" policy domestically. It seemed to be "lite" not because Yanukovych was any more committed to the rule of law, or had weaker authoritarian inclinations, but because presidential authority became much weaker these days than it used to be under Kuchma – due to the constitutional amendments made in 2004. So, for the time being, the Byzantine intrigues at the top were likely to continue and a dysfunctional Ukrainian democracy was likely to persist.

What virtually no one could have predicted back in February, was the blatant violation of the Constitution, the de-facto parliamentary coup d'etat completed by the new president and his Party of Regions, with the tacit acceptance – 'benign neglect' – of Western governments. Alexander Motyl

has gone so far as to compare Yanukovych's "coordinating" government with the Nazi's 1933 Gleichschaltung (*Atlantic Council*, May 12, 2010). Certainly he did not mean there are any ideological similarities between both leaders and parties or the subsequent developments in Germany and Ukraine. He simply stressed the Bolshevik 'revolutionary expedience' that facilitated, in both cases, a swift and bold takeover of state institutions in a very arbitrary, semi-legal, or absolutely illegal way.

The main miscalculation of both Ukrainian and international observers came from the fact that Yanukovych's Party of Regions, even with two minor satellites – the Communists and the Lytvyn Block – did not have a majority in the parliament to create a legitimate government. The Ukrainian constitution stipulates that the government is created not by a simple majority of MPs but also by factions that have a sufficient number of MPs on their list to create such a majority. Such a restriction might look strange from the western point of view but in Ukraine it was enshrined deliberately in the Constitution in 2004 to restrict parliamentary corruption – the retail purchasing of single MPs from other factions. Hence, the only legitimate way to create a new government, for the Party of Regions, was to form a coalition either with Yushchenko's 'Our Ukraine' or Tymoshenko's Bloc. Or, if those negotiations failed, he could announce new parliamentary elections. Yanukovych and his Party of Regions did not bother themselves with undoing the knot but simply cut it.

This resulted not only in the rapid creation of the new government endorsed by a fully obedient parliamentary majority. This was also a highly important symbolic message – both to Yanukovych's supporters who typically despise democracy with all its boring procedures and who appreciate a 'strong hand', and to the opposition, which was in disar-

ray through infighting, demoralized by the electoral defeat, and completely shocked by the unconstitutional move of the 'Regionals'. Yet, the most important message was sent to the population at large: "We are back, with all our practices tried and tested in Donbas; we are serious guys, no jokes, it's just the beginning".

Within a few months, Yanukovych and his team have effectively subordinated all branches of the government, marginalized opposition, and consolidated their authoritarian rule largely based on the mechanisms of a 'blackmail state'. In this regard, Yanukovych's regime is not much different from that of Leonid Kuchma. What makes him different, however, is his much stronger and unabashed pro-Moscow orientation (if not subordination) in external policies, and much more divisive (if not overtly Ukrainophobic) stance in domestic issues. Leonid Kuchma pursued the so-called 'multi-vector' international politics, flirting with both Moscow and the West, and benefitting personally from such a shuttling. Internal politics was also manipulative: Kuchma assumed a peace-keeping role between east and west, left and right, and Russophones and Ukrainophones, sending mixed messages to different sides and reacting opportunistically to different challenges. This was the essence of post-Soviet 'pragmatism' that satisfied both the president and the ruling oligarchy in their need for stability and personal enrichment.

So far, Yanukovych exposes a striking absence of such 'pragmatism'. He takes a lot of steps that can be deemed irrational in every way. One can list a huge number of dubious deals with Russia that are rightly perceived as one-sided, non-reciprocal concessions. There are also a lot of symbolical gestures, personnel nominations, divisive policies, and provocative decisions that bring no benefits to the nation or to the ruling oligarchy and the president himself. This makes many Ukrainian observers wonder whether Yanuko-

vych is really a mediocre puppet of Ukrainian oligarchs, as many used to believe, or a much more dangerous puppet of the Russian security services and their powerful lobby in today's Ukrainian government.

Whatever the real role of Russian intelligence in Ukraine might be, Yanukovych's team is certainly not monolithic. It consists of various groups which can be roughly subsumed under two headings – pro-Moscow hawks connected to the notorious RosUkrEnergo and probably FSB/SVR; and 'pragmatic' doves pursuing a Kuchma-style multi-vector, quasi-centrist policy. So far, the hawks' policies seem to prevail. They strongly alienate not only committed Ukrainophones who feel their identity under pressure, but also civil society at large, which finds civic freedoms under serious threat. The small and medium business sector is also set against the new economic and, in particular, fiscal policies of Yanukovych's government. And some signs of anxiety emerge even among Ukrainian oligarchs who are increasingly dissatisfied with Russian dominance in all areas. The last straw might be the ultimate disappointment of Yanukovych's rank-and-file pro-Russian electorate with economic and anti-corruption promises that are very unlikely to be delivered.

A regime change looks rather inevitable – if the next, 2012 parliamentary elections are free and fair, as they have been in Ukraine in the past five years. But here the main question dwells: how far will the incumbent government proceed in curbing media freedom, suppressing the opposition, subjugating the courts, bribing and intimidating civil servants, and using violence against protesters? If allegations of Russian involvement hold true, the puppet government may proceed beyond any limits. Ramzan Kadyrov of Chechnya might be a graphic example. Western benign neglect in this case would be not only self-deceiving but also self-defeating.

08. 2010

On the Importance of Being Candid

Dmytro Potekhin, an activist of the youth movement that played an important role during the Orange Revolution, has recently circulated a number of questions that may look rhetorical at first glance but, like the childish questions of Voltaire's Candide, they deserve serious consideration.

"Isn't it strange", he wrote, "that in a country where

1) the government is not legitimate since it was formed by unconstitutional majority;
2) the parliament is not legitimate since the majority did not result from a revote nor was it dissolved and reelected;
3) the court system is not legitimate since it operates under the new 'law' passed by the 'parliament';
4) the 'president' is not legitimate since he has done nothing either with the 'parliament' or with the 'government' to reestablish constitutional rule,
   - the key human rights activists are complaining that the 'minister' of interior is not gathering the public council to hear about human rights abuses, while saying nothing about the unconstitutional nature of the whole situation;
   - the key freedom movement is 'against censorship', while its activists – journalists keep calling all these people who took over the institutions 'president', 'prime minister', 'minister' projecting their legitimacy;

- the bloggers wonder why the security service is removing posts from their blogs, but still call it Security Service of Ukraine, not Security Service of Usurpers;
- the businesses are complaining that the taxes are too high, while they are taken by a bunch of organized people who in the early 90s were called racketeers;
- the opposition is going to take part in the elections under the 'law' passed by a bunch of MPs still calling themselves deputies, none of whom get out of this fake Verhovna Rada [...]

People, what are we talking about?!" (*Ukrayinska Pravda*, Aug. 13, 2010)

To put it simply, why has a de-facto parliamentary coup d'etat and eventual usurpation of power by a minority clique been tacitly accepted by both the political opposition and society at large?

There are many answers that largely explain, albeit not justify, the odd situation.

First, the dubious takeover of power was approved by the Constitutional Court – even though the same Court a year and a half ago passed the opposite decision on a similar issue. Actually, the credibility of the Court was undermined long ago, in 2003, when the constitutional pundits recognized that Leonid Kuchma could run for presidency for the third time because his first term did not count – he had served it arguably under the old constitution. The Orange leaders put much more efforts into subduing the Court than making it really efficient and independent. Society never voiced strong concerns about this – and now we all are duly punished for our passivity and opportunism.

Secondly, the coup d'etat was accepted by Western governments with a benign neglect that placed the Ukrainian opposition in an odd situation: they had to deny the legitimacy

of the government whose validity, in fact, was recognized (or at least not questioned) internationally.

And thirdly, the misrule of the Orange leaders has discredited not only them – as today's opposition, but democracy in general. This boosted the attractiveness of the authoritarian alternative within one part of the society, and frustrated, demoralized, and alienated the other part, hindering its ability to resist. In such a situation, a minority party with sufficient resources and determination can easily capture the state – as happened in Italy or Germany long ago, and more recently in Russia.

So, I would say that the legitimacy of the Ukrainian government is recognized by default – simply because there is no other government (since Tymoshenko unexpectedly easily stepped down in March, passing authority to the usurpers), nor is there any viable alternative (since the opposition is still in disarray, and society either frustrated with everything or still trustful in the new duce).

In this regard, David Marples is probably right when questioning Alexander Motyl's prediction of the imminent collapse of the Yanukovych presidency in Ukraine – probably by the year 2012 (*Edmonton Journal*, Aug. 9, 2010). It looks really overoptimistic – but not because of "perceptible economic recovery and increasing popularity of the Yanukovych leadership", as Dr. Marples suggests. Neither "recovery" nor "popularity" are actually viable. The former is mostly connected to the post-crisis recovery of the entire world economy and to a very low base for comparison. The latter is related to the 'honeymoon' period of Yanukovych's presidency and still high expectations of his electorate (actually, Yushchenko's popularity at the time was even higher but has since fallen dramatically). So far, there are no economic reforms in sight to secure sustainable growth. And austerity

measures designed to support this growth do not target officials or friendly oligarchs, so would hardly sustain the president's popularity in the near future.

Motyl might be wrong for another reason. He expects that the 2012 parliamentary and 2015 presidential elections will be free and fair – as they used to be within the past five years. Not necessarily. Given the pace and direction of political and legal "reforms" introduced by the new regime, we may have Russia-style 'managed democracy' in Ukraine very soon. Actually, the local elections this Fall will provide a good litmus test for Ukraine's democratic procedures and institutions. So far, the changes of the electoral law rubber-stamped by the parliament to advantage the ruling party a few months before the elections do not evoke much optimism. They introduced a number of retroactive requirements that should have been abolished by any impartial court if it happened to exist in Ukraine. And they confirmed once again the strong intention of the government to play with rules rather than play by rules.

So now might be a proper time to come back to the candid questions raised by Dmytro Potekhin and to remind the king and his court that they are naked. They got some carte-blanche, however dubious, to introduce law and order and much needed reforms. But instead, they bring even more lawlessness and disorder, and introduced very peculiar "reforms" that satisfy mostly their oligarchic friends and Moscow patrons. For the beginning, I suggest to mention, wherever possible, their titles and positions within the quotation marks or with the words "so called".

Potekhin is right – we do not have a legitimate government, legitimate parliament, legitimate Court. We have people who call themselves "ministers", "deputies", and "judges". Let them do it. But we should not accept their claims at face value.

09. 2010

Re-KGBization

Within the past half year, the Security Service of Ukraine seems to have become the major national and, increasingly, international newsmaker. Every week they vigorously remind us that they do exist and do not waste the taxpayers money in idling. They boldly fight the enemies of the state, both domestic and alien. Their stated goal is to ensure 'stability' which, alongside 'reforms', is the much-trumpeted buzzword of the new Ukrainian president and his team.

Concerning the 'reforms', so far, we cannot say much – unless we count the increased taxes and tariffs as their most tangible proof. Yet, the 'stability' is quite noticeable and even praised occasionally by some Western leaders who are not much concerned with its price. It has nothing to do with law and order, as some Westerners may believe. Rather, it is a well-ordered lawlessness that in neighboring Russia has acquired the respectable name of 'managed democracy' and that in Yanukovych's native Donbass is defined more colloquially as *poniatiya*.

So, if one guesses that the SBU fights the rampant corruption in the top echelons of power, or digs into obscure energy schemes that, like gangrene, have poisoned the whole of Ukraine's body since independence, or tries to curb countless Russian spies and provocateurs that feel as comfortable in Ukraine as at home, one is definitely wrong. The main

target of SBU is the national civil society and anyone from abroad who may support it. Hence, every week, on a regular basis, we get reports about the SBU agents' assaults on NGO activists and opposition politicians, journalists and historians, rectors and students, political experts and disobedient businessmen.

There is no information about this on the major national TV channels subordinated effectively to the government and, ironically, to the SBU chief himself, Valery Khoroshkovsky, who de facto owns nearly 30% of the TV market (*RFERL Headline*, May 24, 2010). But the Internet is growling, statements are made, petitions signed, and the picketers regularly come to the SBU headquarters in different cities to protest against the apparent 'KGB-zation' of the new-old institution.

The authorities' response is mixed and confusing. Sometimes they apologize for the alleged 'mistake' or 'misunderstanding', sometimes they downplay the incident as their opponents' exaggeration or pure invention, sometimes – as in the recent story with historian Ruslan Zabilyi – they insist on the righteousness and legitimacy of the undertaken measures (*RFERL Headline,* Sept. 10, 2010). This incoherence may well be a result either of the low competence of the SBU staff, or indicate serious hidden rifts between various centers of seemingly monolithic and monopolistic power. Or, most likely, both.

Yuri Butusov, a leading Ukrainian expert in the field, argues in *Dzerkalo tyzhnia* (Sept. 18, 2010) that poor professionalism and large-scale involvement in business activity (i.e., corruption, to put it bluntly) is only a part of the SBU's problems. Another part, he suggests, is Khoroshkovsky. As a major Ukrainian businessman with no experience in security service but great talents of opportunism he might be well

responsible for both the dilettantism of the SBU 'undercover operations' ('prophylactics', as they call it in KGB mode) and for its alleged involvement in murky business. All these features had been rather conspicuous in the SBU under all of his predecessors. What is new now, however, is Mr. Khoroshkovsky's peculiar connections with Russian businesses, including notorious RosUkrEnergo, and with Russian politicians.

An unnamed insider from the Ukrainian counter-intelligence, cited by Yuri Butusov, says that the SBU policy looks illogical only from the 'normal' criteria, that is from the point of view of the national interest. "But if we take a look at the foreign policy priorities of the Ukrainian leadership, at the personal connections of the SBU head and his political status, at the kind of persons harassed by the SBU, you would find an iron logic in everything. Valery Ivanovych attends the president and submits his reports every second day. And every time he brings new proofs of his personal loyalty. The number of enemies of the regime grows up and the value of Mr. Khoroshkovsky as the security chief increases respectively... The SBU methods are shocking from the point of view of pro-western policies of the past years. But everything looks absolutely differently, if you look at them from the point of view of Russia."

So, Butusov sums up, if Khoroshkovsky has the strategic task to prove the closest integration with Russia and demonstrate full support for its policies in Ukraine, he fulfills this mission perfectly. A few months ago, an FSB colonel Vladimir Noskov who was detained along with his associates last year at the Transnistrian border, during the armed attempt to kidnap a Ukrainian security officer, was released – despite the full and unambiguous evidence of a violent crime and without due court decision on the matter. A personal conversation between Mr. Khoroshkovsky and FSB head Aleksandr Bortnikov was all it took to undermine Ukrainian

law and abuse a moral duty toward the officer who risked his life during the operation.

The personal role of the Ukrainian president in all these shenanigans, however, remains unclear. Many experts believe that Yanukovych has neither political will nor skill, neither vision nor competence to pursue an independent proactive policy. And therefore he becomes the prey of a narrow clique who inform or, rather, misinform him in a manipulative way. The head of his staff Serhiy Liovochkin is believed to be an ally of Khoroshkovsky and Dmytro Firtash, a co-owner of RosUkrEnergo, which also signifies murky Russian connections, greatly facilitated now by the 'friendship' of the security services of both countries.

Whatever the real constellation of power, Yanukovych seems to be pretty comfortable with Khoroshkovsky, apparently unaware of how SBU policies tarnish his political image, both domestically and internationally. There are many signs, however, that not all his associates are satisfied with these policies and that factional infighting within the Party of Region may come to the surface. Such dissatisfaction might not be sufficient for a change of policy and is even less likely to bring about a change of regime. But, if combined with a popular dissatisfaction and mass pressure on the regime, then changes may happen.

Re-KGBization of SBU is definitely bad news, which seems to be the prevailing pattern today from Ukraine. But on the positive side, there is a surprising resilience in society, a growing resistance to intimidation and blackmail, and an impressive readiness of many people to report immediately the SBU pressure and to mobilize the public support for their cause.

Authoritarian rulers, and especially their security services, used to exploit people's fear and carry out semi-legal

activity in the shadows of silence. Now, Ukrainians seem to be learning how to switch on the light and expose the dirty tricks of the authorities before the public. In one sense, it is not the SBU that has become the major newsmaker under Yanukovych. It is the Ukrainian people, a common folk, who are the real newsmakers through their brave response to the KGB-like maneuvers of SBU agents.

10. 2010
Playing with Rules

Eight years ago, in Warsaw, at an informal 'round-table' meeting between the representatives of Ukrainian authorities and opposition, Javier Solana, the former Secretary General of the Council of the European Union, who happened to be mediating the discussion, made his famous remark about the simplest solution for the main political problem of the Ukrainian elite. He advised Ukrainian politicians to stop playing with rules and begin playing by rules.

The then incumbent president Leonid Kuchma and his associates apparently ignored the advice – and brought the country to the popular upheaval remembered as the Orange Revolution. His successor, the leader of opponents from the opposition camp did not perform much better – and brought the country inevitably to a 'democracy fatigue' and, ultimately, to the restoration of the ancien regime in its ugliest, Donetsk-cum-Lubyanka, form.

Nine months of the old boys' reign have not signaled any changes in the old bad habits. On the contrary, playing with rules has become even more unscrupulous, cynical, and ubiquitous than ever. Selective application of law, manipulation of juridical bodies, and complete neglect, wherever convenient, of constitutional subtleties seem to be the only areas in which Yanukovych's team is really consistent, inventive and, in a way, 'professional'. From the start, they did not hesitate

to create the government in a clearly unconstitutional way, to postpone the local elections by a simple majority vote in the parliament – even though the elections timetable is firmly defined by the constitution—and to extend for 25 years the lease of the naval base in the Crimea to the Russian Black Sea Fleet, even though the constitution unequivocally forbids the stationing of foreign troops on Ukrainian territory.

The recent cancellation of the 2004 amendments to the Ukrainian constitution came as little surprise since, on the one hand, these amendments were the last juridical obstacle to the complete concentration of power in the hands of President Yanukovych, and, on the other, the Constitutional Court, completely emasculated and purged of disobedient members, was effectively transformed into an obsolete rubber-stamp institution. Yet, it is not the content of the Court's decision that is really important here but the way and the context in which it was made, and the implications that ensue.

No one actually would deny that the 2004 amendments – the so-called "constitutional reforms" – were made in haste, with multiple violations of the procedure. They created a system of 'overlapping powers' rather than separated the branches of government to establish strong checks and balances. Again, as in 1996 when the new constitution was adopted or in 1991–92 when the old Soviet one was patched up in the wake of Ukraine's independence, all the changes reflected the existing balance of powers and the bargaining position of participants far more than any idealistic drive to create a perfect document and facilitate the development of liberal democracy and rule of law.

In all these cases, decisions were political rather than juridical and therefore, from the procedural point of view, all of them can be easily reconsidered – including also the declaration of Ukraine's independence, the dissolution of the

USSR, the transfer of the Crimea from Russia to Ukraine, the incorporation of Western Ukraine, Bolshevik takeover, and so forth. Legal decisions on political issues may imply their de-legitimization but should not automatically entail complete cancellation, meaning that they are no longer binding. De-legitimization does not negate a law, but implies a change of procedure, i.e. its adjustment/improvement based on legal (and moral) evaluation and consensual promotion of justice. De-legalization – the self-serving and cynical way in which the president uses the court decision – instantly destroys the existing order, provoking chaos and confusion.

The 2004 constitutional reform was, indeed, conceived very poorly and required further revisions. Yet, it was a step in the right direction – as Yulia Tymoshenko belatedly recognizes today, and as Yanukovych used to recognize three years ago when he was in opposition and crying foul at Yushchenko's attempt to reconsider the constitutional amendments. The very fact that these political leaders' attitude toward the basic law of the nation depends primarily, or even exclusively, on their position in power reveals their highly opportunistic, self-serving, and unprincipled character. None of these 'reformers' has ever bothered about greater efficiency of the law and the common good. All of them fought instead for personal gains, undermining, ignoring, and compromising various clauses of the existing document in the meantime.

This is the context that makes the decision of the Ukrainian Constitutional Court more important – and depressing – than its sheer content. The content reflects the letter of law, while the context reflects the spirit of lawlessness. It means all the letters of law within this context and under this spirit will be read and applied selectively – to the extent that they suit the authoritarian ambitions of the president and his team and serve their drive towards the monopolization of power and resources. The old Bolshevik principles that faded a bit

under Yushchenko's feckless presidency, are coming again to the fore under his more 'assertive' successor: might makes right, winners take all, goals justify the means, and political expediency outweighs the law.

President Yanukovych and his associates are apparently building a Russian-style system of 'managed democracy' – the only system they know and understand or, rather, believe they know. Such a system, however, without checks and balances, fair competition, transparency and accountability, tends to be inherently rotten, corrupted, and inefficient. The desperate need for modernization recognized by the Kremlin rulers, and their perfidious calls to the West for help are, in fact, a euphemistic expression of the profound crisis in the system they have built.

One may wonder how Yanukovych & Co can make an unreformed economy work and how they can appease their citizens without the resources and petrodollars that their Russian mentors possess in such abundance. And how will they mobilize their citizens without a strong nationalistic appeal, without a great power imperialistic idea, and a powerful myth about hostile Western encirclement that still works in Russia but is rather obsolete in Ukraine? They seem to believe sincerely that Ukraine can be ruled like Russia or their native Donbas. They are wrong and they will certainly fail. But the price of the failure might be very high and, what is worse, all Ukrainians will be made to pay for it, not only their obsolete rulers.

11. 2010
Local Elections: Flawed by Design

On the eve of Ukrainian local elections scheduled for October 31 relatively few people and virtually no experts believed they would be free and fair – and with good reason. The first shot at the optimists' hopes was fired shortly after the presidential elections, as the new parliamentary majority and new government were created in a patently unconstitutional way under the leadership of President Viktor Yanukovych and his Party of Regions. One of their first decisions, rubberstamped by the now-obedient parliament without any discussion, was cancellation of local elections scheduled by the Ukrainian Constitution to be held in May and their eventual (and, again, absolutely illegal) rescheduling in October.

The reason behind this delay was patently obvious. The victorious team was not ready yet to begin another triumphant campaign after taking office in March. They needed some time to fix the playing field in the most beneficial way for themselves. Step by step, they changed radically the electoral law, stacked both central and local electoral commissions with their loyalists, subordinated completely the administrative courts that are in charge, inter alia, of solving electoral disputes, replaced all the governors and local presidential representatives that supervise the process, placed unscrupulous allies in charge of all the law-enforcement agencies, and hired even more unprincipled hacks to run national TV and radio.

Yet, even more importantly, they sent clear symbolic signals to both their supporters and opponents, but primarily to those who stood on the sidelines, reluctant and hesitant. The signals left little doubt about who was coming back to power and what kind of policies would be implemented. The police, for the first time since the Orange revolution, encroached upon people's constitutional right for peaceful protests, restraining arbitrarily, on many occasions, their freedom of assembly. The secret police harassed demonstratively journalists, scholars, and NGO activists. Tax authorities intimidated disobedient businessmen, including media-owners, suggesting that there would be problems for those who would not tow the line. And prosecutors, in the best traditions of selective application of law, have arrested a number of opposition figures on corruption charges, all of which, so far, have been broadly trumpeted but poorly substantiated.

In brief, the new authorities have effectively redeployed all the mechanisms of Kuchma's notorious "blackmail state" that had been abandoned but never disbanded after the revolution by President Yushchenko and his team. Now, the entire nation is paying the price for the inability of the Orange leaders to clean house, eradicate corruption, and introduce the rule of law.

As the elections neared and all the power was being concentrated increasingly in the hands of Yanukovych and his lieutenants, the dirty electoral tricks from the Kuchma era resurfaced conspicuously. Here and there, reports surfaced about the most inconvenient opposition candidates who were either barred from running, or bribed or intimidated to withdraw their candidacy, or stand aside. The most incompliant were arrested on the traditional "corruption" charges that could not necessarily be proved but would certainly eliminate the rival from the impending elections.

Tymoshenko and her "Batkivshchyna" party were considered the main rivals of the incumbent authorities, so the dirtiest tricks were directed primarily against them. The most outrageous was probably the creation of bogus parties under the same name that were slavishly registered by the election commissions, while the authentic "Batkivshchyna" documents were rejected. As a result, Tymoshenko's party was effectively excluded from the elections in at least three crucial regions – Lviv, Kyiv, and Ternopil.

The far-right "Svoboda" appeared to be the main beneficiary of this game. They won a plurality of 30–35% in the three oblasts of Halychyna and mad significant advances in the Kyiv oblast, accumulating a respectable 5% on the national scale that, if repeated eventually in the 2012 parliamentary elections, would qualify them for seats in the Rada. For the Party of Regions it was actually a win-win situation. Having no chance to beat Tymoshenko in her western strongholds, they used "Svoboda" to undermine her strength and, at the same time, to discredit the opposition – both domestically and internationally – as dangerous radicals, nationalists, even crypto-fascists. At the same time, they understand well that "Svoboda," unlike "Batkivshchyna," has no chance of expanding significantly beyond Western Ukraine to challenge the Party of Regions in its traditional strongholds. Therefore, all the national TV channels (otherwise effectively censored by the authorities) hosted eagerly the "Svoboda" leaders in their political talk shows while Tymoshenko and her close associates were effectively blacklisted from the same "pluralistic" programs.

The day of the elections did not bring much violence but it brought considerable chaos. Long lines queued outside the polling stations and many voters gave up the wait, rendering the turnout unusually low for Ukraine, while many more remained at home because the bulletins disseminated by the

authorities seemed to indicate there was no real choice of candidates. An unusually high number of voters (7%) voted against all candidates – probably for the same reason. In at least two places, Yasynovata (Donetsk oblast) and Kamyanets-Podilsky, where popular local leaders supported by opposition were barred from standing, the "against all" vote reached 30%. The disorder was exacerbated at various polling stations as uncounted bulletins were found and observers expelled; some members of the commissions left, or were locked out, or reportedly bribed or forced to sign fixed protocols, and more.

The final results had not been announced a week later, when this article went to press. Local results were announced wholesale by the district commissions rather than at each polling station as required by law. In all the districts where the exit polls showed the Party of Regions candidates lagging closely behind their rivals (for example, in Odesa, Luhansk, and Kharkiv), the official results reversed those standings.

Impartial observers are unanimous: "Ukraine's Oct. 31 local elections did not meet standards for openness and fairness set by the presidential elections earlier this year." Or, as the *Kyiv Post* editor put it more straightforwardly: "Yanukovych, still hobbled by his complicity in fraudulent elections during the era of ex-President Leonid Kuchma, had a chance to show he is a democratic leader. Instead, the president showed he's the same old conniver unworthy of leading a great nation of 46 million people" (Nov. 4, 2010). Alas, that's true.

But what does this unpleasant result mean for the country?

First, the Party of Regions has advanced further in monopolizing all branches of power and consolidating its authoritarian rule. In terms of the popular vote it received a mere plurality of around 36% – much less than its candidate

Viktor Yanukovych attained nine months ago in the second round of the presidential elections (49%), but roughly the same proportion he got in the first round. Yet, in practical terms, the electoral system adjusted by the Party of Regions to their particular needs, gives them multiple advantages. Only half of the local deputies are elected from the party lists. The first-past-the-post system apparently enhances the authority of Yanukovych's party as it is the biggest one and endows it with a vested interest in splitting and cloning the opposition parties as much as possible, as well as in rigging election results because even minor manipulations of such a system can be crucial.

The remaining half of the elected local deputies are the so-called "independents," even though they are nominated by different parties. Most of them are local officials or businessmen highly vulnerable to official blackmail, bribery, and intimidation. The majority, as we know from the Kuchma era, end up in the government camp – the only place where they can secure their business.

So, the Party of Regions has a good chance to create a majority not only in its traditional strongholds in the south east but also in most oblasts and towns of central Ukraine, governed until recently by "Batkivshchyna" and other "Orangists." In some cases, the Communists who gained their usual 5%, will be employed as allies, in other cases Tigipko's "Strong Ukraine" (4%) or Yatseniuk's "Front of Changes" (7%) might be lured into a coalition. In any case, the Party of Regions will be able to increase its grip over the country, which will likely result in further crackdowns on the independent mass media, NGOs, political opposition, and disloyal (or not loyal enough) businesses.

Yet, this outcome may not make Yanukovych's life easier. As Yulia Mostova remarked poignantly in a recent issue

of *Dzerkalo tyzhnia* (Nov. 6, 2010), by eliminating the opposition he becomes his own worst enemy. He cannot satisfy the Westerners who expect from him the promised reforms, not just moribund authoritarian "stability." Nor can he satisfy the Kremlin, which requires more "integration" moves from him and demands that more and more national assets be given up. Something should be certainly done for the radical reform of the country but the incumbent president's ability to achieve anything other than augmenting rampant corruption looks even less feasible than before the elections.

12. 2010
On "Stability" and "Reforms"

"Stability and Reforms" was the official name of the ruling coalition created in March by the Party of Regions with two minor satellites – the Communists and the Lytvyn Block. The name featured two major issues on the national agenda that hardly anyone would dismiss as marginal and non-urgent. "Stability" had to come first – to facilitate the "reforms" – and for this sacred goal, arguably, some constitutional subtleties could be ignored, procedural norms violated, and many civic rights and freedoms curtailed.

The first part of the program has been fulfilled rather successfully, bringing Ukraine more close to a police state than it has ever been since independence (*Ukrayina moloda*, Aug. 6, 2010). The second part has proved to be much more difficult to accomplish.

So far, all the measures announced and, in some cases, introduced by the government appeared to have been either superficial or incoherent or both. The tax reform that targeted primarily small and medium-size enterprises provoked mass protests – the biggest ones since the Orange revolution – and forced the president to veto the law and suggest some cosmetic changes. The entire philosophy of taxation, however, was not reconsidered. And the main loopholes that enable the richest businessmen to channel their profits offshore, have not been blocked. This is likely to mean that the

tiny island of Cyprus will remain the number one "foreign" investor of the Ukrainian economy, and that the list of top ten or twenty corporate tax-payers into the Ukrainian state budget consist mostly of international companies like Coca-Cola or Kraft or Tuborg and not local metallurgical and chemical oligarchs friendly to the government.

The administrative reform launched recently resulted, so far, in the reshuffling of some government agencies and personnel but no serious cuts in the bureaucracy, let alone an increase in its efficiency, accountability, or much-needed decentralization. In fact, the experts believe that the only noticeable result of this reform will be a further concentration of power in the president's hands and strengthening of the Russian-style "vertical of power". Not a single official implicated in a serious conflict of interests or covert corruption has lost his job. Even though it might have been a good opportunity for the president, if he was serious about reforms, to get rid of the notorious SBU chief Valery Khoroshkovsky who is also a major media tycoon, or the even more scandalous Interior Minister Anatoly Mogilov who received a $200,000 Cadillac as a "gift" from an unspecified benefactor – later revealed to appeared to be an unknown person who owned no property, and was virtually homeless (*Ukrayinska Pravda*, Sept. 3, 2010).

The pension reform elaborated under IMF pressure supports primarily a gradual increase of the age of the retirees (first, women, from 55 to 60, then – men, from 60 to 65). But it does not address the relevant and equally critical issue – the huge discrepancy in the size of pensions, from $100 a month at the lower end (and the most widespread) and $7,500 (sic) at the top. This gap also means that the privileged 10% of Ukrainian pensioners – top officials, KGB veterans, and the like – get nearly as much money from the pension fund as the rest of the people.

The reform of the communal services and utilities pricing, however much-needed, is also aimed at extracting more money from the common people and not at restructuring and better management of the entire system. Still worse, no real taxation is imposed on real estate, luxury cars, and other extravaganza that may harm the interests of Ukrainian nouveau-riches. The price hikes and austerity measures are affecting primarily the lower stratum of population and not those at the top who run both the country and their own private businesses, without any real separation of these two activities.

And this poses a serious dilemma for both the president and his government. On the one hand, they really have to carry out painful reforms – not only because the IMF loans are conditioned by tough requirements but also because the country will go bankrupt if nothing is done. Yet, on the other hand, all the genuine reforms run counter to the deepest interests of the ruling class, of which the president and his government are just a part. No real reforms are possible in a systemically corrupt country without a radical cleaning up of the entire environment, rebuilding of institutions, and firm introduction of the rule of law. Not a single step has been taken yet in that direction in Ukraine.

As the watch group Transparency International reveals in its recent report, Ukrainians rate their judiciary at 4.4 (where 5 points is the worst, and 1 is the best), police at 4.3, public officials and MPs at 4.1, the system of education at 4.0, and business 3.7. One third of respondents (34%) confessed they had paid a bribe at least once over the past year. This is about the average for the post-Soviet countries (32%) but much worse than the average in the EU and North America (5%), or even in Latin America (23%) and Western Balkans (19%).

The situation may look really hopeless as long as the main institutions in charge of eradicating corruption – the judiciary and the police – are perceived as (and probably are) the most corrupt. But the same situation had been in place in Georgia under the post-Soviet regime of Eduard Shevardnadze. Today Georgia is ranked as one of the least corrupt countries in the world, with only 3% of the citizens confessing to paying a bribe last year. Appropriate policies, institutional reforms, and mass support of the population are certainly crucial factors in this success story. But the political will of the leadership, in this case of President Mikael Saakashvili, is probably of paramount importance. The most difficult task in any anti-corruption campaign is not to combat corruption in some remote customs, or police units, or provincial courts; it is rather, as everyone knows from personal experience, to say "no" to closest friends and relatives. This is where the "vertical of justice" begins and rule of law is actually enforced. If after the Orange Revolution Viktor Yushchenko had rewarded his cronies with state orders and decorations but not ministerial positions, we may have been living today in a very different country.

Today Ukrainians' hopes dwell not so much on Yanukovych's presumed patriotism and even less on the very doubtful civic responsibility of his oligarchic associates. The major hope, however slim, stems from the fact that they cannot manage the country any longer in their preferred soft-authoritarian style – like their Russian, Kazakh, or Azeri counterparts. The Ukrainian oligarchy has to choose – either to introduce radical reforms in the country, despite their short-time interests but with some hope for long-term rewards, or to establish a genuine dictatorship as the only way to vouchsafe their current parasitic interests for another decade or two.

2011

01. 2011
Selective Justice

A prison cell might be not the best place to spend the New Year and Christmas holidays. But for a good number of top Ukrainian officials, including former Interior Minister Yuri Lutsenko and former Minister of Economy Bohdan Danylyshyn, this was exactly the place where they had to relax and meditate on the whims of fortune. It comes as little surprise that virtually all of them belong to the "Orange" camp that is today's political opposition. Their leader, the former Prime-Minister Yulia Tymoshenko, was also summoned to the prosecutor's office but was spared arrest on condition she would not leave the city during the pending investigation.

The tough measures against corrupt Ukrainian officials might be well received, both domestically and internationally insofar as Ukraine is one the most corrupt countries in the world and the least attractive country in Europe for foreign investors. Any cause for cheer, however, soon fades away once we take a closer look at the who, how, and why of the allegedly anti-graft measures.

Who?

The entire Party of Regions can be broadly perceived as a mafia-style organization with tight inner discipline and immeasurable shadow resources. And its power base, the Donbas region, has a well-earned reputation of a local Sicily. Whatever

might have been the past of the Party and of this region there are no signs that their present is any different.

The president, Viktor Yanukovych, has never been absolved from the murky privatization of a huge government-owned estate near Kyiv, nor has he managed to cast off a parvenu lust for luxury cars, helicopters, and other overpriced things bought with government money – despite broadly trumpeted austerity measures.

Like master, like servants. His ministers, governors, mayors, and other clerks have no restraint in their love for dolce vita – apparently at the expense of the state. Every day the Internet carries something new about their extravagance, both at home and abroad. The deputy head of the president's administration wears diamond watches worth $50,000 each and claims candidly that this is just an innocent birthday present from her party comrades, one of which, incidentally, happens to be the Mayor of Kharkiv, and the other a Deputy Prime Minister. Another mayor purchases benches for the city metro at $8,000 each – so that another diamond watch as a gift would certainly not be a problem. The head of DUSia (a Soviet relic that runs multiple facilities and supplies for the ruling nomenklatura) purchased a lawnmower for the MPs hospital at a cost of half a million. One can guess how many lawnmowers he could buy for this money on the free market.

Few care about the fact that the head of the National Security Service runs effectively multiple private businesses; the Deputy Prime Minister in charge of investment and innovation endorses 300 million hryvnia for his own enterprises; the Prime Minister responds favorably to the request of the Orthodox bishop (Moscow Patriarchate) lobbying for trade preferences for some Russian company, and so on. No one is prosecuted, fired, or even reprimanded.

The only rebuke that has occurred to date would make one laugh – or cry, depending on one's sensitivity. It comes from a conversation between the two ministers recorded secretly by a journalist in the parliament. One of them, Mr. Kliuyev, was in charge of construction of a fast road for the president to his rancho. He naturally used the occasion to stretch the road for a dozen more kilometers to his own estate. Mr. Kolesnikov, his colleague, can be overheard chastising him – but not for the embezzlement of state funds. On the contrary, Mr. Kliuyev's faux pas was much worse. He failed to extend the super highway for a few more kilometers to Mr Kolesnikov's dacha nearby.

This probably says enough about the team that is fighting corruption in Ukraine as well as about the ultimate prospects of this fight. Yet, one more actor of this tragicomedy should be mentioned. Viktor Pshonka, the new Prosecutor-General, heralds from Donetsk, as do most top officials. There, reportedly, he made his career under Yanukovych's governorship, providing a reliable legal service for good people. In 2000, he became notorious as a person who allegedly tried to cover up the brutal murder of investigative journalist Ihor Aleksandrov. A vagrant was found who confessed to the crime but no serious evidence was presented in court, and the poor man was released, only to die shortly afterward under mysterious circumstances. Remarkably, the last case investigated by Ihor Aleksandrov before his death was about alleged connections between Pshonka's son Artem and local criminal bosses.

Even if these allegations are false, the very way in which Mr Pshonka understands his professional duty and the essence of the judiciary within the power structure leaves little doubt concerning his current and perspective role in Ukraine. In a recent TV discussion, he stated frankly: "As the

Prosecutor-General, I am a member of the president's team [eager] to implement all his decisions." Enough said.

How and Why?

The answer to this question comes mainly from the answer to the previous one. On the one hand, it is quite clear that the ruling team members, including the president, are not going to refrain in any noticeable way from their deeply rooted habits. On the other, it is also clear that the Ukrainian prosecutor – as a loyal member of this very team – would be neither willing nor able to restrain those habits from the outside.

Political opposition and an independent mass media might be the only obstacles for the ruling team in its drive for uncontrolled accumulation of wealth and power. So, its destruction is a strategic goal for all branches of the government that are fully subordinated now to the president. The more this destruction can be represented as a fight against corruption, the better. The government is effectively killing two birds with one stone. It represses and destroys the opposition on seemingly non-political grounds and, at the same time, it distracts people's attention from its own misdeeds and even wins some popularity for purportedly reestablishing law and order. The short-term gains of this policy are undeniable. The long-term goals are simply not on the agenda of this band of political leaders.

The selective application of law is the main feature of the system they have built. It is at the heart of the institutionalized blackmail whimsically employed as a tool of state domination. The system was correctly analyzed more than ten years ago by Keith Darden as consisting of three major elements: (1) widespread corruption that is tolerated and even encouraged by the authorities; (2) tight surveillance that enables the authorities to collect compromising materials against every-

one and keep each subject on the hook; (3) selective punishment of any politically disloyal subject for seemingly non-political wrongdoings.

Former President Leonid Kuchma had gradually constructed such a model. The Orange Revolution shook the system but failed to dismantle it and replace it with functional democratic institutions based on the rule of law. Hence, the old system did not work because it required the full control of all branches of power by the executive that neither Yushchenko nor Tymoshenko had. Yet, no new system was introduced instead. So, the country became, as a result, virtually unmanageable.

Yanukovych has successfully monopolized power, subordinated all the branches of government, the parliament and judiciary to his office, and reestablished a kind of order. He has made institutions more or less manageable, but this has meant moving back towards Kuchma's authoritarianism rather than any step forward towards functioning democracy. Stagnation, backwardness, lawlessness, and rampant corruption are likely to be preserved and entrenched in such an environment. The only conclusion Yanukovych seems to have made from Kuchma's failure is that the system was not repressive enough. Indeed, Kuchma lost because he had not completely marginalized opposition—as Putin or Lukashenko did—and had not prevented his allies from overt and covert defection to the opposition camp. So, we are likely to witness more clampdowns on opposition and independent media, disguised as a "fight with corruption" and "restoring order" and, of course, "reforms".

The red line, however, that separates Ukrainian authoritarians from their Russian, Belarusian, and Central Asian counterparts has not yet been crossed. So far, the government in Ukraine, unlike elsewhere in the CIS, can be changed

peacefully, in more or less democratic elections. Yanukovych and his associates seem to be rather reluctant to cross that line despite a very strong temptation. Remarkably, all the criminal accusations against their predecessors and political opponents concern some misuse of funds (which was actually typical for all Ukrainian governments, with traditionally low budget discipline), but not their appropriation and personal enrichment. This means that the punishment for these crimes, if they are proven, would be rather mild, with the sentences probably suspended. They may reflect an informal agreement among Ukrainian elites to avoid harsh penalties against their opponents, simply because of a fear that the wheel may turn around and today's opponents might become tomorrow's authorities that would implement the same harsh measures against them for the same misdeeds. Not a single Ukrainian top official has been imprisoned over the past two decades, no matter what accusations of theft, embezzlement, and money laundering have been raised.

If we happen to see this informal agreement broken, it would mean that Ukraine has become either a full-fledged democracy based on the rule of law, or a full-fledged authoritarianism with a firmly entrenched repressive regime that would never step down peacefully. The first development under the current regime looks unlikely. The second is possible but still uncertain. The sentences given to Tymoshenko and her associates will probably signal the real political ambitions – and perspicacity – of today's rulers.

02. 2011

They Will Not Sing

During my schooldays, I heard an interesting account of the etymology of the word "shantrapa" (šantrapá), broadly used in Soviet slang to define petty thugs or, as a dictionary more politely suggests, "worthless persons." The word had arguably come from the French *ne chantera pas*, meaning *will not sing*. It referred to actors who lacked a singing voice and were used in operas as mere figureheads – just to give the appearance of a huge chorus on the stage. In actuality, one dictionary claims, the word originated from the Czech *šantrok, šantroch* ("liar") and old German *santrocke* ("fraud").

Whatever the truth, the word has regained broad currency in Ukraine within the past year, referring both to the ruling elite and to the habits they reintroduce and reinforce at all levels of societal life. One of the notable luminaries who deployed the term recently was Taras Chornovil, a defector from the Orange camp and ardent supporter of Viktor Yanukovych during the Orange Revolution. Some time ago, he left the Party of Regions after a serious disagreement with Yanukovych's personnel policy but he still remains a member of the pro-government majority in the parliament and, in his own words, "support[s] the government and tr[ies], as far as possible, to avoid fighting with the president." In sum, he is neither a clear-cut loyalist nor a member of the opposition. This might be a good position for rather impartial observa-

tions of political shenanigans, especially if combined with insider knowledge of both camps.

"Yanukovych," Chornovil says, "gave shantrapa a free hand. Even under Yushchenko, shantrapa did not behave so defiantly; there was someone who supervised them… There was no control from the top, but at least at the middle level, there were some people authorized by Yushchenko who took care of something, more or less. And, from time to time, they attacked shantrapa, keeping them at bay. Now it's gone. And shantrapa reigns unchecked. First, they pillage en masse, and second, they shut up all opponents… Here we have an absolute lawlessness (*bespredel*) at the level of local authorities, law-enforcement agencies, and so on" (*From-UA.com*, Nov. 18, 2010).

The phenomenon is barely new. Long ago, it was observed in Russia where critics of Putin's regime argued that he created an atmosphere of lawlessness and brutality, so familiar and convenient for the post-Soviet elite that he did not necessarily need to commission the murder of Politkovskaya, or Estemirova, or other human rights activists. He just signaled to society that revolutionary expediency, not the law, reigned supreme, and that all the enemies of the regime should be cooled off in "cesspools." This was a clear message to all the thugs both inside and outside the government that they had a free hand to decide arbitrarily who was the enemy and when and how they should be cooled off.

This is exactly what is happening now in Ukraine. All the shantrapa who were somewhat unnerved by the revolution and had kept a rather low profile under Yushchenko's feckless rule, are now taking revenge, encouraged by Yanukovych's comeback and his unscrupulous words and deeds. Try to imagine how post-Soviet officials (rather Soviet, than post-) feel when they see that corruption is tolerated at the

top and only political disloyalty causes a problem; or when they hear the president warning opposition mayors that he will (literally) tear off their legs and screw off their heads. This is a clear signal to all the loyalist bureaucrats, police officers, judges and prosecutors, to all the unreformed host of homo sovieticus to tear and screw off whatever they wish and whoever they feel appropriate.

And they do. The number of violent crimes against journalists within the past year increased exponentially; the number of cases of tortures and obscure deaths in custody, recorded by the reputable Kharkiv Human Rights Group, doubled and tripled; the number of illegal searches, arrests, detentions and politically motivated interrogations exceeded everything that had happened within the previous two decades.

What kind of restraints can officials feel after they see how thugs from the ruling party (real thugs placed on the list of the Party of Regions as former drivers and body-guards of oligarchs) savagely beat opposition MPs (many of which were hospitalized with broken limbs)? What conclusion would a policeman make after listening to the description of the incident in the parliament made by one of the Regions' bosses Mykhaylo Chechetov: "There was no beating. Probably they broke their own heads against the wall and now try to accuse us" (*Glavred*, Dec. 17, 2010).

It is no surprise that the number of detainees in Ukrainian prisons (not necessarily political inmates) who "beat and injure themselves," and commit very unusual "suicides" has dramatically increased since Yanukovych's installment. Some reports from police precincts sound like black humor: in Kharkiv, the Loziv district police department acquired some fame when within a week of their arrest, two detainees fell from the fourth floor window during interrogation, allegedly committing suicide – even though in both cases the

relatives claim the victims were severely beaten beforehand (*RFERL Headlines*, Feb. 3, 2011).

Yanukovych's spin-doctors, international lobbyists, and Ukrainian diplomats work hard to whitewash his image and to downplay the systemic and escalating character of abuses of power under his presidency. One of them, smartly enough, has recognized recently that "the corruption here is a precondition of doing business," "the judiciary in Ukraine is a disaster," "the mentality of the SBU is not helpful," and so forth. Nonetheless, he assured readers, Ukraine is headed in the right direction, and "most of the embarrassing, stupid and somewhat cruel actions are random, there is no pattern," and, perhaps most encouraging, "people in Yanukovych's administration aren't really bad people. Maybe they lack confidence, maybe they are poorly educated, and a bit provincial, without good knowledge of the laws and the Constitution. But they are not stone-cold killers and these are not the kind of people that try to establish an authoritarian state" (*Day*, Feb. 10, 2011).

One may recollect here a similar revelation of George W. Bush who claimed some time ago to have discovered a "true democrat," having gazed into the deep, snake-like eyes of Vladimir Putin. But we will not engage in reminiscences about the past. We just note that the features observed above in Yanukovych's administration by his American lobbyist are exactly what political shantrapa is about. And the low-level shantrapa sense the mood and respond accordingly. If the president can nominate an outspoken Ukrainophobe, Dmytro Tabachnyk, as minister of education, one should not be surprised when a traffic policeman somewhere in Odesa responds to a citizen who approaches him in Ukrainian that he doesn't speak that "cow language" – an insult to a Ukrainian, that can be compared to calling someone in the U.S. the N-word.

Like masters, like servants.

Whatever the PR-specialists might claim about the "random" character of multiple abuses of power in Ukraine, the sheer statistics collected by human rights NGOs, both domestic and international, demonstrate the opposite: they are ubiquitous, definitely systemic, and growing dramatically in number and scope since Yanukovych assumed power. In other words, this is not a deviation, but rather is typical of the sort of lawless, authoritarian "normality" that is being introduced in Ukraine.

In such a context, all talk about "order," "stability," and the "fight against corruption" sound hypocritical. And all attempts at "reforms" – without the rule of law – are futile.

Maybe Yanukovych's lobbyists are right: he is not a bad man, and his associates are not "stone-cold killers," as Mr. Bruce Jackson puts it, and some of them perhaps are even smart enough to "be running a software company in Washington state." I don't know. I know, for sure, however, that "they will not sing."

03. 2011
Beauty and the Beasts

In a recent interview with TVi – one of the few independent channels not yet completely domesticated by the authorities – Hanna Herman, the deputy head of the omnipotent presidential administration, recognized that Ukrainian-speaking Ukrainians are, in fact, second-rate citizens in Ukraine, with a very weak social and economic position vis-à-vis the dominant Russophones and therefore with a structurally restrained ability to influence the political, economic, and cultural life of the country.

Here are her comments verbatim:

"Rich people are mostly Russian-speaking, while a great many citizens of Ukraine with Ukrainian mentality are poor people. This is the legacy of the first Ukrainian leaders. Whereas Vyacheslav Chornovil [a former political prisoner and one of the leaders of national-democratic movement during perestroika and the early years of Ukrainian independence] led us to meetings, where we sang Chervona kalyna [a patriotic song], the Komsomol functionaries have seized banks, privatized factories, and now they are wealthy, influential, and dictate fashions" (*Korrespondent*, Mar. 11, 2011).

Hanna Herman may know what she is talking about. As a journalist and democratic activist, she supported the anti-communist, pro-independence movement in the late 1980s and early 1990s. Eventually, she headed the Ukrainian ser-

vice of the Radio Liberty in Kyiv, but unexpectedly switched sides in 2004 and became a close associate of Viktor Yanukovych – a presidential hopeful whose victory in the forthcoming elections looked, at the time, to have been firmly secured. Whether her choice was ideological, or purely mercantile, or, as some authors suggest, intimately personal, is not that important. What really matters is the fact that she is one of a very few intellectuals, liberals, and genuine Ukrainian-speakers within the profoundly illiberal, anti-intellectual, and predominantly anti-Ukrainophone team. Either by chance or choice or the party assignment, she serves as the human face of the rather ugly political-cum-economic group that runs the country.

As a person with some Ukrainophile and liberal-intellectual background, she certainly cannot deny the conspicuous disparity between the two major ethno-linguistic groups in the country. Yet, as a person who switched sides and joined, to put it delicately, the dominant group, she tries to justify her dubious move with some rational statements. Ukrainophones, she implies, are in a backward position not because of colonial legacy and particular policies of tsars and commissars, and certainly not because of today's policies of Viktor Yanukovych and his Ukrainophobic associates. Ukrainophones are socially handicapped, first and foremost, because they sang patriotic songs with their gullible leaders and cared too much about national symbolism, while the former Soviet nomenklatura seized power and property and effectively transformed the political dominance of the Russophone Soviet elite into an economic one.

Implicitly, this indulges Ms Herman who was probably right to leave the national democrats since they were hopeless idealists who were unable to bring about any real changes, and to join the tough "pragmatists" from Donetsk who understand what real life means and who can, with her help,

be cultured, enlightened and perhaps Ukrainized, at least politically, to comprehend the words "national interest" and launch ultimately the much-needed modernization/Westernization of the country.

One can only wish her good luck on her project, even though the idea of acculturating and gentrifying the tough guys from the Party of Regions looks nearly as utopian as singing "Chervona kalyna" with Vyacheslav Chornovil. Even should Hanna Herman, by mesmerizing, magic, or other means, succeed in transforming her patron-cum-pupil into a real gem (or, as she put it in an earlier interview, a "true diamond"), the Komsomol functionaries who captured the state and created, with criminals, today's oligarchy, would not disappear. Nor is likely to disappear their profound contempt, even hatred for all those natives who are usually nicknamed "lokhi," "byki," "raguli," "kuguty," "zhloby," "bandery," or "svidomity" – in short, subhumans. Actually, it was Viktor Yanukovych himself who back in 2004 inflamed the xenophobic feelings of his Russian-speaking electorate by describing his political opponents as "goats who spoil our life" ("goats", in Russian criminal argot, is a strong derogative like "assholes" or worse).

The contempt should not necessarily be interpreted as racial, or ethnic. It can be considered as merely the class superiority of haves over have-nots, advanced over backward, urbanized over rural, central over provincial. Yet, in Ukraine, these worlds and terms largely coincide. The two centuries of settler colonization resulted in thorough Russification of urban centers and complete marginalization of the Ukrainophone folk, primarily as kolkhoz slaves and unqualified workers – illegal migrants from the rural "third world" to the urban "first world," in which "propiska" was institutionalized as the ersatz-visa system.

For most of Ukrainophones, the Russian language was the only vehicle for social advancement and higher cultural status. In many cases, they were forced to adopt not only the language of their colonizers but also their superior attitude towards uncultured "kolkhoz" aborigines; they internalized the negative self-image imposed upon them by the dominant group and contributed themselves to the further Russification of their defiant or less educated countrymen.

Hanna Herman revealed a profound truth – that there are no oligarchs, no "rich people" with Ukrainian identity (or, as she put it, "Ukrainian mentality"). And the problem is not only, and not so much, that they do not speak Ukrainian as their major language. There are quite a few Russophones in Ukraine who are politically Ukrainian and, vice-versa, there are quite a few Ukrainophones who are politically Soviet or ambiguously "East Slavonic." The main problem with the Ukrainian post-Soviet "elite" is that they are predominantly Soviet-speaking and their major identity is primarily off-shore.

Most of them live with their families in London, Monaco, or Geneva, and consider Ukraine just a place from which to extract money. Of course, since they have captured the state, they need to promote some state-building and to construct a nation with a rather Russophone or Ukrainophone cultural core. For years, as sheer opportunists, they had manipulated both groups and the overall project, until the vague balance of forces shifted dangerously during the Orange revolution toward the Ukrainian, i.e. anti-Eurasian/pro-European side. The prospect of Westernization, i.e., of real reforms, transparency, rule of law, and fair political and economic competition, frightened most Ukrainian oligarchs. They invested heavily in a counter-revolution and, after its victory, abandoned a middle-line policy of manipulation as just too risky and unpredictable. They gave up the traditional Kuch-

ma-style "centrist" position between the two camps – the position of self-appointed peacekeepers and intermediaries. Instead, they placed their stakes on the Russophile side that had been traditionally more Sovietized, paternalistic and obedient, and therefore looked more likely to support or, at least, accept their thuggish rule. Indeed, this is largely the same core electorate that supports Mr. Putin in Russia and Mr. Lukashenko in Belarus. In Ukraine, however, the promotion of homo sovieticus requires the marginalization of homo antisovieticus, which is largely concentrated within the Ukrainophile camp and which significantly exceeds, in every respect, the similar anti-incumbent camps in Russia and Belarus.

Hanna Herman seems sincerely to support a centrist line aimed at engagement rather than containment of Ukrainophones, aimed at their political cooptation rather than marginalization. In the same TVi interview she defined her political mission as "to defend the interests of the people who did not vote for V.Yanukovych [...] because they merely did not know him well enough... Yushchenko failed to become a leader of the whole nation. And I would not like our current president to repeat this mistake" (*Liga*, Mar. 11, 2011).

This might be a good idea since Yanukovych was elected a president by only 49% of the voters, who make up just one-third of Ukraine's adult population. The only problem is that this appealing notion is alien to the basic instincts and monopolistic habits of the ruling "elite" that not only despises Ukrainophones as an inferior race but also considers them, not unreasonably, as pro-Western agents and a major threat to their authoritarian dominance.

Hanna Herman is undoubtedly a worldly person, and she does her PR job pretty well:

"We need professionals, the so-called Harvard boys, those young Ukrainians who have received a good academ-

ic training. These well-educated Ukrainians with practical experience have a different vision of the world and Ukraine and Ukraine's place it should come to power. I think that in the near future the president will introduce his new team" (*Ukrayinska pravda,* Jan. 6, 2011).

Who knows? Miracles do happen. Maybe she has really discovered some hidden essence behind Mr Yanukovych's personality, a diamond that will emerge like a phoenix from ashes, at a secret time X, to usher in a truly new team and to build a really new country. Still, the question remains – what will he do with his old team? Or, if one dares to put it differently, what will the old team then do with the president himself and with his sweetheart, the well-meaning and delightful deputy head of his administration?

04. 2011
Pandora's Box and the Moscow Orchestra

On February 25, on the first anniversary of his presidency, Viktor Yanukovych invited his three predecessors to his office to "discuss current issues and the future development of the Ukrainian state". This brief item of information on the president's official website was illustrated with a photo of the smiling participants at the meeting—Viktor Yushchenko on the left, Leonid Kravchuk on the right, and Leonid Kuchma across the round-table from the incumbent. None of them, with the exception probably of the host, realized that behind its cheerful façade, the meeting resembled one of those Byzantine banquets that would end with the poisoning, slaughtering, or impaling of the distinguished guests.

A month later, one of the participants of the meeting, ex-president Leonid Kuchma, may understand that metaphor. On March 24, he was summoned for interrogation to the prosecutor's office charged with the abuse of power and implicated in the killing of investigative journalist Heorhy Gongadze back in September 2000. In Yanukovych's Ukraine, where the judiciary is just a part of the executive fully subordinated to the president, and where the Prosecutor General is his bosom buddy ("a member of president's team," as he characterized himself proudly in public), hardly anyone believes that the trial against Leonid Kuchma was launched without the direct blessing of Yanukovych.

Speculation revolves mostly around the question why Yanukovych has made this dubious step and what consequences may follow. The alleged reasons typically include Yanukovych's desire to divert public attention from his domestic and international failures, to disprove accusations against his government about selective justice, and to intimidate opponents and mobilize supporters by proving that the president is tough but just.

Yulia Mostova highlights another reason why Yanukovych might want to persecute Kuchma: revenge for the perceived humiliation during the Orange Revolution, when the incumbent refused to use force against the protesters and pass on the office to the president-elect, opting instead for negotiation and compromise that ended up with the repeated second round of the election and Yanukovych's defeat. If the price of becoming the pick-up successor to Leonid Kuchma was 400 million thanks, as Mostova implies, the reasons for revenge might be even more serious (*Dzerkalo tyzhnia*, Mar. 25, 2011).

Remarkably, not a single expert or commentator expressed the opinion that Yanukovych was driven in his decision by some idealistic desire for justice or the practical need for house-cleaning. In view of all Yanukovych's other deeds, it is really difficult to sell such a nice story to anyone, either at home or abroad. This does not preclude, however, a smart usage of all these arguments by some people around Yanukovych to persuade him to launch the trial against Leonid Kuchma. This might well be in the interests of these people but is hardly in the interests of Yanukovych himself for the following reasons.

First, because the propaganda effect of this step, in terms of positive image-building for Yanukovych, is negligible. No one considers it an act of justice and proof of the equali-

ty of all Ukrainian citizens before the law. All the policies of Ukrainian authorities suggest the opposite from all regions and walks of life – every day and every hour.

Second, Kuchma can hardly be sentenced by any court, however "executive" they are in Ukraine, because all the people to whom he may have given a direct order (or "suggestion") to kill Gongadze, are dead and would not be able to testify. And the records presumably eavesdropped by Kuchma's guard Mykola Melnychenko, even if accepted as evidence (that itself is very problematic), do not contain any direct order to carry out murder.

Third and most important, by initiating the trial, Yanukovych very unwisely draws public attention to his own conversations with Kuchma recorded by Melnychenko, which are not just deplorable but definitely merit a criminal investigation (intimidation of judges, blackmail, bribery, large-scale corruption, etc). Deputy Prosecutor General Renat Kuzmin, who mentioned Melnychenko's records among the possible evidence against Kuchma, has inadvertently opened a Pandora's box since this very evidence could be used against dozens of Ukrainian officials who discussed a variety of criminal plans with Kuchma. (Almost all are alive and well, and now follow their new master, Yanukovych). There is little surprise that opposition MP Yuri Hrymchak has already submitted an official request to the Prosecutor General demanding an investigation of many more episodes recorded by Melnychenko that testify to criminal conspiracy and activity of other members of Kuchma's team, including current Prime Minister Mykola Azarov and Yanukovych himself (*Ukrayinska pravda*, Mar. 25, 2011).

And, finally, Yanukovych apparently has created the precedent of persecuting ex-presidents that may eventually be applied against him – at least as a tool of psycholog-

ical pressure and possible blackmail (*Dzerkalo tyzhnia*, Apr. 1, 2011) .

So, if the trial does not serve reliably Yanukovych's personal interests and if the public interests are not, in principle, his concern, the question arises who is most likely to benefit from the dubious special operation and how?

Dr. Andrij Zhalko-Tytarenko, former head of the Ukrainian Space Agency and the former Ukrainian Director of the Science and Technology Center of Ukraine in Kyiv, considers the entire "Melnychenko affair" ("Kuchma-gate") a provocation of the Russian secret services aimed at establishing full control over Leonid Kuchma. The theory is barely new since many experts have argued that Kuchma had no real reasons to physically destroy Gongadze and that he was merely framed by some powerful and influential enemies seeking to compromise him. The only weak element in this theory is the involvement of the leading Ukrainian police officers, including the late Minister of Interior Yury Kravchenko, in Gongadze's abduction and killing. None would have dared to play into Russian hands without blessing from above—if not from Kuchma, at least from the minister who may have acted (or pretended to act) on Kuchma's behalf. He could probably have done so only with a clear perspective to replace Kuchma as president, which seems very unlikely under those circumstances.

Zhalko-Tytarenko hypothesizes that the current relaunch of the Gongadze case is part of the Russian domestic power game. According to his theory, Russian president Dmitry Medvedev may be planning to run for a second term and needs to convince the two-time former president, Vladimir Putin, not to run. "If Kuchma will face murder charges (it is too late for abuse of power charges), he will have no choice but to provide all the names that he certain-

ly knows from Ukrainian secret service reports." This may hold a certain grain of truth provided that Melnychenko's records contain, inter alia, some very unpleasant information for Mr. Putin discovered by the SBU about his connections with the notorious Semion Mogilevich and involvement in laundering drug money through the St.-Petersburg company SPAG (www.ukrainianstudies.uottawa.ca/pdf/P_Koshiw_Danyliw07.pdf).

Zhalko-Tytarenko might be right about Medvedev's sophistication and even ambitions but hardly about his real influence and use of independent resources to launch such a complicated manipulative game. Rather, the Russian element in the story is simpler and more traditional. The Kremlin people in Yanukovych's team persuaded him to make one more self-defeating step –exactly in the same way they persuaded him to give ministerial posts to Messrs. Yezhel, Tabachnyk, and Khoroshkovsky, to promote the Russian church in Ukraine at the cost of all other denominations, to suppress the Ukrainian language, culture, and identity, to violate and manipulate the constitution, to make a Russian citizen the head of his body-guards, to detain one of Angela Merkel's men at Kyiv's Boryspil airport on the eve of his own official visit to Germany, and to make many more stupid maneuvers that not a single professional politician would ever commit. The goal of the manipulators is clear: to undermine Yanukovych's authority, to compromise him both domestically and internationally, and to render him another "Lukashenko," ostracized by the West and completely dependent on Moscow.

Taras Chornovil, Yanukovych's former insider, defines these people as the "Moscow Quartet": Serhy Liovochkin, Valery Khoroshkovsky, Dmytro Firtash, and Yury Boyko. All are reportedly involved in murky gas deals with Russia, fully controlled by Putin and Mogilevich as Gazprom's shadow

owners. We can hardly obtain proof of these speculations but we are likely to see the results of this and many more "special operations" carried out by the "Moscow Orchestra" (rather than a humble "quartet").

The Kuchma trial will not end in the foreseeable future, but will rather be used to compromise (and probably to blackmail) the entire "elite," including Yanukovych himself. This might be well a part of the strategy of "directed chaos" that includes also the creation of fake "nationalist" and "extremist" groups, planting bombs (the explosions at apartment blocks in Russia in 1999 that preceded Putin's election provide a fitting precedent) and many more (*Kyiv Post*, Mar. 25, 2011). Back in 2004, the Moscow "political technologists" tried to implement such a strategy in Ukraine to promote the candidacy of Leonid Kuchma for a third presidential term. The "directed chaos," however, veered out of their control and resulted in an authentic mass uprising, i.e. the Orange Revolution. Remarkably, one of the leading Moscow "technologists" of that time, Igor Shuvalov, serves today as an "adviser" to Serhy Liovochkin and, at the same time, to the leading Ukrainian TV channel "Inter" owned –inevitably – by SBU chief Valery Khoroshkovsky (*Ukrayinska pravda*, Apr. 1, 2011).

Besides the clear political goal—to strengthen the authoritarian power of a rogue president completely dependent on Moscow—the team may pursue a more practical and palpable goal: to eliminate as many political-cum-economic players as possible from the forthcoming privatization of Ukraine's last asset, its arable land (the protracted moratorium on its sale is expected to be lifted at the appropriate moment).

In a recent interview, Leonid Kravchuk, a former communist apparatchik and perhaps the smartest of all Ukraini-

an presidents, suggested that: "the system has already gnawed away Yanukovych's legs and is approaching his belly." So, he must "either destroy the system or concentrate all power in his hands and become a totalitarian leader" (*Ukrayinska pravda*, Apr. 4, 2011). The latter, Kravchuk believes, is unlikely because Ukrainians would not accept it. He may be right but the problem is that Yanukovych is listening not to Ukraine's first president, but rather to the Moscow Orchestra.

05. 2011
The V-Day Spectacle and Beyond

"Show," "spectacle," "theater," and "performance" seem to be the most popular metaphors employed by Ukrainian observers to describe the May 9 clashes in Lviv between local nationalists and Russian barnstormers who came with red flags from Odesa and the Crimea to celebrate Victory Day in a city that has a substantially different view of the "victory" and a radically different view of red flags.

The "theatrical" metaphors should not undermine the seriousness of the conflict and its consequences for Ukraine's future. Rather, they signal the staged, prefabricated character of the event, pointing to its Kyiv directors and, arguably, Moscow architects.

The stage for the conflict was set on April 21 when the Ukrainian parliament amended the 2000 law on commemoration of victory in the so-called "Great Patriotic War" of 1941–1945. A politically crucial request was added to raise the red Soviet flag (euphemistically defined as the "Flag of the Victory") on all official buildings and sites, and to use it at all official ceremonies on V-Day and at relevant events, alongside the national yellow-and-blue flag.

Neither Ukrainian MPs nor the president needed to have been great statesmen to understand the provocative and subversive character of this suggestion. Even if they watched only Russian TV and used no other sources of information,

they would certainly have known that the Soviet flag is absolutely unacceptable for a significant portion of the Ukrainian population, primarily in the western but also in the central part of the country. They should certainly have known that for millions of Ukrainians the red flag is first and foremost the symbol of occupation, of terror and genocide, Gulag and Holodomor, Russification, and national humiliation.

For many Ukrainians, like for Poles and the Balts, the Second World War on their territory was a clash of two equally dreadful predators, the Nazis and Bolsheviks. Which of the two was more oppressive might be an interesting question for academic debates, but it is of little relevance for people who feel today that the Nazi regime is dead and buried, while the Soviet regime, in its Putinist neo-imperial reincarnation, is alive and well and still threatens their shaky stability and sovereignty by various means.

This is why a significant portion of Ukrainians does not buy the Stalinist notion of the "Great Patriotic War" and rejects defiantly Russian attempts to capitalize politically on the historical victory by promoting particular nationalistic and imperialistic agenda.

So, the main question is not whether president Yanukovych and his Party of Regions (in fact, the party of one region, mostly comprised of the Donbas) share the Russian nationalistic view of the Second World War as a great victory of the Soviet (read Russian) people and the proof of their superiority over their neighbors, thus legitimizing their current "privileged interests" in the region. This might well be true taking into account the provincial character of the ruling Donbas "elite," their extremely low cultural and educational level, poor knowledge of both national and global history and the outside world in general, the profound entrenchment of Soviet values and stereotypes in their minds, and, of

course, their sheer opportunism driven by multiple business (political-cum-economic) interests. Thus, the real question is not about their views and commitments, whatever they are, but about their complete ignorance of the beliefs of the other part of society that makes up, by various surveys, between one quarter and one half of the national population.

Why have the "Regionals" reintroduced the red flag that is a clear irritant for so many co-citizens? Is it just an attempt to appease and to mobilize their Sovietophile electorate at the cost of the perceived anti-Soviet minority? Is it a symbolical gesture to indulge Russia in exchange for some personal/corporate benefits? Is it merely a maneuver to divert public attention from the dramatic failures of their social and economic policies, from the rampant corruption within their own ranks and growing international criticism of their heavy-handed dealing with opposition? Or, maybe, as Alexander Motyl suggests, it is a part of a wider strategy: to undermine the Ukrainian, i.e. largely pro-European and anti-Soviet identity, and thereby to weaken the social base of the Orange opponents?

All these assumptions may hold some truth but they hardly justify the costs to be inevitably paid for the presumed benefits. In long run, the Sovietophile policies would definitely subvert Ukraine's European integration, preclude any chances to become a part of the first world, and deadlock it perhaps forever in the Russia-dominated "Eurasian" space of backwardness and despotism. This actually might not be a problem for the ruling "elite" since they personally joined the EU long ago, keeping their accounts, families, and real estate rather in the hostile West rather than in friendly Russia. But the real cost of contentious, divisive policies stubbornly pursued by the Donbas "elite" might be the division of the country at best or its "Ulsterization" at worst.

One may find some disturbing analogies between Russian supremacists waving red flags in Western Ukrainian cit-

ies and Ulster unionists marching with their flags through the Catholic quarters to celebrate the 1688 historical victory and symbolic dominance of the colonizers over the aborigines. Aborigines apparently dislike it and react emotionally, as happened in Lviv, to the great joy of Moscow propagandists who represent Ukrainians' outrage at imperial symbols as a crypto-fascist denial of the "Great Victory" and another proof of solidarity with the defeated Nazis arguably inherent in Western Ukraine. "Perception of past Nazi collaborators divides Ukraine" ran the headline of Russia Today, the leading Kremlin mouthpiece, clearly outlining how the clashes in Lviv should be interpreted for both the domestic and international market.

Both the Russians and foreigners buy the news at face value. Even the respectable BBC informed its readers about the "clashes between Ukrainian nationalists and pro-Russian activists," as if "pro-Russianness" was the main feature of rabidly chauvinistic and Ukrainophobic provocateurs purposely brought to L'viv from southeastern Ukraine. The pre-war Sudetenland Nazis might have been labeled "pro-German activists" by the same logic and with the same precision.

The Russian intent to deepen the Ukrainian divide has become an obsession, as well as efforts to discredit any strong anti-Soviet, pro-European Ukrainian identity as rabidly anti-Russian, xenophobic, and crypto-fascist. These intents may perfectly resonate with the Party of Regions' desire to marginalize the political opposition by a complex two-fold strategy. One aspect was mentioned already: re-Sovietization and Russification of Ukraine as a way to weaken Ukrainian identity and undermine the power-base of the Orange opponents. The other aspect is aimed at promotion and covert support of radical nationalists in Western Ukraine in order to undermine Ukrainian moderates as real political rivals with potentially a much broader electoral base all over the country.

But the price for this perfidious game might be too high. And there are some signs that the Party of Regions, despite appearances to the contrary, is not homogenous and monolithic in this regard. First, Viktor Yanukovych opted not to sign the controversial decree on the red flag's official usage and relied on so-called legal expertise. He condemned the violence in Lviv and promised a "determined response to those who want to bask in a bloody fire" but did not specify the culprits. In fact, his reference to "some "activists" [that] are trying again to split the Ukrainian people," and to the "attempts to exploit politically the tragedies of the twentieth century" can be applied to both sides (*President's official web-site*, May 9, 2011). Hanna Herman, his top adviser, expressed this idea unequivocally by saying that the both sides of the conflict deserve each other: "Яке їхало, таке здибало" ("Like guests, like hosts").

Oleksandr Yefremov, the head of the parliamentary faction of the Party of Regions, seemed to backtrack when he stated that "probably we have to stipulate this [the red flag official status] not by law but by parliamentary decree and to think more deeply about this matter" (*Gazeta po-ukrayinsky*, May, 2011). And the Ukrainian Ministry of Foreign Affairs responded to its Russian counterpart with a sharp—albeit wrapped in diplomatic wording—call to tone down anti-Ukrainian hysteria in the Russian mass media and pay more attention to nationalistic and xenophobic excesses in Russia itself. The statement implies that Russia, unlike Ukraine, has not yet got rid of "politicians who earn political dividends through provoking tensions in bilateral relations." Still worse, some Russian politicians try to "divide peoples into more or less worthy heirs of the victory over fascism".

Ukrainian TV, even though largely state-controlled, covered the May 9 events in Lviv in a much more balanced and moderate way than Russian TV networks, engaged in overtly propagandistic Galicia-bashing and anti-nationalistic witch-

hunts, in which "anti-nationalism" was as subtle a substitute for anti-Ukrainian angst as Soviet "anti-Zionism" for anti-Semitism.

It is not clear yet whether we are witnessing some splits within the ruling team between the pro-Moscow hawks and more pragmatic doves, or this reflects some backtracking from too rough and assertive anti-Ukrainian policies of today's mostly Russian and Russophone "elite," or perhaps some hesitation evoked by the obvious fact that re-Sovietization in Ukraine, despite initial expectations, has not proceeded as smoothly as in Russia and Belarus. One thing is clear, however: the Genie of Russian/Russophone nationalism in Ukraine has been released from the Soviet bottle and is very unlikely to be put back. What looked like mere Sovietophile nostalgia throughout the 1990s has been institutionalized recently as a vociferous political movement, with very strong Russian and probably FSB connections and even stronger Ukrainophobic zeal. This might be a greater challenge for any Ukrainian government than the antithetical and ideological Frankenstein from the Ukrainian far right cherished covertly by the Party of Regions.

Whatever Viktor Yanukovych does with the as yet unsigned law, he will encounter a problem. The red flag has been used already without his signature and is likely to be redeployed in the future. The regional authorities in Luhansk have already declared they are not going to remove the red flags at least until June 22 – the day when the "Great Patriotic War" began. They may well extend, in good faith, the presence of these flags indefinitely, or even substitute them for the national flags.

In the longer term, they may have no need for a national president in remote Kyiv.

06. 2011
Virtual Euro-Integration

On May 20, after four weeks of hesitation, Ukrainian President Viktor Yanukovych signed into the law the parliamentary decision on the official use of red flags. A few days later, the opposition appealed to the Constitutional Court against the controversial decision. By June 17, with unusual speed, the judges examined the case and deemed the law unconstitutional.

Very few people believe today that any Ukrainian court, including the Constitutional (refilled last year with presidential loyalists), is able to pass any independent decision to contradict whatever may be the president's whim. In this recent case, neither the court's ruling nor its timing were incidental. The ruling has clearly met Yanukovych's need to correct the mistake of his associates, who had badly underestimated the destructive power of the parliamentary motion and allowed the pro-Kremlin lobbyists to pass it through.

The timing was also not incidental. It clearly met two urgent political needs: first, to avoid new violent clashes in Lviv and elsewhere on June 22 (the day when the so called "Great Patriotic War" began 70 years ago) similar to those that happened back on May 9 when Russian nationalists did their best to provoke Ukrainian counterparts in their major stronghold. And secondly, the deadline for the ruling was June 21, the date of Yanukovych's visit to Strasbourg and his official

presentation at the Parliamentary Assembly of the Council of Europe. The European MPs who had accumulated many unpleasant questions for the Ukrainian president regarding his authoritarian rule, selective application of justice and persecution of political opponents, had to be countered by the appearance of a moderate politician strongly committed to the rule of law and with no wish to influence the independent judiciary in his country.

The first goal was largely achieved and the earlier status quo reestablished, meaning that Soviet symbols are neither forbidden nor mandatory. The pro-Russian radicals, without official support and encouragement, failed to make any significant disturbances in L'viv and elsewhere, to the noticeable disappointment of numerous Russian TV crews who came to L'viv to gather new evidence of rabid Ukrainian "nationalism" and "neo-Nazism."

The second goal appeared more difficult to achieve since all the policies and practical steps of the Ukrainian authorities are the antithesis of the officially professed rule of law and independent justice. Whatever soothing words Viktor Yanukovych may have delivered at Strasbourg, a single call of his delegate from the embassy to a French MP Francois Rochebloine, with a strange request to clarify beforehand what question he was going to put to the Ukrainian president during the meeting, tells much more about the real style of Ukrainian politics and its neo-Soviet practices (*Gazeta po-ukrayinsky*, Jun. 21, 2011). If a European MP can be dogged this way, one can easily imagine even more unscrupulous pressure of the same acolytes against Ukrainian politicians, journalists, media owners, and businessmen.

Of much higher importance than the empty words of the president was a minor clash between the Ukrainian and Russian delegations at the PACE concerning the Russia-spon-

sored draft resolution "On ways of opposing the manifestations of neo-Nazism and right-wing radicalism" that targeted specifically Ukraine (and four other European countries) as arguably not persecuting sufficiently neo-Nazis and xenophobes and referring inter alia to the May 9 events in Lviv. The significance of the Strasbourg event is that not only members of Ukrainian opposition but also MPs from the ruling Party of Regions, including Yulia Liovochkina (a sister of Serhiy Liovochkin, the head of Yanukovych's administration), spoke unanimously against the Russian document (*Ukrayinska pravda*, Jun. 22, 2011). Yet they hardly felt any sympathy for the Ukrainian nationalists condemned in the Russian draft. Nor did they seem to care much about any idealistic stuff like "the truth" or the fair image of the country. This is simply not the way in which the "pragmatists" from the Party of Regions tend to feel or behave.

The reason for their sudden "patriotic" move is likely the same as that behind Yanukovych's burial of Moscow-sponsored red flags by the whimsical decision of the Constitutional Court. They have probably come to understand gradually that they have acquired too negative an international image to afford its further deterioration by either red-flag clashes or a neo-Nazi witch-hunt. This may signify an important shift in the previous, largely confrontational policy of the Party of Regions. The "pragmatists" within this heterogeneous group may come to recognize that both Russia and the pro-Russian lobby in Ukraine are pushing them toward international isolation, which means effectively full dependence on Moscow. Transforming Ukraine into another Belarus seems to be the ultimate goal of Russian and pro-Russian "technologists." Domestically, this requires escalation of conflicts and an increase of governmental coercion. Internationally, it means endowing Ukraine with the image of a failed state, either with neo-Soviet or neo-fascist tendencies, or both.

Such a development clearly tends to spoil the favorite game of Ukrainian oligarchs, carried out under the aegis of "European integration." It is a virtual game that does not require any action, reforms, transparency, rule of law, or fair political and economic competition. Ukrainian oligarchs, especially those from Donbas that run the country, have never loved honest competition, striving instead to establish monopolies wherever possible by whatever means. They have learned how to play by rules but they despise such methods. They love the virtual "European integration" because it requires no deeds, just words. And it brings them certainty and much-needed security – for their property, bank accounts, and personal dolce vita in the West.

It is like a safety belt, a password that conveys a key message to the EU officials: "We might be bad boys but we are YOUR bad boys. We are not as ugly as that last European dictator Lukashenko, so, whatever we do in our country, please, do not ban us and our families from entering the EU."

The Kuchma-style "multi-vector" policy seems to be the best option for Ukrainian oligarchs. Back in mid-May, the secretary of the National Defense and Security Council of Ukraine Rayisa Bohatyryova declared something that would have been impossible to imagine one year earlier, during Yanukovych's imaginary honeymoon with Putin: "We cannot change our foreign policy objective after each election. Consistency of foreign policy is the basis for a country's predictability."

"On the one hand," she argued, "the Russian Federation wants to pull us into the Russian World as soon as possible, and Russia is swiftly moving towards strengthening its international position. On the other hand, we hear that countries like the USA and our other strategic partners are gradually losing interest in Ukraine. The European Union is losing

interest, too." Thus, she concluded, Ukraine is an independent state that should defend its own national interests in the international arena after working out its singular position. Moreover, she stressed that such a position should be elaborated in cooperation with the opposition. (*Interfax-Ukraine*, May 18, 2011).

Whether the "pragmatists" within the Party of Regions are able to maneuver the country towards more flexible "multi-vectored" politics is not yet clear. On one hand, they face a very strong Russian political, economic and intelligence lobby within their own ranks. And on the other hand, they have already given too many trump cards to Moscow, lost too many possible allies, and made too many enemies both within the country and abroad. And even if they manage to shift their politics towards a "multi-vectored" foreign policy, it would not signify any authentic European integration. As under Kuchma, so today, under Yanukovych, it is simply not on the agenda for one obvious reason. All the practices, habits, and thoughts of the so-called "Ukrainian elite" are worlds apart from those associated today with "Europeanness."

07. 2011

Ukrainian 3-B Politics: Blackmail, Bullying, and Bluff

For at least a decade, I have been hearing from my Polish friends – journalists, scholars, and politicians – a recurrent phrase: "You know, we cannot care more for Ukraine than Ukrainians themselves." Yet, they still try.

When Poland assumed its six-month presidency of the European Union on 1 July, its leaders declared candidly that one of their priorities was the promotion of Ukraine to associate membership of the EU and finalizing, by the end of the year, the Deep and Comprehensive Free Trade Agreement (DCFTA) as part of it. The desire seems to be so strong that the Polish president Bronislaw Komorowski did not hesitate, back in June at the Global Forum in Wroclaw, to praise Ukraine's democratization and European integration efforts.

It is very unlikely that Polish president or any other European leader has been unaware of what is really going on in Ukraine. No doubt, they have good advisers, savvy regional experts, and competent staff in their embassies. They have certainly noticed that in the eighteen months of Viktor Yankovych's rule all civic freedoms in Ukraine have shrunk, corruption has skyrocketed, and justice has descended from low to zero. Actually, all these processes are aptly reflected in the annual reports of reputable international organizations like Freedom House, Reporters without Borders, Transparency

International, and some others. All of them have significantly downgraded Ukraine's score in every area.

The political trials with absurd criminal accusations against the leaders of the opposition and members of the former government are only the tip of the iceberg, even though they seem to have caught most of the attention in Europe. There are much more worrisome developments in Ukraine that remain much less discernible and are virtually unaddressed by the European partners. First of all, there is a very high number of people from Donbas, very often with criminal records or facing allegations, placed in various leading positions all over Ukraine, primarily in Kyiv and especially in the courts, the police, the taxation administration, and prosecutors' offices. Secondly, the number of tax police and security service raids against disloyal businesses, including mass media companies, has escalated dramatically. People are often searched, detained, and interrogated without any legal grounds or documentation. The Kharkiv Human Rights Group, which tries to monitor all violations of this kind, has recorded a significant increase in the number of cases of torture and unexplained deaths in custody (http://www.khpg.org/en/). And finally, there are more and more unidentified "hooligans" that intimidate and assault and destroy property of anyone who openly supports the opposition, especially in the provincial areas of central and south eastern Ukraine. Even Ukrainian priests and believers are targeted in order to "persuade" them to join the Moscow patriarchate favored by President Viktor Yanukovych.

So, why the rush? Why should a country that is steadily sliding down to Russian-style or even Belarusian-style authoritarianism be embraced by a European Union that presents itself as a community of values? Why should a regime that violates national laws and the constitution on a daily basis, emasculates the courts and renders them a mere ap-

pendage of the executive, rigs elections and extinguishes opposition, be encouraged in this activity and rewarded by the EU with an association agreement?

Alexander Motyl gives a good, though hardly definitive, explanation for the EU's pending appeasement of Yanukovych (*World Affairs*, Jun. 24, 2011). The major rationale for this policy, shared, inter alia, by many pro-Western Ukrainians and pro-Ukrainian Westerners, including Prof. Motyl himself, is the strategic importance of pulling Ukraine into the Western orbit and preventing it from sinking further into the Russian sphere of influence. The first option means that even though "Ukraine won't become fully democratic and market-oriented overnight… it will creep in that direction, as Ukrainians travel to Europe, as European economic ties with Ukraine are strengthened, as Ukrainian elites are forced to walk and talk like Europeans, as Ukraine slowly enters the European vocabulary and consciousness, and as European values slowly enter the Ukrainian vocabulary and consciousness."

The second option, Motyl argues, means "an authoritarian and oligarchic Ukraine will only become more authoritarian and more oligarchic as part of any economic and political association led by today's authoritarian and oligarchic Russia. Indeed, such an outcome would condemn Ukraine to economic backwardness for decades to come, as Ukraine would be transformed into Russia's hinterland. And since Russia is the hinterland of the West, that would make Ukraine the hinterland of a hinterland."

The alternative is clear-cut and hardly debatable. The first option is apparently preferable for both Ukrainians and European and ultimately, as Prof. Motyl argues, for Russians. So, he concludes, "strategic goals should guide strate-

gic choices," which means "even an authoritarian Ukraine should be integrated into European institutions."

"If [Ukraine] signs a free-trade agreement with the EU and moves toward associate membership, its chances of becoming democratic, market-oriented, modern, and Western will grow. If it does not move toward Europe, Ukraine will either remain isolated in that no-man's-land [between Russia and the EU] or, far more likely, move toward the Russia-led Customs Union, membership in which guarantees that Ukraine will become authoritarian, oligarchic, backward, and anti-Western. (...) So take your pick—creeping Europeanization or rapid hinterlandization."

The "either/or" approach, however, is the major flaw of Motyl's otherwise brilliant argument. Such a tricky alternative is exactly what the regime would like to sell to the EU: "Either you accept us as ugly (authoritarian and corrupt) as we are, or we move away to Russia." First of all, this is a cynical blackmail that should be rejected in principle – if principles have any importance in the EU. And secondly, this is not only blackmail but also a bluff. The Ukrainian oligarchs are not going to Russia anyway because they know well – and even Mr. Yanukovych seems to have learned this already – that Russia would never be satisfied with whatever concessions they make, until they are suffocated completely.

There is no good reason to believe that Mr. Yanukovych and his oligarchs are willing and ready to submit themselves to Russian suzerainty or are less able to withstand Russian pressure than the arguably "pro-Russian" to his boots Mr. Lukashenko. Even less likely is it that they would ever reject their beloved idea of "European integration" (see my previous article) for the sake of anything Russia-led, and turn their backs on that very space in which all their vital interests are located.

So, when Alexander Motyl poses a rhetorical question: "What's better for Ukraine? That Ukrainian oligarchs should hobnob with the rich and mighty in Davos or in Minsk? That Regionnaire elites should negotiate with Brussels or with Moscow? Where are they more likely to learn, or be forced to adapt to, democracy and markets?" – he offers a false alternative. In fact, the Ukrainian oligarchs made their choice long ago. And none of them is going to switch Davos for Minsk and Brussels for Moscow—not because they feel it is better for Ukraine but simply because they know perfectly well what is in their own best interests.

Hence, we should get rid of these pernicious "either/or" arguments and radically change the discourse. The only efficient and viable negotiation paradigm is simple: more for more, and less for less. If Kyiv sticks to the rules, it will get more carrots. If it keeps tampering with the rules, it will get more sticks. There are many ways to hit the corrupted elite where it really hurts them: by denying hard currency credits, withholding visas, or checking illegal property and bank accounts. The EU should focus on this. And the Ukrainian oligarchs would certainly be upset if their focus was limited to the Russian hinterland and know full well the relative value of Davos versus Minsk.

Ukraine should not be rejected outright but the process of integration must be more clearly and unambiguously stated. No final decision on the DCFTA is advisable until the current negative trends are reversed and clear proof of this is given in the 2012 parliamentary elections. This should be the real litmus test: either the Ukrainian authorities are serious about their European commitments or they consider the Europeans feckless idiots who can be easily tricked with bluff and blackmailed by smart Eurasian guys.

Even less advisable is ratification of the association agreement – preferably it should be delayed until the presidential elections of 2015 that should be recognized indubitably as free and fair. Otherwise, if the Polish plan and oligarchic dream are accomplished by the end of 2011, the Ukrainian authorities would receive carte-blanche to destroy the opposition, to pass a highly perfidious and manipulative election law, to rig elections, create a constitutional majority in the parliament, and make the future election of any president within this body a pure formality.

So far, Viktor Yanukovych and his "Regionnaires" are apparently transforming Ukraine into another Belarus, albeit with a treacherous pro-European rhetoric. If the EU accepts this at face value, it may ultimately face the problem how to impose Lukashenko-style sanctions upon leaders who are associate members of the EU and ostensibly espouse the same values.

08. 2011
Ukraine After 20 Years: the Glass Is Still Half-Empty

Ukrainian Independence Day is still an event that evokes a flood of articles, memoirs, speeches, and debates in the national mass media, sometimes pathetic and pompous, but in most cases embittered, frustrated and utterly sarcastic.

Oleksandr Irvanets, a renowned Ukrainian writer, very popular inter alia through his ad hoc poetical parodies, produced a sham "ode" with the explicit dedication to the national Independence Day – "Our Victory" (*Ukrayinsky tyzhden*, Aug. 19, 2011). The bogus ode is composed of poetical clichés borrowed from both the socialist realist and nationalist writing of the "heroic" genre. This combination is pretty funny in itself but the main comic effect comes from the names of "heroes" inserted within the "ode" and from their purported "national-liberation" activity. All the names represent the so-called Ukrainian elite – the top politicians and oligarchs who in fact had never dreamed about any kind of national independence (some of them actually worked within the ancien regime to suppress it) but who, ironically, appear to be the main, if not only, beneficiaries of Ukraine's independent statehood.

Lina Kostenko, another prominent Ukrainian writer, published a scornful feuilleton "Dress Ranks to the Podium!" in which she mockingly suggested substituting the tradition-

al military parade with a carnival procession of all the corrupt officials, judges, and other government folk who have ripped and pillaged the country over the past twenty years. All four Ukrainian presidents, she suggested, should stand at the podium greeting the parade and displaying on their chests the list of who ceded and wasted what over the past two decades – "either nuclear weapons, or the Black Sea Fleet, or national industry and strategic objects, or the Orange revolution, or the entire country" (*Den*, Aug. 19, 2011).

The reputable *Dzerkalo tyzhnia* weekly ("Mirror of the Week") commemorated the jubilee with a number of articles headed by graphic titles such as "Twenty Years of Solitude," "Twenty Years of Discontent," or merely featuring Ukraine's place in various international rankings: no. 1 in the world for alcoholism among children, no.1 in Europe for the spread of HIV, no. 2 among IMF's biggest borrowers ($12.66 billion debt), no. 5 for the biggest suppliers of emigrants (6.6 million people have left the country since independence – nearly 15% of today's population), no. 5 in the world for alcohol consumption, no. 7 for computer piracy, no. 10 for the number of prisoners (334 per 100,000 people), no. 69 (among 169 surveyed) on the human development index, no. 73 (out of 192) for quality of life, no. 110 (out of 177) for prosperity, no. 131 for freedom of speech, no. 134 (out of 180) for corruption, no. 164 (out of 179) for economic freedom, no. 181 (out of 183) for the simplicity of taxpaying procedures (an average Ukrainian entrepreneur, according to the World Bank data, spends 657 hours annually filing tax-related documents and settling business issues) (*Dzerkalo tyzhnia*, Aug. 19, 2011).

Either deliberately or by coincidence, the same issue of *Dzerkalo tyzhnia* features an overoptimistic article by the Ukrainian president Viktor Yanukovych himself. Here, he trumpets Ukraine's "European choice" and commitment

to "European values," boasts about large-scale reforms and anti-corruption measures, and professes, on behalf of the government, the highest respect for the national constitution and rule of law (*Dzerkalo tyzhnia,* Aug. 19, 2011). As a speech writer's product it seems pretty good but the reality resonates differently. All the "reforms" to date have noticeably improved the well-being of the president's friendly oligarchs and brought misery to the life of the common people; all the "anti-corruption measures" so far, have resulted in the persecution of opposition figures under dubious charges and in a higher than ever corruption and lawlessness within the president's inner circle; all the "respect for the constitution" is demonstrated by multiple violations of its clauses in the most blatant way since Yanukovych's accession to power. The hard fact is that under his leadership Ukraine has dropped in numerous international rankings – including in political and economic freedoms, administrative efficacy, and quality of life.

Remarkably, it is foreigners rather than Ukrainian citizens who express some optimism about Ukraine's development in their comments. Steven Pifer, a former American ambassador to Ukraine, believes that the emergence of a national identity spanning all of Ukraine is among the country's key achievements of the last two decades. "In eastern Ukraine it may not be quite as thick as it is in the west, but I think most Ukrainians now see Ukraine as an independent state and whatever issues they are going to face, they want to resolve those issues as a Ukrainian state" (*RFERL Headlines*, Aug. 18, 2011).

Matthew Rojansky, director of the Carnegie Endowment's Russia and Eurasia Program, agrees, according to the same source, that the most significant change in the post-Soviet republics has been "the creation and re-establishment and re-creation of new, independent identities," "which in-

cludes seeking to differentiate themselves from Russia even when people had been very heavily Russified and economies had been heavily Sovietized." Ukraine, he contends, stands prominently among those countries in which a new generation of leaders has emerged that "has confidence in democracy and is willing to source its power from their electorates rather than from chummy relations with Moscow." In this regard, he considers the wave of colored revolutions in Georgia, Ukraine, and Kyrgyzstan as an important development in the right direction, "a sign of the generational weakening of the sociopolitical legacies of the Soviet experience."

And Alexander Motyl, in his recent blog on Ukraine's Independence Day, envisions, rather unexpectedly, the country's bright future despite the fact that the Ukrainian rulers, in his own terms, are just a bunch of greedy and incompetent thugs who captured the state (the view actually is not so unique and extravagant since Ukrainian publicists often describe Yanukovych's clan as a "Donetsk mafia" meaning not necessarily a deliberate insult but, rather, the pedigree and the way in which the inner circle of the Party of Regions is organized). Motyl believes, nonetheless, that these people are doomed to Europeanize/modernize Ukraine despite themselves, i.e., notwithstanding their entire set of beliefs, habits, and basic instincts. They simply have no choice: "Unfortunately for Ukraine's current mafia, their thuggish godfather to the north is stronger than they are… Vladimir Putin's Russia knows no bounds on its appetites toward Ukraine… If you give them an inch, they'll take a mile. If you give them a mile, they'll take ten. Jeeze, what's a poor Ukrainian capo to do? The answer is obvious: go straight. Get rid of those black shirts and wide lapels, stop smoking cigars and packing heat, cut your fingernails, brush your hair, buy yourself a nice house and mow the lawn, start a respectable business,

and join a country club, preferably in Brussels" (*World Affairs*, Aug 19, 2011).

"Oh, and one more thing," Motyl suggests acerbically, "Declare Putin and his sidekick Dmitri Medvedev Heroes of Ukraine. They deserve it. Their thuggishness might just make Ukraine fully independent."

Whatever the reason for optimism and/or pessimism about Ukraine, the main difference between the two approaches stems not so much from different views of Ukraine and its internal developments, but rather from different views of the context within which the country is placed. The "pessimists" consider Ukraine as a part of Europe and gauge it against the experience of much more advanced western neighbors. The "optimists" still perceive it primarily as a "Eurasian" state, which is definitely more advanced in many regards than virtually all its post-Soviet brethren. It is still like a glass of water that can be considered either half-full or half-empty, depending on the predisposition of the speaker.

The "pessimists" seem to be right about Ukraine's present, whereas the "optimists" may be right about its future. To be sure, the incumbent regime is no friend of Europe, democracy, freedom of speech, and fair economic competition. Russian-style authoritarianism or Belarus-style dictatorship would have been their most favored system of government. Yet they lack resources to afford the former and are too vulnerable to inevitable international sanctions to move toward the latter. And to make bad things worse, they lead a restive society that may require even more resources than Russia has to bribe it, and more coercion than Lukashenko applies to ensure it is pacified.

So, the paradoxical shift of the staunch authoritarians toward Europe and therefore toward European practices envisioned by Motyl cannot be excluded. Yanukovych's speech

signals this possibility not only by multiple references to "our European choice" but also by a carefully worded resentment vis-à-vis Moscow: "The past years have proved undeniably that good neighborly relations with Russia are possible only if they are based on an equal balance of national interests and the mutual respect of both sides for each other. The state and its leadership will do everything they can to construct such a balance." Diplomatic niceties aside, the statement means that Ukraine cannot perform a friendship dance alone, and that Russia should show equal respect for Ukraine and its national interests.

Of course, there is a long and sometimes insurmountable distance between words and deeds, intentions and practices. Even if the Ukrainian "mafia," under domestic and international pressure, decides ultimately to follow Motyl's advice – to get rid of bad habits and start a respectable business, – it might be a very difficult task, as the last part of *Godfather* illustrates graphically. Third-party enforcement (or at least arbitration) in such a transition might be the key factor. But it is not very clear whether the European Union is ready and able to play the sort of role in Ukraine that it played successfully in the Balkans.

If such a shift happens – as seemed likely after the Orange revolution – we may call the Ukrainian glass half-full. So far, alas, it remains half-empty.

09. 2011
The Tip of the Iceberg

The farcical trial of Yulia Tymoshenko, the former prime minister and main political rival of incumbent president Viktor Yanukovych, seems predictably to be drawing to a farcical end. The final decision is as yet unclear even for the chief organizers of the court façade. Thus far, they are trying desperately to fulfill two opposite and essentially incompatible demands – to free "Yulia," at the demand of the international community, and, at the same time, to eliminate her as the most dangerous rival of Yanukovych from the next parliamentary (2012) and presidential (2015) elections.

The government, squeezed by two mutually exclusive imperatives, has a really difficult choice – either to forget about the pending Association Agreement with the EU and probably about the DCFTA (Deep and Comprehensive Free Trade Agreement), or to face harsh political competition from a rival who may not only win the forthcoming elections but also could potentially dispatch all her current persecutors to jail with much more serious and better substantiated criminal accusations. The costs-and-benefits calculation of either decision is incredibly difficult for the incumbent regime – partly because there are too many unknown variables in the calculation, and partly because the regime is not homogenous, and various factions perceive their own costs and benefits differently.

Some "pragmatic" observers argue that Tymoshenko is just a loose cannon and her re-emergence on the political scene would weaken and split the opposition, and effectively prevent the emergence of new and more dangerous anti-oligarchic leaders from civil society that may challenge the entire corrupt system. They refer to some classified opinion polls that predict Yanukovych's victory over Tymoshenko if an election were held today, but give him slim chances against other candidates like Arseniy Yatseniuk.

Another group of experts and politicians claims, rather cynically, that the EU will sign the agreements with Ukraine anyway because the country is too big and strategically important, and the Westerners would not allow it to be swallowed alternatively by Russia.

And finally, there is a sizable group of people around Yanukovych who have multiple interests in Russia and basically do not care about, and do not believe that any serious international sanctions will be imposed on the regime, regardless of its neo-Soviet roughness and repressiveness.

All these groups press the weak and incompetent leader in different directions but a consensus emerges from this seemingly chaotic chorus that will be examined further in more detail.

Remarkably yet, all the discussions about the Tymoshenko affair pay little if any attention to the factual side of her "crime." Even pro-government experts and politicians, in various articles, talk-shows and interviews, speculate primarily about the political expediency of the trial, about its costs and benefits for both the government and Tymoshenko herself, but not about the specific decisions, signatures, documents, figures, and agreements she negotiated with her Russian counterpart Vladimir Putin.

It seems that even the government is not especially concerned to make a case that the trial is really a criminal and not a political affair. Hanna Herman, the outspoken advisor of Yanukovych, goes so as far as to suggest that her boss was merely framed by some unspecified conspirators who arrested Yulia Tymoshenko without the president's blessing: "If [Viktor] Yanukovych had made his own decision on the issue, he would not have carried out such a great injustice. It was done when Yanukovych was on his holidays, when he did not have information... If I only knew who had done this, who made this decision, I would have strangled him with my own hands" (*Gazeta po-ukrayinsky*, Sep. 20, 2011).

The issue appears here as a matter of domestic intrigue within the ruling clique rather than a genuinely legal case. Yet, an even better portrait of the Ukrainian "justice" system and the legal consciousness of the Ukrainian political "elite" emerges from a recent interview with former Ukrainian president Leonid Kuchma who back in 2001 arrested Yulia Tymoshenko, then a deputy prime minister, because of some murky gas deal from the mid-90s, when she was a major business partner of the notorious Pavlo Lazarenko.

Q. "Don't you regret that you also happened to imprison Yulia Tymoshenko? Her popularity ratings rocketed after that."

A. "I never ordered anyone to imprison her, and you know this!"

Q. "Really?"

A. "If I have ordered it, she wouldn't have been released!" (*Ukrayinska pravda*, Sep. 17, 2011).

No comments are necessary.

In the absence of an independent judiciary in Ukraine any decision on a politician's destiny would be political and, most likely, ascribed to the president's whim since he has accumulated almost autocratic power in his hands. The "prag-

matists" seem to have already persuaded Mr. Yanukovych to release his main nemesis and let her play the role of a political spoiler on the opposition playing field. The EU will be satisfied, the agreements signed, the sanctions avoided, the opposition silenced, and the heavyweight Russian pressure counter-balanced by a traditional "Western vector" and mostly virtual "Euro-Atlantic integration." The only problem remains how to bring to an end the farcical "Yulia show" in a more or less convincing if not necessarily decent way.

The solution found by the president's legal pundits and political spin-doctors looks smart. The parliament may reconsider the old Soviet (1962) Criminal Procedure Code that still is legally valid in Ukraine, and inter alia eliminate the article that criminalizes Tymoshenko's alleged wrongdoing. Two birds would be killed thereby with one stone: Tymoshenko would be released without a formal dismissal of accusations (thus she would have a criminal record), and the incumbent regime would receive a perfect cart-blanche for similar wrongdoings in the future. Notably, the Ukrainian parliament controlled by Yanukovych's Party of Regions has refused to make some critical amendments to the outdated Code that run against their authoritarian views and needs. For example, the MPs refused to forbid legally any pressure on priests to disclose information obtained during confessions. Or to stipulate clearly in the Code that advocates, notaries, doctors and psychologists may not disclose any confidential information received from their clients without their written permission (*Maidan*, Sep. 23, 2011).

These childish attempts to manipulate the Criminal Code are further proof that the Ukrainian "elite" is still playing with rules rather than by the rules. Yet, as similar cynical games in Moscow are accepted internationally at the highest level, the Ukrainian rulers should not be embarrassed too much.

The main problem with all these post-Soviet crooks is that they not only distrust the so-called "European values" but, in most cases, they simply do not understand them. By and large, they believe that the politics is all the same everywhere and all the discourse about human rights, rule of law, and other "blah-blah" is merely a Western trick, a trump-card invented by a stronger player to gain some advantages over weaker counterparts and force them to make some additional concessions. On many occasions, they refer to various Western missteps and inconsistencies, like Schröder's corruption, Berlusconi's extravagancies, or Bush's Iraq affair, just to prove that the only difference between "them" and "us" is that they can get away with it.

The ultimate results of the Tymoshenko affair might be two-fold. The first, less likely but still possible, scenario is that the firebrand Yulia is sentenced and thereby eliminated from the eventual elections. In this case, the EU would certainly not sign the nearly finalized agreements with Ukraine – under the clearly articulated pressure of Germany, Italy, France and some other countries that have never had much interest in Ukraine's democracy, human rights and European integration, but have always highly respected Moscow's "privileged interests" in what they believe is its "backyard." None of these friends of Tymoshenko raised their voice last year when the illegitimate government was formed in March after the Regionnaires carried out a coup d'etat in parliament, the constitutional court was reshuffled, local elections illegally postponed and eventually falsified, the 2004 constitutional amendments abolished with multiple procedural violations, and so forth. For those "friends of Ukraine" everything was fine in the country until court proceedings began that encroached upon the interests of Gazprom and Mr. Putin. "It is not just wrong but amoral," is how Mykola Azarov, prime minister of Ukraine, condemned Westerners' attempt to con-

nect "the serious global issues like the free trade agreement with a specific court case" (*Korrespondent,* Sep. 17, 2011).

This will probably be the predominant rhetoric of the Ukrainian officialdom if Tymoshenko is sentenced and the agreements are not signed. The strong anti-Western campaign and gradual "Belarusization" of Ukrainian politics is the most probable result of this scenario.

More likely, however, is that Tymoshenko will be released, the agreements signed, and the Ukrainian "elite" will have further proof of how smart they are and how easily they can cheat the stupid Westerners. So far, indeed, there are no signs they are going to reconsider their profound contempt for democracy, human rights, and all those trumpeted and really boring "European values." Tymoshenko's case is just the tip of the iceberg, but it distracts attention from rampant lawlessness all over the country, including innumerable accounts of police and security service brutality, blackmail and intimidation, harassment of civic activists, the shutdown of the independent mass media, destruction of "disloyal" businesses, and many other misdeeds that have become habitual practices of the Ukrainian authorities.

As long as they are allowed to cheat and not punished for it like their Belarusian brethren, they will cheat wherever and whenever possible – with or without the EU agreements, and regardless of whether Yulia Tymoshenko is at large or in detention.

10. 2011
Tymoshenko's Case versus the Ukrainian Cause

The pessimists were right: the Pechersk district court has fully approved the criminal charge against Yulia Tymoshenko, the former prime-minister of Ukraine, and sentenced her to seven years in prison. This is the maximum term provided by the respective article of the Criminal Code. Additionally, Ms Tymoshenko was barred from occupying any public office within three consecutive years, and fined $190 million for the damages to the Ukrainian economy that she arguably incurred in 2009 by signing an unfair gas contract with her Russian counterpart Vladimir Putin.

A few weeks ago, rumors emerged in Kyiv that the decision on Tymoshenko's case had been decided in advance by President Viktor Yanukovych himself, and that the court had only to rubber-stamp the maximum prison term for his arch-rival. Even though Yanukovych defeated her narrowly last year in the presidential election, Tymoshenko still is the leader of the opposition and his main challenger. Whether the rumors were based on accurate information leaked from the president's office or merely a gloomy intuition of Tymoshenko's supporters, optimists had some reason to expect that the Western criticism of the kangaroo process would not be completely ignored by the Ukrainian authorities. The president who boasts of his "pragmatism" would surely not put at

risk the entire project of Ukraine's European integration for the dubious purpose of personal vengeance.

The additional three-year ban on taking a public office imposed by the court on Yulia Tymoshenko, suggests that the main driving force behind Yanukovych's decision was not only vengeance but also fear. Tymoshenko is believed to be not merely the strongest challenger for the incumbent regime but also its real nemesis who would not hesitate to pay them in kind, and would likely do so on much stronger legal grounds. Now, through the court ruling, she is effectively excluded from both the 2015 presidential election with Mr. Yanukovych and the 2020 competition with his likely handpicked successor.

The court decision, announced on 11 October, provoked a storm of protest in Western capitals, especially in the European Union. The EU leaders, indeed, placed high stakes on pending negotiations about the Deep and Comprehensive Free Trade Agreement (DCFTA) and Association Agreements with Ukraine and expected to finalize them by the end of the year. On many occasions, they warned Kyiv that they would hardly be able to maintain close relations with a country that applies selective justice against the leaders of the political opposition and criminalizes legitimate decisions of the previous government. That the warnings have been ignored has filled the Westerners with sheer indignation. Leaving diplomatic courtesy aside, they state clearly now that no Association agreement, with DCFTA as part of it, can be signed until Ukraine proves its full commitment to European values.

It signifies not only a demand to release Yulia Tymoshenko and other political prisoners but also to stop government pressure on civil society, harassment of independent media, manipulation of laws (the election law in particular), and so on. The government seems to be lost. Its leaders

apparently do not understand why a minor, in their view internal, issue has caused such a huge international furore, and how to get out of this lose-lose situation. Ironically, the Westerners themselves have greatly contributed to the current confusion. Since March 2010, they have benignly neglected the growing roughness and lawlessness of Yanukovych's regime, starting with a de facto parliamentary coup d'etat and ending up with the shamelessly manipulated local elections and even more unscrupulous changes of the national constitution. In fact, the Europeans sent Yanykovych and his associates a very wrong signal: guys, as long as you can restore and maintain some order in this chaotic country, we don't care much about law and democracy in your fiefdom. What the Westerners offered as a benefit of doubt, the Ukrainian authorities took as a carte blanche.

Now, the both sides are badly surprised and bitterly disappointed. The Westerners simply do not understand why Yanukovych ignored so defiantly their quite clear message to leave Tymoshenko in peace. And Yanukovych seems to be equally puzzled why they decided finally to react, having accepted tacitly all his tricks throughout a year and a half. He may believe, quite sincerely, that the EU reaction is just a show staged by the smart Western politicians for their candid electorate – exactly like the Tymoshenko trial is staged by his "goodfellas" for domestic purposes.

Whatever the rationale, Yanukovych seems not to fully understand that his reprisal on Tymoshenko is not the main reason for ostracizing him but just the last straw that broke the camel's back, i.e. the patience of the EU leaders. One may speculate how many of them are truly concerned about Ukraine's democracy and how many (likely the majority) are using the case as the pretext to exclude a nuisance like Ukraine from the European project and, inter alia, to please the old pal Vladimir (*Dzerkalo tyzhnia*, Oct. 14, 2011). The

fact is that the Ukrainian government has crossed the red line and entered uncharted land where they no longer receive the benefit of doubt and benign neglect for thuggish behavior, cheating and bluffing, for whatever reason.

In a way, Yanukovych committed the same mistake as his former boss Leonid Kuchma. He delegitimized himself, both domestically and internationally. He has lost credibility and, henceforth, will be seen not as a leader trying to fix a dysfunctional democracy, but as an arrogant autocrat who is striving to dismantle the remnants of political pluralism and genuine competition inherited from his predecessor Viktor Yushchenko. Hitherto, to maintain good relations with the EU, Yanukovych needed only to prove that he is not completely hopeless and autocratic – a not so difficult task in the context of post-Soviet sultans, dictators, and "national leaders." After the Tymoshenko conviction a minimum pass will no longer suffice. A strong "C" is required, and this is a sea change since neither mentally nor institutionally are the Ukrainian authorities able to qualify.

Yanukovych may pardon Yulia Tymoshenko now, as some experts suggest; or may push the new Criminal Code through the parliament that decriminalizes Tymoshenko's transgressions, as he hinted himself; or, vice-versa, he may open a new criminal case against her, as the Security Service of Ukraine has already announced (*Dzerkalo tyzhnia*, Oct. 13, 2011). In either case, he would remain a lame duck president, despised at home and distrusted abroad, squeezed between the EU and Russia, and torn between two mutually exclusive but equally unreliable strategies of survival. One of them means submitting to the EU demands and accepting European values and respective behavior. This sounds promising, but looks very unlikely since neither the president nor his oligarchic team understands what those values mean and how they can be treated seriously, nor are they ready to ac-

cept fair play and expose themselves to free political and economic competition.

The alternative strategy is much more likely – to play possum as long as possible, defy the European Union's pressure, to look for support in the Kremlin, to promise and not to deliver, to be smart like Aleksandr Lukashenko, or at least Leonid Kuchma. The problem however is that Yanukovych is not that smart, nor are Ukrainians obedient enough, nor is the Kremlin eager to support all these smarties for a song. And last but not least, the Ukrainian officials-cum-oligarchs are not very happy with the looming prospect of being blacklisted in the EU like their Belarusian brethren.

The most probable scenario is that Yanukovych's regime will make another attempt to cheat the Westerners. To this end, they may release Tymoshenko in order to continue reprisals against opposition, civil society, and the independent mass media, with the implicit goal to monopolize all the political and economic power. If society resists the latter, they will employ coercion; if the EU applies sanctions against Ukraine, they will turn to Moscow.

Paradoxically, the same people who nurtured Yanukovych might become his political gravediggers. The Ukrainian oligarchs are very unlikely to follow the president in his drift to Moscow, and even less so his break with the EU. This group, however, is highly opportunistic and would never oppose the president openly until and unless society demonstrates its strength and the West steps up pressure.

11. 2011
Back to Kuchmenistan

On November 17, the Ukrainian parliament adopted a new electoral law for the conducting of the next parliamentary elections in October 2012 (*Verkhovna Rada official web-site*, Nov. 17, 2011). Besides some novelties and modifications, the law essentially reestablishes the mixed system under which half of the deputies are elected through first-past-the-post elections in single-member districts, and half through proportional representation in nationwide multi-member districts. Such a system had been employed in Ukraine until the Orange revolution but was replaced eventually with a purely proportional system of elections from the nationwide party lists.

Back in 2004, the reason for change was two-fold. First, it intended to encourage the development of the party system, promote coalition building in the parliament and, in line with amendments to the constitution, render the government more dependent on the specific parties and the parties more responsible for the government. The second goal was even of greater importance. The earlier mixed system, especially its "majoritarian" part, employed in Ukraine until 2004, turned out to be highly susceptible to all sorts of manipulation and abuse of power by unscrupulous authorities. The proportional system, instead, was to reduce corruption both in electoral districts where government-connected oligarchs bribed voters, and in the parliament where the "inde-

pendents" (typically local officials or businessmen) became easy prey for governmental blackmail and bribery.

The 2002 parliamentary elections provide a graphic example of how the majoritarian system benefited the authoritarian government of Leonid Kuchma. Then, despite all the dirty tricks, the pro-presidential parties made up only 20% of votes in the nationwide district, whereas their opponents, Viktor Yushchenko's and Yulia Tymoshenko's blocs, won 30%. Yet, the second half of the parliament was made up of the "independents" from single-member districts, so, predictably, most of them succumbed to the multiple arguments provided by the omnipotent presidential administration, and joined the incumbents.

To make bad things worse, the Ukrainian version of the majoritarian system does not require the winner to get 50+ per cent of votes in his/her district. In the first-past-the-post elections reintroduced in Ukraine, victory can be secured by sheer plurality, not necessarily a majority of votes. It means that pro-governmental candidates, however unpopular, can win elections with 20% of votes and less if they manage successfully to split opposition (and votes), produce as many fake competitors as possible, and eliminate the most dangerous rivals by decisions of fully obedient courts subservient to the authorities.

This is exactly what happened in last year's local elections where the government carried out a dry run of the new-old system. For instance, in the proportional representation part of the election to the Kyiv Regional Council, the Party of Regions got 26 percent of the vote. Yet, in the first-past-the-post contests, almost all of the party's candidates won. As a result it controls 65.5 percent of the regional council (*Transitions Online,* Apr. 5, 2011).

One may argue, of course, that the first-past-the-post system should not be a big problem for opposition if they

manage to unite against the incumbents or at least to agree on a common single candidate in each district. There are two hurdles, however, of both an objective and subjective nature. First, democratic forces are never as consolidated and monolithic as authoritarians who care little for ideological subtleties and principled debates but do care a lot about mafia-style discipline supported by enormous resources, patronage networks, elaborate blackmail, and coercion. And secondly, even if the democrats manage to unite, the authoritarian incumbents are skilful in splitting them, multiplying the bogus alternatives and, in some cases, eliminating the potential or even actual winners by courts under the most ridiculous pretexts.

To further undermine the opposition's ability to unite, the new electoral law bars electoral blocs from participation in elections. This brings an additional advantage to the authoritarian Party of Regions and delivers, in particular, a serious blow against the political force of Yulia Tymoshenko that is broadly known as her eponymous bloc, while her specific political party "Batkivshchyna" (Fatherland), even though the strongest within the bloc, is largely unknown. The increase of the electoral threshold from 3 to 5 percent also targets the opposition, which, unlike the incumbents, consists of many small parties unable to surpass that total. As a result, all the votes of the opposition parties that fail to reach the threshold will be distributed proportionally among the parties that manage to do it. In other words, the Party of Regions will get a significant share of opposition votes that otherwise would never go to them.

Remarkably, the Party of Regions in opposition was fairly satisfied with the proportional electoral system as well as all other amendments to the constitution (*Ukrayinska pravda*, Nov. 17, 2011). It is not that the system was perfect. Its major flaw was voters' inability to influence the sequence of

candidates on party slates. This made parties akin to closed political clubs where the leaders had too much power and were prone to arrange the electoral party lists in a voluntaristic fashion, evaluating prospective candidates by their financial contribution rather than moral, political, or professional merits. But the problem was not insurmountable, as the experience of many consolidated democracies, e.g. neighboring Poland, graphically demonstrates. To improve the proportional system, both Ukrainian and international experts suggested the so-called "open lists," which would provide people with an opportunity to vote not only for a specific party but also for the preferred candidate on the party's list.

Ironically, Viktor Yanukovych himself supported this change during his 2010 presidential campaign but eventually backtracked to his current position of support for a mixed electoral system. The reason for this volte-face was allegedly a lack of support for the "open lists" system in the parliament. However, this argument is as preposterous as the president's claims that Ukrainian courts are impartial and independent and he has no leverage to influence them. Even more laughable is the assumption that the president has no influence over his own Minister of Justice Oleksandr Lavrynovych, who dares today to ridicule his boss' project from 2009: "Imposing open lists is a mockery of law, common sense, and citizens. It's lobbied for by the opposition, while we offer a better mechanism, whereby people choose their own members of parliament" (*Transitions Online,* Apr. 5, 2011).

All those who remember Yanukovych's U-turn on the issue of Ukraine's NATO membership (in 2002–2004, when he was Prime-Minister, he had no objections to it), should not be surprised by his latest opportunistic move. Neither the president nor his Party of Regions has ever had any political principles or ideology besides strong commitment to absolute power that can be converted into wealth and, in turn,

more secure absolute power. They have no strategy, and all their moves are determined by short-term political-cum-business expediency. In this case, the ultimate goal of the Regionnaires is clear: not to improve the existing electoral law but, rather, to introduce a new law that offers them benefits and disadvantages the opposition.

As early as March 2011, the American experts from the National Democratic Institute and the International Republican Institute suspended their cooperation with the Lavrynovych-led working group created back in 2010 by the president with the stated task to amend the elections law, and make it more coherent, transparent and acceptable for the both government and opposition. The Americans discovered that they were simply manipulated by the Ukrainian authorities, which were intent on legitimizing, with a help of reputable foreigners, their quasi-legalistic machinations.

More recently, the European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) submitted their detailed and rather critical analysis of Lavrynovych's project, which contained a remarkable passage regarding the card-sharp tactics of the Ukrainian lawmakers: "The electoral system chosen in the draft law is not the one discussed by the Venice Commission representatives during their meetings with the Ukrainian authorities and not the one recommended by the Resolution 1755 (2010) of the Parliamentary Assembly of the Council of Europe" (http://www.venice.coe.int/docs/2011/CDL%282011%29059prov-e.pdf).

And finally, the International Foundation of Electoral Systems (IFES) sent an equally strong message to the Ukrainian authorities in its own expert analysis of proposed changes: "IFES notes that the draft law was developed in an atmos-

phere of considerable uncertainty and mistrust between the Government of Ukraine, political parties and civil society. Numerous concerns regarding the draft law, and the process by which it was created, were raised to IFES by members of opposition parties, civil society, electoral experts and the international community… IFES shares the concerns expressed by many Ukrainian and international stakeholders regarding the government's decision to change the electoral system in the present political climate. Electoral systems can always be improved for the better, but given the lack of consensus in the country; the significant impact of the proposed changes on the political landscape; and relatively short timeline for implementing these changes, it is highly questionable whether it makes sense to change the system at the present time. While the newly proposed system may be a legitimate one, there is no major flaw in the current system that would require an immediate change without further discussion" (*IFES*, Sep. 26, 2011).

Even more surprising is that the new law was approved ultimately by 366 MPs (of 450 in the Ukrainian parliament), i. e., not only by the ruling majority but also a major part of the opposition. They arguably supported the lesser of two evils – the draft law with some minor concessions for the opposition instead of the genuine, much more discriminatory draft that would have been passed by the Party of Regions anyway. This is probably true since the President and his allies have enough votes in the parliament to pass any decision they need. They, indeed, can muster a pro-presidential majority in the next parliament with or without the insignificant concessions they have made to their opponents. It is just a matter of a few seats they may not get in elections and a few extra millions they would have to spend eventually in the parliament to buy the needed number of "independents." But they were ready to pay even a higher price to legitimize

the new law, both domestically and internationally, with the precious help of the opposition.

Once again, the Ukrainian democrats "shot themselves in the foot," helping the Regionnaires to dismantle the last achievement of the Orange revolution: the election system that precluded, more or less successfully, large-scale falsifications and vote buying. Now they may lay bets only on whether the Regionnaires can muster a simple majority (226+) in the future parliament or the qualified majority (300+) that would enable them to change the Constitution and, in 2015, to elect the president, with all his enormous powers, by a simple parliamentary vote. My bet is that this is exactly the main goal of Viktor Yanukovych and the major rationale of virtually all his policies to date.

12. 2011
Under Western Eyes

Ironically, the annual EU-Ukraine summit held in Kyiv on December 19 overshadowed all other political events in Ukraine over the past few weeks, even though its actual results were close to zero. Moreover, the meager results had been rather predictable since the Ukrainian government had not indicated any intention to ease its multifaceted pressure on civil society, nor had the EU looked ready to condone Kyiv's increasingly authoritarian behavior.

Yet, the drama under the title "Ukraine–EU Association Agreement" had been played for so long and by so many actors, that most of the viewers could not merely give it up. Some expected a miracle, but many more simply watched the ship sinking, taking down with it sheaves of toughly negotiated documents.

Still, the Ukrainian crew looked surprisingly cheerful and the foreign guests apparently unworried. Unlike the viewers, all the participants of the performance had got what they wished. Ukraine's friends like Poland or Sweden left the door open, i.e., the Agreement negotiations pending, albeit at the lowest speed possible and with the slimmest chance of being completed in any form in the foreseeable future. Ukraine's opponents, like France and Germany, got a plausible excuse not to initial the Agreement they had not wanted to sign an-

yway. And the Ukrainian president got one more opportunity for publicity photographs with the EU Big Bosses, displayed eventually ad nauseam on all the loyalist TV channels and newspapers. Now, he can continue his "European" rhetoric with even greater confidence.

Very few people believe in this rhetoric but this is of little importance. The main goal of president's talks is not to bring Ukraine closer to the EU, but rather to prevent his own and his cronies' expulsion from this prestigious club. Most of them, on a personal level, integrated into the EU long ago, with their families, businesses, bank accounts, and all the daily habits like shopping, holidaying, or health and relaxation. They may dupe Moscow, Brussels, and their own electorate with ideas of a Russian-led Customs Union, Single Economic Space, or Eurasian integration. This is for fools' consumption—for *lokhi*, as they say. But for the real men, the *krutye patsany*, as they define themselves, there is a much better place called "Europe." And they have already joined it—with no action plans and association agreements, merely with some stolen assets, laundered money, and diplomatic passports that allow them, unlike common Ukrainian *lokhi*, to enter the Schengen fortress without visas.

Lokhi, i.e. Ukrainian society, seems to be the only loser in this whimsical game between the Ukrainian government and EU bureaucracy. Half-measures and general incoherence badly hamper EU policies everywhere, not only in Ukraine. On the one hand, the EU was right to postpone the initialing of the Agreement for some technical reasons, and to condition its signing and eventual ratification with clear demands for restoration of democratic practices in Ukraine. On the other hand, this reasonable decision was not buttressed by a set of additional sticks and carrots. EU politicians seem to believe that the Association Agree-

ment per se is a sufficient bonus for the Ukrainian leaders to strive toward. This might have been true if Mr Yanukovych et al cared a little about something they barely understand: the national interest. This is hardly the case, however. Therefore, a tougher approach is needed, something the feckless EU fails to apply even against bloody dictators from Central Asia.

Such an approach was clearly outlined by Andrew Wilson, a leading expert on Ukrainian affairs, in his policy memo for the European Council on Foreign Relations. He suggested the EU leaders adopt a twin-track approach: "The agreements cannot be formally signed, but should be kept alive until Ukraine is ready to implement the conditionality laid out in resolutions by the European Parliament and other bodies. But lecturing Ukraine on human rights at the summit will have little effect. The EU should also move towards sanctions that show its red lines have not been dropped; targeting the individuals most responsible for democratic backsliding and signaling more general vigilance against the Ukrainian elite's free-flowing travel and financial privileges in the EU".

Since the EU has been reluctant to introduce any serious sanctions against the post-Soviet autocrats, especially in resource-rich countries like Russia, Kazakhstan, or Azerbaijan, their Ukrainian twins have very little to worry about. In December, Yanukovych and his Party of Regions continued their Gleichschaltung in both political life and the economy. First, the Constitutional Court of Ukraine approved (what a surprise!) the decision of the parliament that allows the government to pay social benefits to various categories of people at its whim—even though in past years the Court, not yet staffed with the president's loyalists, twice rejected similar claims as a violation of the national constitution (*Ukrayinska pravda*, Dec. 27, 2011). Second,

the government of Crimea ceded 9,000 hectares of valuable land to a murky hunters' society registered to three pals of the president (*Ukrayinska pravda*, Dec. 26, 2011). Third, the President's 38-year-old son acquired a few more industrial assets and entered the lists of Ukraine's top hundred richest men (*Eurasia Daily Monitor*, Dec. 2, 2011). Fourth, the President's friend and sponsor Rinat Akhmetov received a concession for the virtually monopolistic export of electricity (*Ukrayinska pravda*, Dec. 15, 2011), just as another friend and sponsor of the president, Yuri Ivaniushchenko, allegedly acquired a monopoly over the export of grain a few months ago (*Livyi bereh*, Mar. 28, 2011). Meanwhile, the Supreme Court has been completely emasculated and de facto subordinated to the presidential administration, under the pretext of the so-called judicial reform (*Kyiv Post*, Dec. 27, 2011. And another band of "professionals" from Donbas has occupied several dozen top governmental positions in both Kyiv and other regions of Ukraine (*Gazeta po-ukrayinsky*, Nov. 11, 2011).

Once again, Ukraine was downgraded in 2011 by various international agencies in terms of democracy, civil rights, freedom of speech, corruption, inequality and injustice, conditions for doing business, etc. This might be a part of a global anti-Yanukovych conspiracy, as his propagandists suggest, but domestic opinion surveys confirm the same tendencies. In May, a revealing poll was carried out nationwide by the reputable Institute of Sociology of the National Academy of Sciences. The respondents were asked how, in their opinion, the situation had changed in various social fields within the past few months. The answers (below) shed some light on the essence of Yanukovych's "reforms" that arguably required some curbs on civic freedoms and democratic institutions:

	Changed for worse	Not changed	Changed for better
Economic situation in Ukraine in general	58.1	37.1	4.8
Standards of living	68.4	29.4	2.4
Level of corruption	37.2	59.8	3.0
Level of democracy in the country	33.1	63.9	3.0
Protection from authorities' arbitrariness	36.1	61.4	2.5
Job guarantees and possibilities of employment	51.6	46.6	1.8

Source: *Krytyka,* 15:7–8 (2011), 6.

On December 21, at the annual Putin-style president's press-conference, Mustafa Nayem from the news portal *Ukrayinska pravda* dared to put to Yanukovych the question that perplexes virtually all Ukrainians: "Viktor Fedorovych, you mentioned many times that the economic situation in the country is bad, people do not feel any improvements in their life, there are no money in state coffins for the victims of Chornobyl, or veterans of Afghanistan… At the same, we observe every day how your personal life is improving. We see how you rent a helicopter at $1 million [a year] from the company controlled by your son. We know that in Mezhyhirya [Yanukovych's 140-hectare estate near Kyiv, controversially privatized] the construction work is continued by the companies controlled by your son. What is the secret of your success – why is everything so bad for the country and so good for you?"

"I do not know what happy life and gossip about my family you are talking about," responded the president, "I just want to say that I don't envy you" (*Ukrayinska pravda*, Dec. 21, 2011).

It is not clear whether the president lost his temper and overtly threatened the journalist or just completed one his numerous linguistic faux pas. It is remarkable also that he completely ignored the essence of the Nayem's question about corruption, nepotism, and lack of restraint, and interpreted everything as indiscreet interference in his family life. This is a minor story that tells, however, a lot about both intellectual and moral quality of the ruling "elite."

One may praise the EU for its reluctance to make a deal with these people, but one should also censure the EU for still tolerating these people far too much.

2012

01. 2012
Casus Vynnychukus and Freedom of Speech

On January 23, 2012 two policemen approached writer Yuri Vynnychuk at his home in the Western Ukrainian city of L'viv and demanded from him a written explanation of the poems he had presented a few months earlier in Kyiv at the "Night of Erotic Poetry" festival. The policemen said they were authorized to do so by the prosecutor general who had received a complaint from the Communist MP, Leonid Hrach, which unabashedly qualified Vynnychuk's poems as "pornography" and a "call for the violent overthrow of Ukraine's government" (*Maidan,* Jan. 26, 2012).

Yuri Vynnychuk is a renowned author with some international fame, so he has not been arrested, beaten, and forced to confess, as happens on a daily basis all over Ukraine to his less fortunate and not so famous compatriots. Oleksiy Cherneha, for instance, a young activist of the "Patriot of Ukraine" from the provincial town of Vasyl'kiv (Kyiv Oblast), recollects his encounter with the Security Service of Ukraine (SBU) officers as follows:

> *Immediately after I was detained [on August 23, 2011], I was taken to the regional SBU center where I was held without charge or sanction from the investigator or court until Aug. 27, much longer than the 72 hours allowed by law [...]*
>
> *While I was at the regional SBU center, I was questioned around the clock. During the interrogation, physical methods were used against me repeatedly – I was beaten on my neck and the soft parts of the body, forced to do the splits, humiliat-*

ed, threatened with physical violence and also mocked with accusations of pedophilia.

The SBU officers also tried to force me to give untruthful evidence against my acquaintances… After I had refused to give this untruthful evidence, I was shackled and they continued to beat me.

For four days I was interrogated and not allowed to sleep or eat.

During the torture and humiliation I repeatedly demanded to be told my official status in the case and also information about the examination of the things found at my place during the search. But I received no answer to any of my questions. I was also refused a meeting with my lawyer, and all interrogations happened without his presence.

While I was in custody, I informed the SBU that I had been diagnosed with epilepsy and that the doctors had recommended that I stick to a sleep pattern and eat regularly, because not to do so could affect my health and even lead to death.

However, the SBU officers ignored this and for four days I was interrogated without sleep or food. Such behavior is a flagrant violation of human rights and guarantees of respect for dignity contained in the Constitution.

During interrogation on Aug. 25, SBU officers forced a compact disk into my hand which had allegedly been found at the place on Hrushevskogo Street on Aug. 22.

There, like at my residence, the SBU alleged it had found information about assembling a homemade explosive device and a video of child pornography.

Afterward I was told they had "evidence" against me and in a similar way they could create any "evidence," and for this not to happen I had to write that my acquaintances Shpara and Bevz had left the things in my room that had been found during the search.

When I refused, painful injuries were inflicted on me.

On the night of Aug. 26, I was informed that I would be released if I signed a few documents. I was forced to sign a letter to the head of the SBU saying that no physical coercion had been applied to me and that I voluntarily consented to give evidence from Aug. 23 to Aug. 27.

I assert that all signatures that I made during that time were extracted in ways banned by the Code of Criminal Procedure (Kyiv Post, Sep. 15, 2011).

Stories like this are typical in Yanukovych's Ukraine. They vary in detail but have one thing in common: rampant lawlessness that reigns supreme in the country and unscrupulous use of law-enforcement agencies for the regime's political goals. The *Kyiv Post* editorial (Sep. 15, 2011) aptly described Ukraine's judicial system as "broken, corrupt and manipulated by oligarch-controlled politicians, chief among them president Viktor Yanukovych":

Police still beat, torture, falsify evidence and extract false confessions. They conduct armed raids with masks with the permission of the manipulated courts.

Prosecutors operate in a web of secrecy in which they are accountable to no one but the chief prosecutor, who is appointed by Yanukovych.

Judges cannot exercise independence for fear of losing their jobs – or worse.

The presumption of guilt replaces the presumption of innocence through the pre-trial jailing of suspects for up to 18 months in horrible conditions, the denial of bail and adequate legal representation, the denial of speedy trial by jury and so on.

Yuri Vynnychuk predictably rejected the accusations as absurd and stated that the interference in literary matters by politicians, prosecutors and other officials was illegal and anti-constitutional. The story got broad publicity in the mass

media; Ukrainian PEN-center endorsed a protest; the writer himself used a public commemoration of Leopold von Sacher-Masoch's birthday in downtown L'viv to read his subversive poems to his cheerful fans. And finally, the sweetheart Hanna Herman, Yanukovych's advisor and a writer herself, called a L'viv colleague and apologized for the excessive zeal of her boss's subordinates (*Ukrayinska pravda*, Jan. 30, 2011).

Personally, I would prefer her to call Mr. Cherneha, or Ms. Hanna Synkova, or many other victims of the regime's brutality, and to deal with the officers that tortured and humiliated them rather than the two pathetic policemen sent by their dull bosses to Yuri Vynnychuk's place. So far, it looks like a Bad Cop versus Good Cop show. However it ends, it should not obscure the much more serious, brazen, innumerable cases of human rights violations in Yanukovych's Ukraine. The very addition of "pornography" to the alleged "call for a violent overthrow of the government" tends to make the entire story farcical, to downplay and de-contextualize the political message of Vynnychuk's work. Yet, whatever the initial intentions of both the writer and his opponents, the actual implications of the conflict seem to be broader and more complex.

First of all, the poem in question is certainly not Vynnychuk's *chef d'oeuvre*, nor is it an exemplary case of political correctness. There are two English translations of this poetical pamphlet, one of which is entitled "Kill the Bugger" and the other "Kill the Pidaras" (*Durdom*, Jan. 30, 2012).

The former translation is a much better reflection of the poem's idea, yet the latter renders properly the ambiguity that exists in the original. The obscenity "pidaras" borrowed from Russian criminal slang has a sexual (actually sexist) connotation related to "pederast," but in a colloquial speech it means typically a sodomite or a "total idiot" (therefore the

female form "pidaraska" can also be used). Nevertheless, the underlying sexist connotation makes the text rather tasteless and implicitly homophobic, even though it clearly hints that the Ukrainian government and the incumbent president may well be considered sodomites rather than homosexuals.

The slogan "kill" (whoever) is also distasteful, though it should not be interpreted literally. The poet may mean symbolic/political "killing," or even refer to Anton Chekhov's famous dictum: "to kill a slave within ourselves," and to Shevchenko's classical "Testament": to "wake up and rise up, and break the shackles, and sanctify freedom with the enemy's evil blood." Still, in the society with a weak tradition of tolerance and political liberalism, and deeply rooted tradition of homophobia, xenophobia, and daily coercion, all these ambiguities and provocative slogans may reverberate and fuel even more hatred and brutality rather than the desired purification.

As a vice-president of the Ukrainian PEN-centre assigned by the colleagues to draft the protest, I was really in a difficult position. I had to condemn the police interference in literary matters and, at the same time, distance myself and the center from the controversial poem, which I would have certainly advised the author neither to read, nor to publish or produce – at least in its current form. I attempted to solve the dilemma by placing the case in the broader context of the government's systemic infringement of the freedom of speech and political persecution of writers, scholars, journalists, and civic activists. At the same time, in a personal conversation, I expressed to the author (a friend) disapproval of his dubious text.

The point seems to be obvious: we may profoundly disagree with a writer's views and forms of their expression but we should guarantee him/her the right to express those

views without censorship and political pressure. It is up to the public and literary critics to evaluate the text, not the police, prosecutors, and security service. We defend the general principle, and not a specific author or text. A few years ago, I happened to disapprove of then president Viktor Yushchenko's intention to criminalize the denial that the Great Famine of 1932–33 in Ukraine was Genocide. By the same token, I staunchly disagree with similar decisions of some other governments to make the denial of Armenian and other genocides a criminal offense. People should have a right to express the most ugly and stupid ideas as long as they do not call directly for illegal and violent actions against other people. This is particularly true about the writers and artists who may bear moral, political, professional, and, in some cases, administrative responsibility for their words but definitely should not be considered criminals. It seems self-evident, but I have noticed from pending public debates the subtle difference between the defense of a general principle and of specific texts. It is usually blurred and politicized.

Yuri Vynnychuk's case, in a way, resembles that of Yulia Tymoshenko. Here, again, we protest against her political persecution not because we support her politically, share her views or consider her own governmental policies consistent with liberal democracy and rule of law. We simply believe that political decisions should not be criminalized – exactly like poems, novels, or artistic performances.

So, the second question emerges: why does President Yanukovych commit or, rather, allow his lieutenants to perpetrate the blunders that compromise him and his regime both domestically and internationally? The simple answer is that no authoritarian regime can survive without some lawlessness and coercion. However, it is one thing to torture inmates in provincial prisons, to harass young and as yet unknown civic activists, or to take over one's opponents' busi-

nesses via sheer racket or kangaroo courts. It is quite another to attack outstanding figures whose ordeal draws immediately broad and sometimes even exaggerated public attention.

Viktor Yanukovych may be neither wise enough to adequately understand politics, or diligent enough to keep a careful eye on his political menials. But he has a huge apparatus, doubled in size and salaries since Yushchenko's times, and he should have no problems with professional analysis, political advice and ultimate decision-making. And this is the point. So far, after two years of his presidency, he has been moving from bad to worse in all his decisions, and steadily losing his popular rating from over 60 percent to single-digit figures. If his advisors are as incompetent as their leader, it is very unfortunate. If they are smart but manipulate him in a cowardly fashion – for Moscow's or their personal benefits, or both – it could be catastrophic.

The Vynnychuk affair might have been initiated by a senile communist, who felt insulted by the writer's mockery of Communist rhetoric and paraphernalia. At least, this is what Hanna Herman suggested. One may wonder however to what degree the communists in Ukraine are independent players. So far, they behave like government puppets assigned to do the dirtiest jobs that the government prefers not to engage in openly. Smearing Ukrainian NGOs as subversive agents of the West might be the most graphic example. Neither the Kuchma nor the Yanukovych governments dared to do this themselves since this might have undermined their fake "pro-European" rhetoric. Yet, remarkably, they provided the communists with full logistic support, publicity, and the needed votes in the parliament to pass the anti-NGO laws.

In the Vynnychuk case the manipulators could play one more game and try to capitalize on the president's fears and

phobias. Viktor Yanukovych, indeed, seems to be preoccupied with his personal security. This may stem from his unfortunate 2004 presidential campaign when he was attacked by an egg and became so terrified that he lost consciousness. Taras Chornovil, Yanukovych's ally and former close adviser, claims that the president's phobias originate from his peculiar experience in the Donbas region – dubbed the Ukrainian Sicily. Yanukovych sincerely believes that "someone wants to kill him," Chornovil says (*Kyiv Post,* Nov. 10, 2011).

The President's paranoia might be an excellent tool for those in his entourage who know how to use it. And Vynnychuk's poem "Kill the Pidaras" fits them well. Back in September, there was a huge scandal in Kyiv when people wore teeshirts that featured the slogan: "Thanks to inhabitants of Donbas for the [election of the] president-pidaras." Police raided the store, confiscated the T-shirts, and forced the businessman who produced them to flee abroad. The word "pidaras" thereby has acquired one more connotation hardly unknown to either Yuri Vynnychuk or Viktor Yanukovych.

The Vynnychuk case, even though on a much smaller scale, is as ambiguous as that of Tymoshenko. Both shed a light on the lawlessness that reigns in the country. But both can be also used to obscure the scale of repressions and to trivialize the political essence of the events. Therefore, whatever we think about both heroes and their work, we should remember the broader context and perceive the general tendency rather than unpleasant, albeit isolated, incidents.

02. 2012

Toward an Anecdotal History of Ukrainian Politics

The second anniversary of Viktor Yanukovych's presidency passed on February 25, and his presidency can be briefly defined in three possible ways: as a period of authoritarian consolidation, of imitative "reforms," or of permanent and pervasive scandals. The latter definition is perhaps the best since it sheds revealing light on the previous two. In February, there were at least four major scandals – dramatic for their participants, anecdotal for outsiders, and highly instructive, in many ways, for political scientists and cultural anthropologists.

First of all, Roman Zabzaliuk, a member of the Parliament from the Yulia Tymoshenko Bloc, who switched sides at the end of the last year and joined the governing coalition, revealed the typical mechanism of recruiting opposition MPs by Yanukovych's cronies. He confessed that he had acted as an "undercover agent" on behalf of his party leadership and, therefore, simulated acceptance of a tempting offer to join the pro-Yanukovych faction "Reforms for the [sake of the] Future," at an impressive price of $450,000, plus an additional monthly allowance of $20,000 in cash for proper voting (*Ukrayinsky tyzhden*, Feb. 17, 2012).

The news by itself was hardly revealing since many other MPs have reported similar offers made to them at various

times by Yanukovych's people. The practice was not invented yesterday and certainly not by the Party of Regions. Observers remember how the pro-Kuchma majority was forged in the parliament in 2002, when two pro-presidential parties won only 20 per cent of votes but mustered eventually a formidable majority of both "independents" and opposition defectors.

Enormous and largely unrecorded and uncontrolled wealth accumulated by post-Soviet oligarchs enabled them to buy a host of officials, MPs, judges, journalists, et al. at dizzying prices. This is why an amendment was made to Ukrainian constitution in 2004 that required the pro-government majority in the parliament to be formed by factions and not by single MPs, i.e. defectors from other factions. In March 2010, Yanukovych's supporters blatantly violated this law, which resulted in a sort of parliamentary coup d'etat and paved the way to further violations of Ukrainian laws and creeping usurpation of power by the increasingly autocratic ruler.

The only new thing in Zabzaliuk's revelations is that he recorded his conversations with Mr. Ihor Rybakov, head of the faction "Reforms for the Future," who allegedly gave him a bribe and discussed with him some other delicate matters. Thus, we can learn from the horse's mouth not only the price-list for various deeds that can be considered immoral at best and criminal at worst but also how "Mr. Rybakov" (the real Mr. Rybakov, of course, denies any authenticity of the records) encourages Mr. Zabzaliuk to attract more defectors from the opposition and, most interesting, to recruit more "slaves" (in his words) in Western Ukraine in particular to work for the ruling party in the local electoral commissions as fake representatives of the opposition. This is a clear hint, one of many, at how the regime is going to stage the parliamentary elections later this year. Actually, the incumbents have little choice given that the popularity of the president

and his party has fallen to the low teens and their staunch desire to stay in power indefinitely.

Zabzaliuk's accusations were predictably downplayed by the government and pro-government media. The audio-clips are worthless since Ukrainian law does not consider unauthorized records as evidence. The fingerprints on "Rybakov's money" are also no proof since he and his friends have already admitted they collected $100,000 for Mr. Zabzaliuk at his request, allegedly for a treatment abroad. And Mr. Pshonka, the prosecutor general (and president's soldier, in case anyone has forgotten his earlier self-designation), announced that he saw no reason for a criminal investigation in this case since it was merely an internecine quarrel among MPs.

Zabzaliuk passed the money on to the Kyiv Children's Hospital, but the major TV channels, predictably, ignored his generous move. Although the Tyzhden weekly did report the story in detail and illustrated it graphically with fragments of "Rybakov's conversation," it was immediately withdrawn from the newsstands by some enigmatic order "from above" (*Telekritika*, Feb. 17, 2012).

This might be considered the second biggest scandal of the month but since the official reaction of the *Tyzhden* managers to the incident is not yet clear, we can illustrate the creeping censorship in Yanukovych's Ukraine with a no less revealing event. On February 14, Judge Olha Salamon of the Desniansky district court in Kyiv suspended the popular website *Dorozhny kontrol* (roadcontrol.org.ua) in response to a libel action by Hennady Hetmantsev, a traffic police officer, who had abused and humiliated a driver and then denounced the website for publicizing the video-record of his misbehavior. Remarkably, the judge shut down the site by a simple order, not by a court decision. Moreover, she closed all the content, not just the material in question. Still worse,

she suspended the site for the whole period of court deliberations, which could last, in practice, for years. This is how multiple ways to destroy independent media in Ukraine are perfected.

Hetmantsev, one of the heroes of this ugly story, attained notoriety a year ago in Odesa after he tried to intimidate the *Roadcontrol* activists who had filmed his colleague Oleksandr Shvets insulting a Ukrainian-speaking driver by calling his speech a "cow language." After the scandal, Shvets was reportedly dismissed from the traffic police, whereas Hetmantsev survived and retaliated as promised (*Ukrayinska Pravda,* Feb. 15, 2012).

There are probably no business or personal ties between Mr. Hetmantsev and Judge Salamon. Her responsiveness to his groundless demand reflects not only widespread incompetence of Ukrainian judges in legal matters (it is an open secret that many of them simply buy their university diplomas and court positions), but also the arbitrariness of the entire system and its fundamental bias for the government against members of society. The judges, police, and prosecutors protect primarily the state and the authorities – with all their privileges and entitlements—but not the rights and freedoms of Ukrainian citizens.

The third scandal in February was related, once again, to the new government nominations. This time, Viktor Yanukovych surprised everyone by appointing Ihor Kalinin head of the Security Service of Ukraine (SBU), and Dmitri Salamatin as Minister of Defense. Neither is a personal friend of the president nor a native of the Donbas region, as has been the norm for appointments over the past two years. Both of them seem to be acts of patronage by the president's older son Oleksandr, a dentist who has emerged as a successful businessman. Last year, he reportedly placed his acolytes

in the upper echelons of the National Bank, Ministry of Interior, and National Tax Administration (*Ukrayinska Pravda,* Feb. 3, 2012).

None of them as yet gained prominence as major specialists in their fields. But this is probably not why they were hired (*Dzerkalo tyzhnia,* Feb. 11, 2012). Ihor Kalinin was a Russian KGB officer and Afghan war veteran who in 1992 for unknown reasons moved from Moscow to Kyiv and made a career in the SBU – all the way to the top, which may give Ukrainians pause for thought about Vladimir Putin's dictum that KGB agents are appointed for life. Salamatin lacks even such dubious professional credentials. His entire experience in defense, to the best of our knowledge, amounts to a couple of scuffles with opposition MPs in the parliament during which he skillfully broke a few noses and jaws of his political opponents, and was rewarded henceforth by the president with the position of the head of the State Arms Trade Agency.

Born in Kazakhstan, Salamatin moved to Ukraine in 1999 as a Russian citizen and how he acquired Ukrainian citizenship remains a mystery. Even less clear is whether he relinquished his Russian citizenship, as Ukrainian law requires. Thus his appointment has led some observers to speculate on the "Russian hand" in Ukrainian politics and Yanukovych's readiness to cave in to Moscow (*Ukrayinsky tyzhden*, Feb. 17, 2012). More likely, however, is that Yanukovych does not trust his fellow-oligarchs and party bosses any longer, relying instead on a kind of Praetorian Guard. Or, as Alexander Motyl suggests, Yanukovych's reliance on "complete outsiders can only mean that [he] is expecting serious trouble at home in the coming year and doesn't think native cadres can do the job" (*World Affairs*, Feb. 10, 2012).

The fourth scandal is probably the most interesting and unusual. Earlier this month, in Odesa, customs officers con-

fiscated 38 kilos of cocaine worth $7.5 million, hidden in pineapples and transported from Costa-Rica inside a refrigerator. The unusual part of the story is that the incident should not have happened because the cargo was "supervised" by one of four "fashionable" (as they are euphemistically called in Odesa) broker companies that de facto control the green corridor at the seaport. They have, reportedly, such influential patrons in Kyiv that neither customs nor security service officers dare to interfere in their business. At the moderate price of $10,000-$15,000 in kickbacks, therefore, they provide clients with a virtually customs-free access to the Ukrainian market (*Segodnia,* Feb. 21, 2012).

There are two explanations of why the fashionable company failed to protect its client's cargo from customs on this occasion. One story is that the power supply was disconnected from the refrigerator for a few days and the customs officers were surprised that the cargo owners were unconcerned. A more realistic version is that the cargo was tracked by the American anti-drug service from the outset and the search in Odesa was made at their request.

And here the unusual part of the story ends and the interesting part begins. The scandal was reported in detail by the popular tabloid *Segodnia*, owned by Rinat Akhmetov, the leading Ukrainian oligarch and Yanukovych's main sponsor in the past. Whereas analysts muse on the real meaning of this publication – either Akhmetov is doing a favor for the Americans to persuade them to grant him finally a U.S. visa, or else he is fighting some business competitors, or merely tries to distance himself from the potentially damaging affair: no one (!) believes that the Ukrainian customs merely did their job, that it was a case of business as usual, and they caught the smugglers. And this is the point.

We live in the country in which no one believes the mass media simply report the news, customs take care of smugglers, and law-enforcement agencies protect the citizens rather than themselves and their real masters. Viktor Yanukovych is certainly not the main culprit and did not invent this system. But he is definitely someone who does his best to exploit its faults rather than to fix them. And, frankly, there are no reasons to believe that the next three years of his presidency are likely to be any different.

03. 2012
Like Fathers, Like Sons

Recently, 18-year-old Oksana Makar was beaten and raped by three drunken youngsters in the South Ukrainian city of Mykolaiv. To hide the crime, the miscreants tied her up and set her on fire. Oksana later died in hospital from horrendous burns.

The city was shocked and hundreds of people took to the streets to protest after a rumor spread that the culprits had been released, placed under house arrest, and were likely to avoid punishment, which typically happens in Ukraine when the children of big bosses and wealthy businessmen are involved in crimes.

The rumors proved unfounded, but people have become so accustomed to daily lawlessness and the rampant impunity of the strong and wealthy that they tend, naturally, to overreact.

A few years ago, Dmytro Rud, the 25-year-old son of the Dnipropetrovsk prosecutor, ran down three women at a marked road crossing and disappeared after being placed under house arrest. Serhy Kalynovsky, the 23-year-old son of a rich oil trader, crashed at high speed into a parked car containing two passengers, killed both, and eventually escaped from the hospital and took a chartered plane to Israel. Oleksandr Shpyrko, the son of a colonel of the National Security Service in Odesa, heavily drunk, plowed into a boat on his scooter killing one person and injuring three. Again, as the

typical story goes, he was released on probation and, after due pressure on victims, witnesses, investigators and judges, received a four-year suspended sentence, later repealed by an amnesty (*TSN,* Oct. 3, 2011).

By late 2010, as such tendencies became all too obvious, I began to collect the stories of violent crimes committed by Ukrainian VIPs and, especially, their offspring. The list is certainly not exhaustive since I picked up the stories occasionally, inter alia, while searching materials for different projects and screening only a handful of sources. Yet, having gathered about a hundred stories of this kind in less than a year, I found out it tempting to classify them and to denote some distinct features and tendencies.

First of all, the lion's share of violent incidents in which VIPs and their progenies are involved pertains to speeding (usually in a state of drunkenness), or to some restaurant and post-restaurant brawls (again most frequently with the perpetrators in an inebriated condition). Predictably, young people are much more prominent in this activity, partly because of the age and respective hormones, and partly because their progenitors use (as a rule) personal drivers and bodyguards, in order to preclude such problems.

So, when a minor oligarch and MP from Luhansk, Volodymyr Landyk, happened to be stopped by a traffic policeman because his car was traveling at double the speed limit, he had no need to contest the charge. It sufficed to order his bodyguard: "Go and sort him out!" (The Russian form is much cruder: "Пойди въеби его"; *Gazeta po-ukrayinsky,* Mar. 14, 2011) and the issue was settled. The policeman ended up in a hospital with concussion and bruises to his chest, whereas Mr. Landyk swore solemnly that nothing illegal had occurred: "The injuries he has got, well, he had probably inflicted them upon himself, no one beat him!"

This spectacular chutzpah seems to be the Party of Region's trademark. Back in 2010, after the bloody melee in the parliament, when oppositionists blocked the podium protesting procedural violations and Mr. Landyk's colleagues broke their noses in response, Mykhaylo Chchetov, the informal "director" of the Party's parliamentary faction, brashly explained the incident to the journalists: "There was no assault. Maybe they [hospitalized oppositionists] beat their heads [against a wall] themselves and now decided to blame it on us" (*Glavred,* Dec. 17, 2010).

In any case, whenever senior VIPs or their junior offspring are involved in killing a pedestrian or beating a commoner, the pattern of investigation and the subsequent findings are virtually the same. The speed of their cars is always recognized as being within the permissible limits and is never found to be 150–200 km per hour, the speed at which they usually drive. Alcohol is never found in their blood, even though witnesses often attest that they are barely able to speak or even stand. All of them are placed on probation, even though many fled from the accident scene rather than help the victim. In every case, the victims' relatives and victims themselves (if alive) are intimidated or bribed or both, to withdraw their claims (*Gazeta po-ukrayinsky,* Oct. 8, 2011). And witnesses are pressed by both the defendants and investigators to reconsider their earlier testimonies or merely to forget some details (*Gazeta po-ukrayinsky,* Mar. 21, 2011).

Another habitual feature of all these stories is their almost exclusive localization in Southeastern Ukraine—the area firmly controlled by the Party of Regions, alongside the capital city of Kyiv where an enormous number of national VIPs is ominously concentrated. It is no accident that all the heroes of these stories are either members of the Party of Regions or their close political-cum-business associates. The only story in my collection that occurred in the West of the

country refers to a young man and his cronies at Kalush, Ivano-Frankivsk region, who tried to solve a road incident with the help of gas and traumatic [rubber bullet] pistols. Remarkably, the main culprit, yet again, was the son of the local Party of Regions MP Volodymyr Lychuk.

All these youngsters, like their parents, are strongly convinced that might is right. And they are very cognizant of the open secret of who holds the real power in this country and how. They have no doubt that the law, or whatever this silly word may mean in Ukraine, is on their side. Actually, it is them and their parents and friends who own it. They have captured the state like an alien army, and can pillage it now as they wish.

Police, as a rule, avoid confrontations with these new landlords and their bubbling offspring. (The poor fellow from Luhansk who dared to stop Mr. Landyk was an exception: his singular bravery, or perhaps naivety, would rarely be replicated by anyone, including himself.) One can see in this video how reluctant they are to detain an aggressive youngster whose heavily inebriated monologue sounds like a motto for his entire generation:

"I'm Vladimir Kryvko, f...! Get off my way, f...! I'm having a good time, as I like it. It's up to me, f..., either to smell coke, or inject, or drink, or drive, or f..., or shoot. I'm Vladimr Kryvko! Any questions?" (*Gazeta po-ukrayinsky,* Mar. 6, 2012).

Last year, a big scandal occurred in Luhansk when Roman Landyk, a deputy of the city council and, yes, the son of the same Volodymyr Landyk whose bodyguard knocked out the traffic policeman, brutally attacked a young woman in a night club because she refused his gentle offer to have a good time with him at some other place (*UNIAN,* Jul. 8, 2011). The story would have probably have had no consequences for the

junior, just as the earlier incident had had no impact on his father. But, unfortunately for him, it was recorded on camera and placed on the Internet. The authorities had to react, so they brought the playboy to court and sentenced him to three years in prison – suspended, despite the fact he had never repented. On the contrary, he constantly and openly threatened the victim and journalists with revenge, behavior that in a normal country may have cost him more than three years in prison. Today, the cheerful owner of a 230,000 Euro Bentley Continental needs only to wait for the next pardon (likely in August, by Independence Day) and then try to fulfill all his promises and concealed desires, perhaps with a better luck, i.e. no cameras around.

This assumption may sound somewhat grotesque, but all those who know the story of Dmytro Kravets, the son of a member of the Odesa regional council (one can guess from which party), would certainly recognize it as quite common. This car-lover had killed, at high speed, a young man and seriously mutilated his partner. The prosecutor (under the Orange government) demanded six years in prison for him but the government changed meantime, and the speedster received a pardon. What makes the story even more poignant is that Mr. Kravets Jr. had already been pardoned twice after receiving minor sentences for stealing 16 (!) cars, just for fun (*TSN*, Oct. 3, 2011).

One should not be surprised, however, by the leniency of Ukrainian judges, if they belong to the same caste as their VIP clients (and patrons). They cooperate in a mutually beneficial enterprise of state capture and looting. And in most cases, they expose the same love for a dolce vita and disrespect for the law. My favorite story of this kind is that of Dmytro Chernushenko, a former deputy of the Odesa city council and, now, a consultant for the anti-corruption (!) committee in the Ukrainian parliament. His drift to the capi-

tal coincided, remarkably, with his father's career jump from the position of a judge in Odesa to the head of the Court of Appeal in Kyiv. Both events (and many more of the sort) coincided with Yanukovych's ascendancy to power.

Last July, a young lawyer with his girlfriend who also appeared to be a member of the legal profession, a judge of the district court in Kyiv, went to a nightclub in Odesa in which all visitors were required to pass the metal detector gate. The pair refused and, reportedly tipsy, began a brawl with the club personnel. When the police arrived, the "Kyiv lawyers" badmouthed them with obscenities and promised all would be fired. The journalists also got their portion of slander: "I don't give a s…t whether you're journalists," the young district judge put it elegantly, "You will pay for this!"

"We cannot do anything," a police officer confessed to journalists, under conditions of anonymity, "If we detain them, we would have a lot of trouble. The most we can do is compile a protocol and charge them a minor fine for petty hooliganism…. We encounter problems like this all the time. Children of judges, MPs, top officials behave here like hoodlums. They even spit on the police. They can beat anybody and will be released regardless" (*Za Donbass*, Jul. 8, 2011).

It is depressing even to read the titles of these stories: "Policeman in Kyiv charged 225 hryvna [$28] for killing a mother with a child at a street crossing" (*Gazeta po-ukrayinsky,* Mar. 16, 2012); "Judge from Kupyansk [Kharkiv region] who killed two people with his Jeep is acquitted" (*Gazeta po-ukrayinsky,* Oct. 3, 2011); "A judge from Luhansk who killed a women with a boy at a street crossing is promoted to the High Court" (*Ukrayinska pravda,* Feb 1, 2011); "A young member of the Valky city council [Kharkiv region] kicked a 17-year-old girl" (the story is very similar to that of Mr. Landyk Jr., with the only difference that here the hero's fa-

ther, the head of the local council, did not try to excuse his scion: "He drinks too much. We tried to cure him but in vain. He is 26 years old, all I can do is give him a good telling off" (*Ukrayinska pravda,* Oct. 24, 2011).

Perhaps the ugliest story in this collection of the lawlessness that reigns supreme in Ukraine comes from the recent publication in Kyiv Post about three mobsters who, back in 2007, kidnapped a man's business partner-cum-rival, tortured him for three days, and then, as the story relates, "tied an iron radiator battery to his back and tossed him over a bridge into a Dnipro River canal with the words: "Say hello to [Jacques] Cousteau!"

Only one of the killers, Oleksander Kudrin, was convicted for intentional murder and received a seven-year prison sentence, exactly like Yulia Tymoshenko for her unfortunate gas contracts with Putin. Two other accomplices, Serhiy Levchenko and the alleged ringleader Serhiy Demishkan, were given milder sentences on the lesser charges ofkidnapping and concealing a crime. District judge Volodymyr Yeremenko provided this remarkable revelation about the possible usage of heating radiators tied to victims' backs: "There was no intent of premeditated murder," he told the journalists. "They (the culprits) wanted to take him (the victim) to a notary public… Perhaps their actions led to accidental manslaughter" (*Kyiv Post,* Feb. 9, 2012).

However strange the court decision, a real miracle happened in December 2010, when a Kyiv appellate court judge ordered an additional investigation into the case and freed Mr. Demishkan with a suspended sentence. The reason for the court's lenience was very simple: Volodymyr Demishkan, Serhiy's father, was the head of the state roadway service Ukravtodor and a good friend of the incumbent president Viktor Yanukovych.

Demishkan Senior deserves a book to himself, but it requires a genre that I would rather leave for Ukrainian followers of Mario Puso or Martin Scorsese. Suffice it to say that he is cofounder (with Messrs. Yuri Boyko and Serhiy Tulub, the incumbent and former ministers of fuel and energy) of the Society of the Hunters and Fishermen "Cedar," patronized by the chief hunter of Ukraine Viktor Yanukovych. Such patronage pays off: at the end of last year, "Cedar" received 9,000 hectares of highly valuable reserve lands in Crimea at cut-price rates (*Ukrayinska pravda,* Dec. 26, 2011).

To Mr. Yanukovych's credit, neither of his two sons is alleged to have beaten traffic police or uncooperative girls, or to have tied radiators to the backs of their political rivals or business competitors. There was a minor incident with Viktor Yanukovych Jr. last year when journalists filmed him roaring drunk in the street and cursing with his full vocabulary. He did not asault anyone, however, nor even sue, though he threatened to do so after the video was placed on Youtube. Both he and his older brother Oleksandr are serious statesmen and businesmen (in Ukraine it is a normal combination), with personal bodyguards and therefore the state apparatus that can do the dirty jobs rather than they themselves (*Obkom,* Mar. 2, 2012).

Oleksandr Yanukovych came to prominence as the alleged shadow owner of "Tantalit," a murky offshore company that lends the president the estate on which his opulent residency is located, as well as a helicopter and other facilities—using taxpayers' money, of course, and doubtless at exorbitant prices (*Ukrayinska pravda,* Nov. 21, 2011).

This is how the pyramid ends. Or, rather, begins. And everything one sees at the bottom is just a reflection of what is happening at the top.

04. 2012
Raiders' State

This time, I have to start with a frank disclosure. For 40 years, I have been a faithful reader of the Kyiv-based journal "Vsesvit" ("The World"). For more than 30 years, I have been one of its contributors. For two decades, I have been a staff editor there, ending my career in 1994 as a deputy editor-in-chief. And today, after moving to academia, I still remain a committed reader, author, and member of the editorial board.

"Vsesvit" is an independent journal, with very limited resources acquired painstakingly from various grants, but with high and well-grounded ambitions: to promote world culture and literature in Ukrainian translations. I greatly respect all the people who work for "Vsesvit" – for a meager salary and symbolical royalties but also for an encouraging feeling of doing something good and important.

A few days ago, I learned that on April 26, a group of unidentified individuals broke into the "Vsesvit" office at the Hrushevsky Street, ironically located next to the Ukrainian parliament and Cabinet of Ministers and not very far from the President's administration. The intruders demanded that Chief Editor Oleh Mykytenko vacate the premises and renounce his claim to the office legally owned by the Vsesvit Publishing Company. They behaved in an extremely rough fashion, tried to damage Vsesvit property, and threatened personnel with further repercussions if they did not step

down. Some suggested they were acting on behalf of a certain Valeri Kharlim, an MP from the Party of Regions (little surprise), protected reportedly by the first vice Prime-Minister Valeri Khoroshkovsky. They argued they had their own documented claims to the Vsesvit property, which were apparently faked but convincing enough from the point of view of Ukraine's thoroughly corrupted and subservient courts (*Ukrayinska pravda*, Apr. 27, 2012).

The story is hardly unique and certainly not the most eye-catching against the background of some other events in Ukraine that have recently drawn public attention. Whereas mass media discuss the alleged beating of Yulia Tymoshenko by prison guards and four mysterious blasts in Dnipropetrovsk, attributed to unspecified "terrorists," the raiders' attacks on property in Yanukovych's Ukraine is a daily practice that evokes little international attention, except for the cases where foreign companies are involved and western embassies interfere.

"Raiding," as Andrew Rettman defines it, "is a form of hostile take-over in which someone bribes or blackmails courts to enforce a bogus claim against a profitable business. It can involve a van-full of balaclava-wearing men breaking into your office to tell you that you are no longer the owner. In extreme cases it can involve people shooting at your staff. Most victims are small-and-medium-sized Ukrainian firms in the agricultural sector. But foreign companies are not immune." Indeed, even the steel giant Arcelor Mittal that purchased unwisely the Kryvorizhstal mill for $5 billion from the previous government, became four years later a target of coordinated raiders' attacks and pressure from the authorities (*EUobserver*, Dec. 16, 2011).

"This problem," one expert contends, "is on the increase and it is common knowledge that it cannot happen with-

out collusion from the authorities." To prove this claim, Andrew Rettman refers to Transparency International's latest corruption ranking in which Ukraine dropped 18 places and now ranks below Nigeria. The European Business Association (EBA) has also lowered Ukraine significantly in its index of investment attractiveness. "You cannot protect your legitimate interests in the courts," the EBA director Anna Derevyanko says. "This comes up in many conversations with potential investors. It makes them reluctant to go ahead."

Not surprisingly, not only foreigners but also Ukrainian businessmen prefer to invest their money abroad rather than in Ukraine. Small-and-medium-sized companies have little choice, however, in this regard. And even less options are at stake for cultural journals. All of them seem helpless vis-à-vis powerful gangsters and unscrupulous government: intertwined and interconnected, nearly fused in Ukraine into one body. One by one, they are raided and racketeered, raped and pillaged, even though there are thousands of them, and all they need for successful resistance is unity and solidarity. Two years ago, we Ukrainians allowed the raiders to take over unlawfully the parliament and the government. Now, we allow them to destroy and subdue us gradually, one by one, one business after another. "Vsesvit" has never been a political journal. Its editor has always believed, perhaps sincerely, that culture is universal, and any government is able to appreciate it as a much-needed public good. He was wrong. Ukraine has a government that appreciates only brute force, endless amounts of money, and cynical lies.

Much of the international criticism of Ukrainian authorities was expressed within the past two years. Their typical reaction can be graphically exemplified by a recent decision of the ruling Party of Regions (PoR) to hire one of the world's largest corporate communications companies Burson-Marsteller to whitewash the regime. Or, as Robert Mack,

a senior manager at Burson-Marsteller, explained it: "Our brief is to help the PoR communicate its activities as the governing party of Ukraine, as well as to help it explain better its position on the Yulia Tymoshenko case." Less euphemistically, it means a task to intensify a smear campaign against former Prime Minister Yulia Tymoshenko and to tame the international criticism of the Ukrainian authorities, especially the president who has become, since last year, virtually an international pariah (*EUobserver*, Apr. 27, 2012).

They seem to believe – naively or, rather, arrogantly – that money can fix any problem. And if it is insufficient, bigger money is needed to settle everything. Burson-Marsteller might be a good choice for a government in big trouble. In the past, "the PR company was employed by the Nigerian government to discredit reports of genocide during the Biafran war, the Argentinian junta after the disappearance of 35,000 civilians, and the Indonesian government after the massacres in East Timor. It also worked to improve the image of the late Romanian president Nicolae Ceausescu and the Saudi royal family" (*Guardian*, Jan. 8, 2002).

One may recollect here also Leonid Kuchma's attempt to rescue his image after the "tapegate" with the assistance of similar whitewashers. What all these exclusive clients of PR companies fail to understand – either naively or perhaps arrogantly – is that they can win many battles: against Tymoshenko, Lutsenko, "Vsesvit", or even Arcelor Mittal. But they can never win the war for the truth and for the real place they occupy in history.

Topicals

03. 2010
What's left of Orange Ukraine?

A great many of the international reports on Ukraine's recent presidential elections read like obituaries of the 2004 Orange Revolution. The return of Viktor Yanukovych after winning a tight and tough electoral contest is portrayed not only as the personal defeat of the Orange leaders but also of the Orange project at large. Ukraine, apparently, is back where it belongs – in the Russian sphere of influence; after its short-lived experiment with democracy, it has ended up embracing a more natural, Russian-style ("Eurasian") authoritarianism; and the borders of Europe – to a great relief of the pundits – can now be firmly sealed at the eastern borders of the EU.

The real picture, however, is much more complicated.

Revolution as resumption of evolution

A common wisdom on revolutions, enshrined in Wikipedia, defines them as "an effort to transform the political institutions and the justifications for political authority in society, accompanied by formal or informal mass mobilization and non-institutionalized actions that undermine authorities". It is my favorite, because it contains the word "effort", missing in many other, otherwise pretty good definitions of revolution: a "combination of thorough-going structural transformation and mass upheaval" (Theda Scocpol); a "rapid, fundamental and violent domestic change in the dominant

values and myths of society, in its political institutions, social structure, leadership, and government activities and policies" (Samuel Huntington).

The Orange Revolution could certainly not be qualified as a revolution if the key-word "effort" is omitted. It has not brought any structural transformations, has not fundamentally changed political institutions, and has not substantially affected government activities and policies. Paradoxically, the only revolutionary change – the so called constitutional reform that introduced a rather crude separation of powers, securing some sort of political pluralism against probable authoritarian restoration – was promoted by the *ancien regime*, who strove to emasculate the victorious rivals and ensure personal security.

Any revolution is first and foremost *an effort* to change something in a short time and in a fundamental way. Revolutions may vary greatly in methods, duration, and ideological motivation; they may strive for radical change in social-political institutions and/or in the economy and/or in culture. But all of them are restrained in their scope and achievements not only by the political will and skill of the revolutionaries, by the caliber of their personalities and their mutual compatibility and complementariness, but also by the character of the society they operate within, its past experience and accumulated social capital, the international environment and external linkages and leverages.

Good revolutionaries are those who channel a tidal wave of popular dissatisfaction and mass upheaval to smash the obstacles that hinder a nation's development, to clear the road cluttered up by the *ancien regime*, and to build upon what has been achieved – in other words, to resume a track of evolution derailed or arrested by their predecessors. This is what the revolutionaries in the Baltics and the central east-

ern European states did; they built upon the achievements of pre-war statehood within a new international environment much more supportive of liberal democracy. In a sense, they returned to the track of evolution interrupted, reversed, or put on hold by the authoritarian leaders, but they complete this return with new historic experience and a new global vision.

Bad revolutionaries, on the other hand, are those who try to implement their utopian doctrines regardless of circumstances, regardless of the domestic and international environment, of political culture or of economic development. They escalate violence and spill blood because they believe that goals justify means, that any failure results merely from insufficient will, and that any resistance of circumstances is merely proof of sabotage. Communist revolutionaries are the best examples of the sort, and today's attempts to "democratize" Iraq and Afghanistan have something in common.

The Orange leaders were neither good nor bad revolutionaries, because they were not revolutionaries at all. They simply hijacked the revolutionary movement that was genuinely driven by popular dissatisfaction with the corrupted regime and its total lawlessness and impunity. They replaced their predecessors but failed to implement any changes that could be deemed revolutionary, primarily the rule of law that is crucial for any other reforms in the country. Throughout all five years of their tenure, they demonstrated the same nepotism and disrespect for legality as their predecessors. For five years, they stubbornly played with the rules, rather than by the rules.

But the Orange Revolution, paradoxically, was not a failure. It accomplished, at least partially, what any good revolution should, and put the country back on a track of evolutionary development. In 1999, that development was in-

terrupted by Leonid Kuchma, who manipulated democratic elections and deprived Ukrainians of real choice and a possibility to get rid of an unpopular ruler. Now, after the Orange Revolution, Ukrainians can choose their leaders in a relatively competitive, pluralistic environment. In a sense, they are again masters of their own political destiny.

The Orange Revolution failed, however, to develop this initial breakthrough into a sustainable movement, to build upon the initial success, to change the paradigm of evolutionary development – from the notorious "momentocracy" (opportunistic reaction to daily challenges, without any strategic vision) to a coherent and comprehensive policy of much-needed reforms. It re-established political pluralism, freedom of speech, of mass media and of elections. Yet, without functional institutions and the rule of law, these civic freedoms remain endangered. All largely depend on the goodwill of the major political players, and even more so on their relative impotence and inability to consolidate authoritarian strength. They are just too preoccupied with internal rivalry to be able to join forces and eliminate pluralism in society. "Pluralism by default" is an apt definition of Ukraine's political environment – either after independence or after the Orange Revolution.

In sum, the Orange Revolution was a success in a sense that it re-established evolutionary development, curbed negative (authoritarian) tendencies, and restored basic political pluralism and civic freedoms. Yet it was a failure in the sense that it did not create a positive dynamics, but reintroduced very slow, inconsistent changes that in the short run can be easily perceived as stagnation.

Ukraine's "muddling through"

The sarcastic formula "muddling through" to describe Ukraine's post-communist transition was employed for the first time by Alexander Motyl in his article "Making Sense of Ukraine" (*Harriman Review,* Winter, 1998). It was echoed by similar phrases referring to the same phenomenon: Dominique Arel's "muddling way", Andrew Lushnycky's "meandering path", or Marta Dyczok's "movement without change, change without movement". What these and other authors meant by their quips was the lack of coherent, consequent and comprehensive reforms in a country that, despite expectations, has certainly not become a success story of the post-communist transition.

One may recollect that back in 1991, when the Soviet Union collapsed, Ukraine was one the most advanced countries in the region – with rich soil, important natural resources, crucial routs of communication and transportation, wide-ranging industry, a literate population with virtually the same number of students, teachers, doctors, and engineers per capita as in any developed nation. It was a country with established universities, research institutes, high-tech laboratories, reputable theatres, symphony orchestras, art galleries and museums, a vibrant mass-media and an emerging civil society liberated by perestroika.

Of course, Ukraine also faced many problems: low levels of social cohesion and social trust; dysfunctional institutions and a weak legal system; widespread corruption and a peculiar Soviet (or eastern European, as George Schöpflin had put it) political culture. It faced the ambiguous side-effects of a perverse modernization: Soviet-style heavy industry, underdeveloped infrastructure and an inept agricultural sector that required thorough reform. Yet all these problems were

not much different from those of all other post-communist states – from Bulgaria and Romania to Poland and Lithuania.

In this context, Ukraine was certainly not an obvious laggard, unreformable and indigestible by the European community in some distant future. Yet Ukraine has been dogged by two more daunting problems that have determined its "looser" position not only vis-à-vis the central eastern European states, which arguably belonged to the realm of a more advanced western Christian civilization, but also vis-à-vis the Balkan countries, which belonged to the same eastern Christian civilizational realm.

The first is an acute identity problem, one that Ukrainians are reluctant to thoroughly recognize, and that westerners tend to simplify, mystify, and essentialize. The second is the problem of Ukraine's purported belonging to Russia's legitimate sphere of influence, to a "Greater Russia" – the assumption that westerners are unwilling to admit openly and that Ukrainians, in turn, tend to exaggerate. The first problem is reflected primarily in journalistic clichés about Ukraine's division into a "nationalistic" west and a "pro-Russian" east. The second problem looms large in popular stereotypes of a cynical West and a sinister Russia conspiring against Ukraine.

Neither stereotype is completely groundless. The identity split and confusion of values is revealed by numerous surveys carried out in post-Soviet Ukraine. Some prove a strong correlation between the type/strength of national identity and political attitudes, which translates, *inter alia*, into a particular voting behavior and strong regional polarization. On the other hand, western powers provide examples of cynical *Realpolitik* and apparent dominance of interests over values that make the inhabitants of the smaller "in-between" countries quake in their boots.

The stereotypes emerge when real phenomena are accepted uncritically and one-sidedly. The journalistic cliché about a divided Ukraine does to a degree reflect reality (an identity split and political-cum-regional divisions), but at the same time it misrepresents this reality and implies very false notions about the so called "division". Consider the meaning of "pro-Russian" and "nationalist" in this mantra. Why is a binary opposition described by two adjectives that *are not* directly opposed? Does it mean that the "nationalist" west is more xenophobic than non-nationalist (internationalist, cosmopolitan, liberal) east? By the same token, is one to understand that the fact of being "pro-Russian" (whatever that means) makes one less "nationalistic" and therefore superior to someone who is not "pro-Russian" (or not so "pro-Russian")? What if we employ the real antonyms in this quasi-binary formula? Would it not be more correct (and more intellectually honest) to oppose "pro-Russian" with "pro-European"? Or, if one prefers to emphasize Ukrainian "nationalism", why not use its real antonym – Russian/Soviet, or perhaps "Creole" nationalism?

By the same token, the image of the "cynical" and "treacherous" West can also be deconstructed and problematized. It might be more interesting, honest, and heuristically productive to ask whether the reason the West is so susceptible to Russian manipulation, and so eager to sacrifice Ukraine for economic, geopolitical, and other benefits, is precisely because Ukraine itself failed to prove that it is a viable and responsible state. Are Ukrainians themselves not susceptible to Russian manipulation, and, for the most part, unwilling to sacrifice anything whatsoever for their independence and professed "European belonging"? Is western restraint towards Ukraine not of the same nature as its attitude towards Turkey? Both of them have a strong westernized minority, both show significant pro-European drive, but in many re-

gards their European credentials remain questionable. Indeed, the eastern and southern neighbors of the EU have something in common. All of them, as Joseph Langer has crudely put it, "are involved in a more or less open civil war which seems to be fed by a disagreement on the adoption of Western values" (*Europe 2020*, Apr. 19, 2004). In both Turkey and Ukraine, "the EU is challenged by another spiritual power" – Muslim orthodoxy, in the former case, and Eastern Slavonic imperial messianism/anti-westernism, in the latter. One might argue, following the same line of reasoning, that defeat of the westernizers in either Ukraine or Turkey would have equally disastrous consequences for the West. Personally I agree, but this does not mean that the West can and should do the homework for the Turks or Ukrainians.

Homework delayed

Viktor Yanukovych's comeback as the new leader of Ukraine gives little cause for hope for any major reforms in politics or the economy, and even less so in the judiciary. Neither his previous records nor his first steps in the office signal any desire, skill nor will to do the homework the Europeans and pro-European Ukrainians would like to have gradually completed.

This does not mean, however, that he will abandon pro-European rhetoric and place his country in Moscow's orbit. Such a move is neither in his personal interests nor in the interests of Ukrainian business and the political class. The main reason for this is not only the much higher attractiveness of the West, but also the very low attractiveness of the Kremlin (to put it mildly). However "pro-Russian" the leaders of neighboring countries are, sooner or later they come to understand that it is not enough. Moscow will never be satisfied with any concessions the Ukrainians make or friendship they

offer, because Moscow does not need friendship and partnership in the "near abroad". It needs full obedience. This is why neither Voronin, nor Shevardnadze, nor Kuchma, nor even Lukashenko, despite their hopes and intentions, have been good enough for the Kremlin.

Most likely is that Yanukovych will pursue a Kuchma-style "multi-vector" policy internationally and a "Kuchma-lite" policy domestically. It will seem "lite" not because Yanukovych is any more committed to the rule of law, or has weaker authoritarian inclinations, but because presidential authority is much weaker today than under Kuchma – due to the constitutional amendments made in 2004. Today, the prime-minister is a stronger political figure than the president, so Yanukovych faces the real dilemma: how to seduce Yushchenko's Our Ukraine into the government coalition without ceding them the position of the prime-minister as the only adequate compensation for a dubious and potentially suicidal political compromise.

With 172 seats in the 450-seat parliament, Yanukovych's Party of Regions needs to muster a coalition of at least 226 members. This requires making an uneasy deal with Our Ukraine (72 seats) or even a more complicated settlement with Tymoshenko and her eponymous bloc (156 seats). The latter development, however unlikely at the moment, might be the most dangerous, since it grants a two-thirds constitutional majority to two parties notorious for their profound arbitrariness in legal issues. Even though Tymoshenko currently rejects any possibility of compromise and cooperation with her bitter rivals, one should remember that last year this did not stop her from holding secret negotiations with Yanukovych, reasonably compared to a "constitutional *coup d'etat*". In particular, they envisioned drastic changes to the constitution, which, had they been implemented, would *de facto* have purged the political arena of other par-

ties and provided two major oligarchic groups with an excellent opportunity not merely for power sharing, but for effective looting of national assets and full impunity. The scandal that broke after the draft document leaked to the media contributed to the failure of negotiations and probably to Tymoshenko's electoral defeat. The animosity and mistrust between the major rivals probably precludes their cooperation in the near future, but the common fear of new rivals may bring them together in a most unexpected and curious way.

At the moment, a coalition with Our Ukraine looks more feasible, even though, from the perspective of the Party of Regions, the partner is too capricious and demanding. Our Ukraine is indeed a difficult partner, heavily divided into many groups, some "pragmatic" and open to lucrative offers, others ideological and unwilling to sacrifice their principles.

One more option, discussed by Party of Regions hawks, is to form a minority coalition with Communists and Lytvyn's Block, and to seduce a few more MPs from the BUT and/or Our Ukraine as "independents" to meet the required minimum of 226. The problem, however, is that the Ukrainian constitution provides no option for a minority government. Moreover, it stipulates that the governing coalition should be made up of factions and not of single deputies. This erects a strong obstacle to the draining of MPs from other factions and creating a majority with "independents".

The Party of Regions, however, may try this, playing with rules and misinterpreting the constitution at their convenience. Yet the legitimacy of such a coalition would be questionable, and it might only be matter of time before the Constitutional Court overrules the move. Moreover, Tymoshenko and her bloc would definitely cry foul, would try to sabotage the parliament, or even refuse to transfer power from their caretaker government to the new coalition.

Snap elections might be the best solution for the present political deadlock. They would be likely to bring into the parliament new, more honest or at least modern and law-abiding political forces that would gradually influence and transform the highly corrupt political scene. There are positive signs that such forces are emerging and that society strongly needs and supports them. The relative success in the first round of the presidential elections of the banker Serhiy Tyhypko and the former speaker of parliament Arseniy Yatseniuk, who between them mustered 20 per cent of the vote, looks promising. Both Tyhypko and Yatseniuk portrayed themselves as non-ideological technocrats, a kind of "upgraded Yushchenko" (who five years ago also emphasized his pragmatic, rational approach to national problems). They might be sheer opportunists, but neither is burdened by scandal, and neither play with the rules as Tymoshenko and Yanukovych do constantly.

The other positive sign is a great number of Ukrainians (one third of voters) who either cast ballots against both candidates in the second round (Ukrainian law provides such an option) or abstained from voting. As a result, Yanukovych gained even fewer votes than five years ago, and became the first "minority" president with only 49%. Tymoshenko lost with 46%, because the "orange" electorate, though greater in number, proved more reluctant than their opponents to support our "bad boys/girls" just because they are "ours".

The main problem, however, is that virtually nobody in the incumbent parliament is interested in early elections, since everybody suspect, quite realistically, that their parties' representation in parliament would decline significantly. So, for the time being, the Byzantine intrigues at the top are likely to continue and a dysfunctional democracy is likely to persist. This odd equilibrium cannot last forever, however, so sooner or later we may expect either a sort of author-

itarian consolidation, or democratic reform, the latter rather unlikely without personal and factional changes in the political scene.

Changing the paradigm

Alexander Motyl has recently re-asserted that, because of systemic weakness, Ukraine's flawed democracy is unlikely to fix itself in the short term, yet the situation is equally unlikely to deteriorate: "Ukraine is too fractured and too weak to have either a strong democracy or a strong dictatorship. Politically and economically, Ukraine will probably continue to muddle through, more or less as it has since 1991" (*Foreign Affairs* 3, 2009). The problem, however, is that the "muddling through" is not as feasible option today as it used to be in the 1990s: "Back then, Russia was weak and quiescent, its leadership was democratic, its relations with the West were generally good, and the world economy was growing."

All these things changed dramatically, posing Ukraine with new international and domestic challenges. Ukraine's response, so far, has been vague and indecisive. On one hand, the majority of the political class and population at large seem to recognize that the vicious paradigm of social under-development and institutional dysfunction should be changed, and that the Hobbesian war of all against all should give way to the rule of law, social trust and responsibility. On the other hand, low social trust makes any changes difficult, since there is no consensus that can be translated into collective action. Any social agent who dares to give up the old model of behavior and accept the new one, i.e. to play by the rules rather than with the rules, may become the main loser – if nobody follows suit. The situation resembles the final episode of Tarantino's "Reservoir Dogs". Three gangsters keep their guns

against each other head and cannot put their weapons down, since the first to do so will perished first.

An outsider with even a bigger gun might provide a solution. In political science it is called third-party enforcement. It was the EU that played such a role in the equally fractious political environment of the central eastern European states, providing the local elites with strong incentives for consolidation and eventually carrying out the necessary guidance and arbitrage. In the post-communist Balkans, the EU was apparently not enough, though NATO helped. In the case of Ukraine, Moldova, and Georgia, the West keeps a low profile while Russia is basically free to play its traditional role of spoiler.

Ukraine's identity problems and societal divisions not only facilitate this spoiling activity, making the country vulnerable vis-à-vis external influences and manipulations. They complicate democratic transition in multiple ways. First, they lower social trust and undermine social cohesion; second, they secure the survival of bad politicians who otherwise would have been defeated at the nearest election, but instead are rescued by the electorate as "our bad guys"; and third, by the same token, they support the "siege mentality" and limit the scope and agenda of political and ideological discussions. Indeed, they "inject identity politics into everything, making compromise difficult," as Alexander Motyl and Adrian Karatnycky shrewdly observed. Thoses divisions support quasi-war conditions that make sober decisions and reasonable behavior more problematic.

This does not, of course, overshadow other factors of instability, such as personal rivalry, the incompetence and irresponsibility of politicians, the lack of civility of the business class, a weak rule of law and dysfunctional institutions, an illiberal political culture and an immature civil socie-

ty. However of all these factors, the identity split and societal divisions are the only ones that hamper the consolidation not only of democracy, but also of authoritarianism. The 2004 Orange Revolution was in fact society's response to the regime's attempt to tighten the screws, to curtail civic freedoms and to firmly establish Russian-style "managed democracy". It was an excellent opportunity to change the entire paradigm of development – if Ukrainian politicians had been more responsible, society more mature, and western Europeans less parochial. If the miracle did not happen, at least it brought the country back on the evolutionary track interrupted in 1999 by Leonid Kuchma, who manipulated elections and dispossessed Ukrainians of their legitimate political choice. Again, as throughout the 1990s, Ukrainians have the government they deserve, elected in free and fair elections, so that nobody but themselves can be blamed for the choice. They have a highly competitive and pluralistic political environment and a vibrant independent mass media – fairly rare things in the post-Soviet space.

Now, Ukrainians need to learn how to make the government competent, responsible, and accountable. They need to learn what western European barons and oligarchs learned long ago: that politics is not a zero-sum game, that the winner does not take all, and that aims do not necessarily justify means. They need to learn how to decouple de-Sovietization from de-Russification in public discourse and policies, and remove the contradiction between the need for reform and the need for consolidation.

It may take much time and definitely a lot of effort. Actually, there are no examples of effective consolidation of democracy without external help, with the classic exceptions of the US and some western European countries. But it took at least two centuries. Whether Ukraine has so much time, given the challenges mentioned above, is unlikely. Whether the

diffusion of western ideas and practices, combined with the efforts of domestic actors, will bring radical change is also questionable. It is likely, however, that such efforts will, sooner or later, attract the attention of westerners and cause them to adopt more favorable and engaged attitudes. Sooner or later, they must understand that Ukraine is not a failed state, as Kremlin propagandists claim and dream about, but rather a "permanent entity, a state with legitimate interests [...] It might be easier to deal with Russia if Ukraine did not exist, but Ukraine does exist and will not go away" (Motyl & Karatnycky).

Two decades after Ukraine's independence, the country's choice is definitely not between a "failed state" and a "success story", but between a "success story" and the "muddling through" which the post-Soviet politicians, until now, do best.

04. 2010
Bandera's Controversy and Beyond

Hardly any European Parliament document had ever made such a fuss in Ukraine as its resolution of 25 February 2010 on the situation in the country, specifically paragraph 20, which stated that the EP "deeply deplores the decision by the outgoing President of Ukraine, Viktor Yushchenko, posthumously to award Stepan Bandera, a leader of the Organization of Ukrainian Nationalists (OUN) which collaborated with Nazi Germany, the title of 'National Hero of Ukraine'; hopes, in this regard, that the new Ukrainian leadership will reconsider such decisions and will maintain its commitment to European values."

Thousands of Ukrainians responded to the EP with a petition claiming its decision was "historically groundless and based on disinformation," "insulting to millions of Ukrainians who were killed or otherwise repressed for their commitment to freedom and independence," and discrediting "the very idea of European integration among its Ukrainian supporters."

"On June 30, 1941," they argued, "Stepan Bandera and his colleagues announced the renewal of independent Ukrainian statehood in Lviv against the will of Hitler's Germany. For this they were killed or incarcerated in Nazi concentration camps. Bandera himself was a prisoner of the Sachsenhausen camp. His brothers Oleksandr and Vasyl were killed in the

infamous Auschwitz camp. The national liberation movement headed by Bandera fought for the independent statehood of Ukraine against the Bolshevik and Nazi occupants. Neither the OUN headed by Bandera nor the Ukrainian Insurgent Army (UPA) are mentioned in the verdicts of Trial of the Major War Criminals before the International Military Tribunal at Nuremberg."

Borys Tarasiuk, a former minister of foreign affairs and the incumbent head of Ukraine's Narodny Rukh party, expressed a deep concern in an open letter to the EP president Jerzy Buzek: "The European Parliament, unfortunately, was led by biased information, which, after all, caused the given misunderstanding. Still worse, the newly-elected president Victor Yanukovych, who is far from the ideals and principles of European democracy, now can "cover" himself with the parliament's decision in order to justify his anti-Ukrainian steps and rescind the presidential decree regarding Bandera" (*Ukrayinska pravda*, 9 March 2010).

President Yushchenko has also been defiant. He accused the EP, by the same token, of "historical bias" and a failure to look at history "through the eyes of the present" rather than the obsolete lenses of Soviet propaganda. He suggested that there was "an active section that initiated and [provoked] them [MEPs] in every way possible," but he declined to specify its identity (*Interfax,* Mar. 10, 2010). Other commentators, however, wrote openly about "Polish betrayal." "For years," alleged one, "they pretended to be friends of Ukraine and now they have shown their true face" (*Ukrayinska pravda*, 3 March 2010). Some authors went even so far as offer conspiratorial speculations that implied a kind of exchange between Poles and Russians: concessions on Katyn in return for an official lobbying of an anti-Ukrainian resolution in the European Parliament.

Ukrainian liberals found themselves, in this situation, between a rock and a hard place. On one hand, they could barely embrace Yushchenko's opportunistic decision as well as the dubious or at least ambiguous and ambivalent legacy of Bandera, OUN, and UPA. On the other hand, they could see all too clearly the implications of the MEP's oversimplified and irresponsible interference in complex matters of which they had little knowledge and even less comprehension. A prominent Ukrainian historian Yaroslav Hrytsak expressed this profound bitterness and disappointment in a few words: "It is worse than a crime. It's stupidity" (*Zaxid.net*, 8, March 2010). He referred primarily to Polish MPs who supported the document, even though they were actually the only members of the EP who should have been competent enough to understand the complexity of the problem and be aware of the peculiar political context of today's Ukraine. Yet, all the other MPs should probably not be spared from blame for throwing thoughtlessly oil into the flames of the Ukrainian domestic conflict.

"Gazeta Wyborcza", a leading Polish liberal newspaper, expressed its regret over Yushchenko's decree but also suggested that the harm for Polish-Ukrainian relations would have been much smaller if the end result had been the ill-fated decision of the cornered, defeated, and outgoing Ukrainian president. Instead, the newspaper argues, Polish members of the EP initiated even an more untimely and misplaced document. "Our MEPs have involved irresponsibly the EU into the Polish-Ukrainian dialogue over the past, employed the language of ultimatums, and pushed the Polish-Ukrainian reconciliation back to the pre-1989 level. Ultimately, they played into the hands of Russia and pro-Russian forces in Ukraine" (27–28 March 2010).

Framing the context

There were at least three peculiarities of Ukrainian political situation that, indeed, should have been comprehended wisely and carefully to avoid the consequences that essentially undermine the EP's intentions.

First, Ukraine is not just a post-communist but is also a postcolonial country shared nearly equally by the "aboriginal" and "settler" communities, with their own myths, symbols, historical narratives, heroes, cultures, and languages. The numerical preponderance of aborigines is counterbalanced by the socially higher status of settlers determined historically by their mostly urban character, better access to culture and education, economic resources, and social networks, as well as by overt and covert imperial policies of privileging one group against the other. There is also a huge swing group of aborigines assimilated historically, to different degrees, into the dominant Creole-type culture, and a much smaller but still important group of settlers who opted for a "dancing-with-wolves" identification with aborigines. The presence of swing groups as well as cultural and linguistic proximity between the aborigines and settlers substantially mitigates the intergroup tensions making Ukraine a country "divided but not split." At the same time, the balance is very delicate, poorly institutionalized (with virtually no rule of law anywhere), and therefore highly susceptible to both external and internal bifurcations.

Secondly, one should note that the Bandera- and OUN-bashing is an important part of the traditional "anti-nationalist" and, essentially, anti-Ukrainian discourse in both the Soviet Empire and today's Russia. The dominant imperial view of Ukrainians has always been as of a subgroup of Russians, and their assimilation into Russian language and culture has been averred and promoted officially as "historically progres-

sive," positive and inevitable. Any questioning of this process, let alone resistance to it, had been qualified as "bourgeois nationalism," which, exactly like Zionism, was a criminal accusation, an effective witch-hammer that helped to silence any attempts of marginalized groups to defend their cultural, linguistic, or other rights. Fighting Ukrainian (and any other, except for Russian, of course) bourgeois nationalism had been a crucial joint venture of secret police and propaganda bodies that meant in particular discrediting all things Ukrainian which did not fit the official model of eternal Ukrainian-Russian friendship and of Ukrainians' primordial desire for "reunification" and ultimate merger with the "older brother." All the historical cases of armed resistance to such a reunification had been especially smeared, so it came as little surprise that Bandera and the OUN, all their complexity notwithstanding, became demonic examples of Ukrainian bourgeois nationalism at its worst: as bloodthirsty murderers and Nazi collaborators. In the dominant discourse, they are still represented as a symbolic pathology, an extreme deviation from the officially approved norm. And the norm here is not a self-confident, European, liberal democratic, and civic Ukrainian – as a viable and desirable alternative to a nationalistic and authoritarian Banderite – but, rather, an obedient pro-Russian loyalist eager to sacrifice its identity, dignity, and probably independence for the sake of the mythical, Russia-led, East Slavonic brotherhood. Any disobedient Ukrainian is labeled within this discourse a "nationalist" and a "Banderite," and effectively excluded from normality into the sphere of obsession and deviation. And, since this crypto-Soviet discourse remains dominant in both today's Russia and major part of Ukraine, one may easily guess how the European Parliament's condemnation of "Banderites" is perceived by the local Creoles and aborigines.

The former, after their candidate's victory in the recent presidential elections, strive to ensure political, cultural, and economic dominance over the country, monopolizing both central and regional power by all possible means. And this is the third peculiarity of today's Ukraine that the members of the European Parliament unfortunately missed. If, like Yushchenko, they were looking for the worst time for a wrong decision, then they found it. They boosted successfully all the revengeful feelings of the victorious Party of Regions that tries to re-launch Soviet-style Russification policies and abolish or emasculate all the institutions, measures and regulations established by its predecessors to promote Ukrainian culture, language, and identity. The new government got an excellent political present from the European Parliament. Now, they can suitably represent its ill-thought resolution as an international condemnation of allegedly nationalistic policies of their predecessors and, accordingly, as an approval of anti-nationalistic (anti-Ukrainian, in fact) measures of the new rulers. Still worse, the symbolical meaning of the EP's resolution is interpreted so broadly that it seems to indulge the "anti-nationalistic" regime from the most outrageous and vicious violations of the constitution. Suffice it to mention the illegal decision to postpone indefinitely local elections due in May 2010, or the parliamentary coup d'etat and creation of the government in an absolutely illegitimate way. (This usurpation of power has been recently approved by the Constitutional Court amid broad accusations of bribery and intimidation of judges. Remarkably, the same Court examined exactly the same issue a year ago and adopted the *opposite* decision!)

In the propagandistic discourse of Yanukovych's team, "civilized Europe" appeared to grant them a carte-blanche ("political ammunition" in Tarasiuk's words) to dismantle the legacy of the Orange Revolution, which includes not only official glorification of Bandera and OUN (as the members of

the European Parliament seem to believe) and not only mild attempts at regeneration of Ukrainian language and culture, but also political pluralism, freedom of speech, media, elections, public meetings, and many more things that are gradually, day by day, disappearing in post-Orange Ukraine while the Party of Regions with Communists are rescuing "European values" from Yushchenko and his "Banderites" with the blessing, oddly, of both the Kremlin and the EU.

It was certainly not what the EP intended by its resolution but this is exactly how the new Ukrainian government interprets its resolution to legitimize their dubious policies and, ironically, it is also how their defeated Orange opponents perceive the EU's stance: "The Bandera condemnation contains a lot of shocking things," Iryna Magdysh, a Ukrainian publicist wrote. "The date of its release, Feb. 25, was the day of the new president's inauguration. Also shocking is the contrast with the failed resolution condemning persecutions of the Poles in Belarus. It was shocking that Point 20 of the resolution on Bandera was authored by the Poles. In this case, Poland looks more like a prosecutor of Ukraine rather than its advocate. Nobody can persuade me now that European leaders did not want Yanukovych as president. They must have wanted him to make sure that nothing stands on the way of their licking Russia's natural gas pipes. When I say 'nothing', I mean Ukraine here. … I am trying to remain an optimist. But at the same time I realize that a successful, effective and modern Ukrainian state is only in the interests of Ukraine itself. We're on our own" (*Kyiv Post*, 4 March 2010).

Resentments are bad advisers in politics, and crying wolf might look premature in the first weeks of the new government, but a Russian-style authoritarianism really looms large in Ukraine, and the EU would certainly be better advised to focus on the praised "European values" from the incoming

Mr. Yanukovych and his associates rather than from the dismissed Mr. Yushchenko and his obsolete decrees.

Polish politicians, to their credit, seem to be first to understand that exorcising demonic Ukrainian nationalism is hardly an EU priority in post-Orange Ukraine. Poland's ambassador Jacek Kluczkowski in his 24 March interview with Ukraine's UNIAN Information Agency partly retreated from the tough stance of his government and the EU on Yushchenko's unfortunate decree: "It is of course untrue that Bandera was a German collaborator and one shouldn't accuse him of collaboration. But are Bandera's slogans adequate for a modern democratic state? Can such a very disputed figure be a modern exemplar for a people aspiring to move toward European integration? That is why we were disturbed by this award. But the decision to confer or not to confer titles is Ukraine's matter" (*UNIAN,* 24 March 2010).

Pawel Kowal, a Polish deputy to the EP, made another conciliatory gesture in his interview with a popular Ukrainian web-site: "I believe it is not the European Parliament's business to assess historical policies of either members or neighbors of the EU. ... It is Ukraine's internal affair. Ukraine should not be an object of pressure by other countries. It is fully eligible to make sovereign political decisions. ... But we, the Poles and Ukrainians, should openly discuss our history. I feel we can do this, even if we would certainly disagree on many issues. We should conduct a dialogue." And, with a clear intention to encourage Ukrainians, to sweeten a bitter pill, Kowal suggested not to exaggerate the weight of paragraph 20. There are more important points, he said. "The document discusses the legal aspects of Ukraine's possible accession to the EU. The European Parliament is the only institution that, since the Orange revolution, has stated clearly: Ukraine should be in Europe" (*Zaxid.net,* 25 March 2010).

Bandera's Legacy

The Bandera controversy will certainly not disappear from Ukrainian life whatever decisions are adopted by the European Parliament and whatever measures are undertaken by the Yanukovych regime. Because it is not about history, politics, or ideology, but about identity.

Bandera, like OUN/UPA, is just a metonym of two different legacies that had been historically inseparable but have diverged today radically in two different discourses and informed two different controversies that are often, deliberately and undeliberately, confused making thereby the whole problem highly ambiguous. One of them is a legacy of political violence, terror, authoritarianism, integral nationalism, xenophobia, and intolerance. Some inveterate anti-OUN crusaders like the prominent University of Alberta historian John-Paul Himka and his less talented but more active colleague, the late Wiktor Poliszczuk (1925–2008) denounce Banderites also in collaboration and anti-Semitism, even though both claims are rather disputable. Alexander Motyl argues that collaborators are "individuals or groups who abandon their sovereign aspirations and serve another power's goals," while "individuals or groups who retain their sovereign aspirations and align with some power in pursuit of their own goals – even non-democratic ones – are generally called allies" (http://www.cicerofoundation.org/lectures/Alexander_J_Motyl_Ukraine_Europe_and_Bandera.pdf). By this logic, Stalin who cooperated with Hitler in 1939–1941 was his ally but not a collaborator. And the British and Americans who eventually cooperated with Stalin, had been situational allies of the communist totalitarianship but not Stalin's collaborators.

Until July 1941, Bandera and his OUN wanted to ally themselves with the Germans in the hope of gaining national independence which they considered their top priority.

But the Nazis wanted them to be only collaborators, not allies. So, when Ukrainians proclaimed independence in Lviv on 30 June 1941, after the Germans invaded the Soviet Union, the Nazis did not accept this as a *fait accompli*. In a sense, as Motyl sardonically comments, the Germans inadvertently saved the nationalists from forming a collaborationist and possibly fascist fate. They cracked down on the OUN-B in mid-1941, imprisoned Bandera in Sachsenhausen and two of his brothers in Auschwitz, and assigned the Gestapo to eradicate the entire nationalist network. "The Bandera nationalists then went underground and eventually came to lead a massive popular resistance movement that fought both the Germans and, eventually, the Soviets. German documents amply illustrate the degree to which the Nazi authorities regarded the *Banderabewegung* as a serious, anti-German force" (Motyl).

The OUN's alleged anti-Semitism is an even more complicated and ambiguous story since, on one hand, anti-Jewish resentment or even hostility was a common phenomenon among many Ukrainian nationalists; yet, on the other hand, they did not consider Jews as the main, heavily demonized and primordial enemies but, rather, treated them (or most of them) instrumentally as opportunistic allies of Poles and Soviets who were deemed real foes. This anti-Jewish bias had certainly faciliated involvement of some nationalists in anti-Jewish excesses but, on the other hand, its non-programmatic, non-ideological character left substantial room for cooperation with those Jews who were considered "ours", i.e. loyal to the Ukrainian cause. Hence, quite a few Jews were rescued by nationalists, and some of them even joined UPA to fight both the Nazis and Soviets.

From the normative point of view, neither politics nor ideology of Bandera and OUN look acceptable nowadays and adobtable for any practical purposes. This is definitely that part of their legacy that should be abandoned since it "makes

little ethical sense today" (Timothy Snyder) or, as another historian rightly put it, "in the 21st century [such] views seem archaic and dangerous" (David Marples).

But there is one more part of the UPA legacy that, as Timothy Snyder properly recognizes, is hardly so obsolete in contemporary Ukraine: "It is this legacy of sacrifice that many in western Ukraine today associate with Bandera, and do not wish to be forgotten. … As everyone who is interested in the history of Soviet Ukraine knows, … partisans fighting under Bandera's name resisted the imposition of Stalinist rule with enormous determination. Thus there seems to be a certain binary political logic to Yushchenko's decision: to glorify Bandera is to reject Stalin and to reject any pretension from Moscow to power over Ukraine."

Alexander Motyl has outlined the problem even more acutely:

"Contemporary Ukrainians who regard Bandera as a hero lionize his and his movement's implacable opposition to the Soviet Union in 1939–1955. No one regards the nationalists' violence against Poles and Jews as laudable, but few regard it as central to what Bandera and the nationalists represent: a rejection of all things Soviet, a repudiation of anti-Ukrainian slurs, and unconditional devotion to Ukrainian independence. Bandera and the nationalists are also seen as the polar opposites of the corrupt, incompetent, and venal Ukrainian elites who have misruled Ukraine for the last twenty years. Of course, this popular reading of Ukrainian history is one-sided, and a full account would entail both the good and the bad things Bandera and the nationalists did. But one-sided historical readings are not unusual, especially among insecure nations struggling to retain their new-found independence." (http://www.cicerofoundation.org/lectures/Alexander_J_Motyl_Ukraine_Europe_and_Bandera.pdf)

The last point is particularly important. It suggests that Ukraine is not just a normal nation, with firm identity and secure statehood, that chooses presumably between authoritarianism and democracy, i.e., in this case, between the crypto-fascist legacy examplified by Bandera and the OUN and liberal-democratic values promoted by the EU. The reality is quite different. Neither Ukrainian statehood nor sovereignty are secure enough vis-a-vis growing Russian assertiveness, nor is the Ukrainian "aboriginal" identity unthreatened under the cultural and linguistic pressure of politically and economically dominant Creoles and their Moscow allies.

So, for Ukrainians, the real choice is not between OUN-style nationalistic dictatorship and EU-style liberal democracy. Most of them made this choice long ago, and virtually none but a few marginals praise the former today, and deny the latter. The real choice is either to defend national sovereignty, dignity, and identity, or give them away to Russia and/or its Creole subsidiaries. Under these circumstances, the second part of Bandera's legacy remains relevant: that of patriotism, national solidarity, self-sacrifice, and idealistic commitment to common goals and values.

Remarkably, this is exactly that part of Bandera's and OUN/UPA's legacy that has been primarily targeted by the Soviets, as Alexander Motyl aptly reminds us: "Soviet propaganda always demonized the nationalists, not for their violations of human rights – after all, who were the Soviets to care about human rights after inventing the Gulag? – but because of their opposition to Stalinist rule. The nationalists suffered over 150,000 casualties, while inflicting over 30,000 on Soviet troops and police units in the period between 1944 and 1955. Hundreds of thousands of nationalist sympathizers were also deported or imprisoned in the Gulag. The post-war nationalist resistance movement enjoyed vast support among the Ukrainian population of Western Ukraine precisely because

it stood for opposition to Stalinism and its genocidal aspirations. Over the years, as Soviet rule became more entrenched, active popular support dwindled, but the Bandera nationalists continued to symbolize the cause of national liberation."

This might be a good answer to John-Paul Himka's question "Why would anyone want to embrace the heritage of that [OUN] group? ... Shouldn't we put paid to their legacy?" This might be also an apt explanation which part of Bandera's legacy – and why – is so much hated in both today's Russia and Yanukovych's Ukraine: "Soviet demonization of the nationalists promoted and created a deeply rooted image of them as savage cutthroats with no political or ideological agenda except for death and destruction. This image took root in, above all, the heavily Sovietized parts of eastern and southern Ukraine, which had served as strongholds of Communist Party rule. Russians and Russian speakers picked up on official cues and frequently insulted nationally conscious Ukrainians who dared to speak their own language by referring to them as 'Banderas'. ... What Russian chauvinists had used as a term of opprobrium – Bandera – became a term of praise, much in the way that African Americans appropriated the 'N-word'..." (Motyl).

In other words, "Bandera" and "Banderites" in the ideologically charged Ukrainophobic discourse of the dominant Sovietophiles became synonimous with any self-conscious, non-Russified and non-Sovietized Ukrainian: a metonym of a disobedient Friday who refuses to recognize the cultural and political superiority of a Russian Robinson. Such a Ukrainian, and the national-liberation (rather than authoritarian) part of the OUN's legacy that purportedly makes him defiant, is the main irritant for both the imperial chauvinists in Russia and their Creole associates in Ukraine. To abandon this legacy in today's Ukraine would not be tantamount to non-acceptance of liberal democratic European values, as the

members of the EP may believe, but rather to the acceptance of the colonizers' view of Ukrainian history and identity.

To put it straight, the aboriginal part of Ukrainian society would have little incentive to abandon its nationalistic symbols as long as the other part keeps its own symbols of colonial conquest and dominance – all the Lenins and Stalins, Dzerzhinskys and Kirovs, Peters and Catherines arguably the Great – cherished and glorified.

Yaroslav Hrytsak is right: "We must recognize that Ukrainian historical memory is deeply divided – a fact we and our heirs will have to live with for a long time… A pact on amnesia would have been the best political solution for our country – at least until we complete a radical transformation… But such a pact requires a responsible elite and a reputable, trusted arbiter (in Spain, there was the king). Yet, even if some miracle has endowed us with such an elite and arbiter, we [unlike Spaniards] have neighbors – Poles, Russians, Jews – who would not allow us to forget our history… We should probably try to elaborate an Anglo-Saxon formula that permits co-existence of different, sometimes mutually incompatible elements of historical memory to produce a national consent, *e pluribus unum…*" (*Zaxid. net*, 8 March 2010).

So far, this might be wishful thinking since today's Russia would hardly accept any Ukrainian otherness that falls beyond the imperial paradigm. But Brussels may listen to Ukrainians, and so may Warsaw. They must recognize the right of small and endangered nations to have their own memory. Otherwise, Hrytsak argues, the common European memory would just be the predominance of the strongest and richest over the weakest and poorest: "Minor nations should have the right to praise inconvenient, unorthodox heroes – as long as they praise them not as symbols of violence

and dominance over other people but, rather, as symbols of their own struggle for survival and dignity. In the case of Bandera, it is of little importance whether he was a fascist or not but it is really important whether people today celebrate him as a fascist or someone else."

National heroes are usually not impeccable. Latin American Indians may have serious reservations about Columbus, and blacks may rightly consider George Washington as a slave-owner and may reasonably reject a great number of other reputable European and American statesmen as racists to their boots, and Chechens would certainly not perceive Jacques Chirac's conferring the Grand Cross of the Legion of Honor on president Putin as just and honest, nor would Palestinians ever find anything heroic in Ben Gurion's calls to "expel Arabs and take their places," to "use terror, assassination, intimidation, land confiscation, and the cutting of all social services to rid the Galilee of its Arab population," and to "do everything to ensure they [the Palestinian refugees] never do return" (Michael Bar Zohar, *Ben-Gurion: the Armed Prophet*, 1967).

But it also unlikely that the members of the European Parliament would ever ask Israelis to rename their major airport, or urge the city council of Barcelona to remove its Columbus monument, or forbid the sale and wearing of the Che Guevara tee-shirts in the EU since neither the totalitarian ideology nor terrorist activity of this hero comply anywhere closely with European values.

Historical truth, in most cases, is highly complex and ambiguous, and Bandera's story, in this regard, is no exception. It has both dark and bright pages. And none of them should be undermined or exaggerated. Even more importantly, none should be considered outside historical and present day contexts.

07. 2010

The End of a Post-Soviet 'Pragmatism'?

Within the past two decades, the word 'pragmatism' has made an impressive career in post-Soviet countries, acquiring a profoundly different meaning from what it originally meant in Western vocabulary. Today, in Ukraine, it certainly stands not for a "philosophical movement that includes those who claim that an ideology or proposition is true if it works satisfactorily." Rather, it stands for rejection of any ideology and any speculative theorizing on behalf of a practical activity guided primarily by a common sense.

Post-Soviet 'pragmatists' are typically members of the former communist nomenklatura who successfully monopolized the quasi-centrist political niche and marginalized their opponents from left and right as either crazy, ideologically obsessed extremists or naïve, utopia-prone romantics. They represent themselves as 'real men' who prefer deeds over words, rely on their sober, pragmatic mind and care about butter-and-bread issues rather than some abstract ideas and ideals. Post-Soviet pragmatism stands for everything good and is arguably a natural feature of the post-Soviet elite, apparently absent in their opponents.

Leonid Kuchma who served briefly as a prime minister under Leonid Kravchuk in 1993, became notorious in this regard. At some point, when addressing the Ukrainian deputies in the parliament, he asked them seriously to specify what he

should build – socialism or capitalism – and he would complete the task. Since 1994, as a president, he became an embodiment of the post-Soviet pragmatism. Internationally, he pursued the so-called 'multi-vector' politics, flirting with both Moscow and the West, and benefitting personally from such a shuttling. Domestically, he assumed the peacekeeping role between east and west, left and right, Russophones and Ukrainophones, sending mixed messages to different sides and reacting opportunistically to different challenges on daily basis, without clear strategy or ideology. Manipulation was the essence of the post-Soviet 'pragmatism' that satisfied both the president and the ruling oligarchy in their need for stability and personal enrichment. Like most post-Soviet rulers, they had barely any idealistic notions about *raison d'etat* but they often pursued the state interest to the extent it coincided with their own interests (*etat c'est moi*). They did not have any principles or ideals that could not be compromised or sold out. But they perfectly felt the price of each issue and could effectively bargain.

This made many observers to expect that the comeback of Viktor Yanukovych, Leonid Kuchma's picked up successor, aborted in 2004 by the Orange revolution, would mean a return of the same kind of oligarchic 'pragmatism' – after five years of chaotic Viktor Yushchenko's misrule attributed to his 'romanticism'. Surprisingly yet, the new president proved to be even more ideologically driven than his predecessor – with the only difference that his ideology is radically opposite to that of Yushchenko, and its implementation is far less vegetarian as it used to be under a feckless 'bee-keeper' as Yushchenko was nick-named.

So far, Yanukovych exposes a striking absence of any 'pragmatism'. He makes a lot of steps that run not only against the reason d'etat but also against his personal interests. Many of his decisions can be deemed absolutely irra-

tional and subversive from any pragmatic point of view – as long as this point of view is Ukrainian, not Russian.

All the attempts of Ukrainian observers to find some rationale for this apparent irrationality lead ultimately to four possible explanations, two of them of psychological, and two of conspiratorial character. None hypothesis, however, excludes the other, so they can be effectively combined and attain some probability.

The first explanation is the simplest one: Yanukovych and Party of Regions are taking revenge and hit their Orange opponents where it pains them most – Ukrainian identity, language and culture, education, historical narrative, independent (from Moscow) church, Euro-Atlantic integration and attempts at decoupling from Russia. The revenge might be a serious business, indeed, since Yanukovych and Party of Regions have never recognized their 2004 defeat. They still tend to strongly believe that their victory was stolen by the 'Orangists' with the U.S. support; they feel they are victims of Western conspiracy and Kuchma's betrayal.

Moreover, their confrontational anti-Ukrainian policy might be not quite irrational since they cannot but feel a significant correlation between the Ukrainian identity and pro-Western, pro-democratic orientations of the electorate. Indeed, as Alexander Motyl aptly put it, "because Ukrainian language, culture, and identity have become so closely bound with democracy and the West, and because the Russian language, culture, and identity have – unfortunately – become so closely bound with authoritarianism and the Soviet past, Yanukovych must attack both democracy and Ukrainian identity with equal vigor" (*Kyiv Post*, May 12, 2010). In other words, Yanukovych's policy of Russification and re-Sovietization of Ukraine are very similar to the policies of Alyaksandr Lukashenko in Belarus. However divisive and confron-

tational they are in a short term, in a long run they may be believed to bring huge advantage to the authoritarian rulers by undermining the electoral base of their pro-Western, pro-democratic opponents.

The second explanation refers to psychological complexes of the new rulers who are very provincial in their culture and education and general world-view. Most of them grew up in the heavily Sovietized south-east, with no knowledge of western languages, no experience of living, or studying, or working abroad, no idea about the normative character of western values but, at the same time, with the whole set of anti-Western stereotypes and anti-Ukrainian biases promoted by the late Soviet Union and today's Putin's Russia. For most of them, Moscow is the only political and civilizational Center they really know, understand, and feel comfortable with, sharing the values, habits, language and culture. Most of them have very narrow, 'Donbas' mentality and may sincerely believe that the whole Ukraine can be managed as the neighboring Russia and their own region. They may also feel some inferiority complexes vis-à-vis Moscow that is still perceived as the ultimate authority who legitimizes their dubious rule. In a sense, Yanukovych's behavior may resemble attempts of a little boy to make older friends, to join their company and be accepted as 'ours', by giving them all the assets he has – either candies, or post-stamps, or even family valuables that do not belong to him. Actually, Yanukovych demonstrated such an irrationality not only by giving Russians too much for nothing but also conceding enriched uranium to Americans without any clear and tangible reciprocation. Yanukovych's uncertainty about his full legitimacy and professional fitness to rule a large European country may dwell subconsciously behind his seemingly irrational steps.

The third explanation is the least demonstrable even though quite feasible. Yanukovych, a relatively late Christian

convert, is arguably under a strong influence of Russian Orthodox Church and, in particular, of Patriarch Kirill – Putin's right hand, arguably with a similar KGB background. There are predictably no direct proofs of this but there are many rumors about Kirill's and his local representative Vladimir's successful lobbying of some important decisions made by the incumbent Ukrainian president. The most scandalous of them was nomination of a staunch Ukrainophobe Dmytro Tabachnyk a minister of education. This occurred not only despite any practical political advisability, mass students' protests, and opposition's outcry, but also despite strong objections within the ruling camp (suffice to say that not long ago one of the Party of Regions leaders and major oligarchs, a deputy prime minister in today's government Borys Kolesnikov called Mr. Tabachnyk openly "a clown and a thief"; the statement was broadly spread by the media but neither apologies nor libel suits followed; see, e. g., *Obkom*, Sep. 4, 2008).

And finally, the fourth explanation revolves around the alleged 'kompromat' against Yanukovych inherited probably by FSB from the KGB archives and used effectively nowadays for blackmail. The compromising materials may refer to his early convictions for robbery and rape (the second case is denied by Yanukovych's lawyers but a murky disappearance of all the relevant court materials leaves a vast field for various speculations). They may also include his informer activity while in prison and afterwards that facilitated arguably his fast career, rather unusual for ex-convict, and even more unusual membership in the Communist party and trips to the West.

Whatever the truth, it is really difficult to find any other reasonable explanations for a great many policies, personnel nominations, and political-cum-economic concessions made by Viktor Yanukovych in a clear contradiction not only to the national interest (that might be an empty word for all

his class) but also to the interest of a major part of oligarchy and even of himself – as of a leader of independent nation. Now, the crucial question emerges how far all these policies and concessions would lead and what kind of response they would evoke, both domestically and internationally.

Sooner or later, the president or, at least his associates, must recognize that the Kremlin would never be satisfied with any concessions they make. The reason is simple: Moscow does not need any friendship and partnership in the 'near abroad'. It needs full obedience.

Yanukovych's team is certainly not an absolute evil and totalitarian monolith. It consists of various groups which can be roughly subsumed under two headings – pro-Moscow hawks connected to the notorious RosUkrEnergo and probably FSB/SVR; and 'pragmatic' doves pursuing a Kuchma-style multi-vector, quasi-centrist policy. So far, the hawks' policies seem to prevail. They strongly alienate not only committed Ukrainophones who feel their identity under pressure, but also civil society at large, which finds civic freedoms under serious threat. The small and medium business sector is also set against the new economic and, in particular, fiscal policies of Yanukovych's government. And some signs of anxiety emerge even among Ukrainian oligarchs who are increasingly dissatisfied with Russian dominance in all areas. The last straw might be the ultimate disappointment of Yanukovych's rank-and-file pro-Russian electorate with economic and anti-corruption promises that are very unlikely to be delivered.

10. 2011
Tymoshenko: Wake-up call for the EU

Back in April 2010, I happened to talk to the ambassador of a leading EU country in Kyiv. My message was short: "How can you tolerate everything that is going on over here?"

I meant, first of all, the parliamentary coup d'etat staged in March, shortly after Viktor Yanukovych's inauguration, when a parliamentary majority was formed in an absolutely illegal, anti-constitutional way. The usurpers not only created an illegitimate government but also reshuffled the Constitutional Court, which, having purged or intimidated disobedient judges, predictably approved the brutal takeover as "legitimate".

The ambassador smiled and replied: "You know, the previous government wasn't exemplary in terms of the rule of law either."

At the time this seemed to be the dominant EU attitude to developments in Ukraine, and it wasn't entirely unreasonable. Within five years the Orange leaders had done their best to compromise democratic ideals domestically and cause the "Ukraine fatigue" internationally, above all in the EU. Their ineptness, fecklessness, and suicidal obsession with internecine fighting irritated and alienated even the Ukraine's strongest supporters.

However the Tymoshenko verdict should by now have caused European politicians to sober up and recognize some significant facts.

First, in political terms, post-Orange Ukraine did not differ essentially from the Balkan states after the fall of Communism. With low levels of social trust and bitter political infighting, these countries were in a desperate need of an external arbiter; if compromises were to have been achieved and implemented coherently, third-party enforcement would have been necessary. Had the EU offered Ukraine long-term prospects of membership, the EU may have obtained an effective leverage for influencing Ukrainian politics and preventing Russia from filling the void. Instead, the EU offered the feckless ENP Action Plan, tailored long before the Orange revolution – for the semi-authoritarian regime of Leonid Kuchma. If the EU deserves credit for the relative success in the Balkans, it should be also blamed – by the same token and to the same degree – for Ukraine's failure.

Second, even though – as my diplomatic interlocutor shrewdly remarked – the Orange government was indeed not "exemplary" in terms of the rule of law, it was certainly much more vegetarian than its predacious successors. The very fact the Orange government was preoccupied more with infighting than fighting the opposition makes it vastly preferable to today's system, in which all branches of government are strongly concentrated in one, highly unscrupulous and authoritarian hand. To put it bluntly, the former president Viktor Yushchenko had neither the will nor the skill to monopolize power in the way that Yanukovych does, nor was he eager to use the security services to persecute his political opponents, to infringe upon media freedoms and the freedom of assembly, or to manipulate elections. And the former prime-minister Yulia Tymoshenko, though she might have both the will and skill, was barely able to do so either, since she was restrained by the president on the one hand and by the opposition on the other, which in most cases sided with the president to block all her initiatives.

Third, a dysfunctional democracy like Ukraine's, a.k.a. "pluralism by default", could have been fixed in two ways: either by the gradual elimination of dysfunctionality, i.e. introduction of rule of law, or by elimination of pluralism and democracy, i.e. the consolidation of an autocratic rule. The latter is what has actually happened within a year-and-a-half of Yanukovych's tenure. Europe's politicians seem to have made a strategic mistake. So tired were they with the dysfunctional, chaotic Orange governance that they bought at face value the new president's promise to introduce law and order and carry out reforms in a country heavily damaged by internecine political wars, global crisis and Russian subversions. The West established no red line for the tough guys from the Party of Regions, and the latter naturally perceived this as tacit acceptance of anything they did under the magic slogans of "order" and "reform". What the West offered as benefit of doubt, Yanykovych and his associates took as a carte blanche.

Within a year-and-a-half they have curtailed the civil liberties and political freedoms that were taken for granted under the Orange government. Censorship has been reintroduced, especially in the TV; the Security Service of Ukraine has been reassigned the traditional KGB job of surveillance and intimidation of political opponents; the tax service and tax police have been redeployed as the main tool of political pressure, especially on disloyal businesses; the disobedient Supreme Court has been emasculated and its power transferred to a dubious, government-manipulated body called the Supreme Council of Justice; local elections have been cancelled at a partisan whim and rescheduled for a later date (even though the Constitution strictly forbids this); a dubious gas-for-fleet agreement with Russia has been signed with multiple and outrageous procedural violations; the puppet Constitutional Court has once again been used to cancel

the 2004 constitutional amendments that restrained the president's sultan-like power... and so on and so forth.

Within this context, the large-scale employment of "selective justice" against the political opposition, in particular Yulia Tymoshenko and the most prominent members of her government, should not come as a surprise. Yanukovych and his associates are very consistent and coherent in their attempt to consolidate the regime, monopolize resources, and eliminate rivals perceived as a real threat. The fact that Tymoshenko has received not only the maximum term of seven years imprisonment but three additional years of prohibition on holding public office signifies the incumbent's desire to disqualify her not only from the 2015 but also from the 2020 presidential elections – when, having changed the constitution, Yanukuvych may either participate himself, or secure his future with a handpicked successor.

So why the fuss? Why has the EU reacted so angrily to Tymoshenko's imprisonment and threatened the Ukrainian government with various sanctions, primarily with the shelving of the nearly-finalized Association Agreement between the EU and Ukraine?

From the EU's point of view, Yanukovych has overstepped the mark. He ignored, in a rather arrogant way, all the signals. For Yanukovych, however, it was not so clear why this particular straw should have been the one to break the camel's back. After all, the West has tacitly accepted much heavier breaches of the democratic code – starting with the 2010 parliamentary coup. Why should this line really be red, since it has never been clearly defined?

Most likely is that Yanukovych and his associates will continue their authoritarian drive, sentencing their opponents, falsifying elections and stepping up pressure on civil society and the remnants of independent business. They cannot change

their policies since they barely understand what the alternative means, and even if some do, all their basic instincts are against playing by rules. They have managed their native Donbas this way for nearly twenty years and see no reason to give up the mafia methods that have brought them such success, power and wealth. They have little idea about the western world but know pretty well how Russia and other post-Soviet countries are ruled, and they may believe that this is the norm. All the talk about democracy and human rights are, as they see it, merely tricks devised by smart westerners to get an advantage over them.

The regime will probably try to keep the West in the game – either with bluff about a desire for "Euro-integration", or with blackmail over Ukraine's purported move to the Russian orbit, or with a genuinely terrorist bargaining, offering to exchange Tymoshenko and other political hostages for concessions from the EU. But essentially they are not going to change their policies, behavior and entire mentality. The sooner the West understands this the better. Tough measures against the Ukrainian regime may force some pragmatism within its ranks, especially among western oriented (and dependent) oligarchs, and persuade them to bet on alternative figures and parties in order to avoid further "Belarusization" and international isolation. They may support, at least tacitly, the efforts of civil society to bring about change in the 2012 parliamentary and 2015 presidential elections. These elections will hardly be fair (as the 2010 local elections manifestly proved), but they can still be relatively free and competitive.

If Yanukovych's regime is not defeated in 2012 or 2015 the latest, it will consolidate into a full-fledged authoritarianism. After that, all elections in Ukraine will be a pure formality, as in Russia, Belarus and other post-Soviet sultanates. The EU has reacted too late to rescue Yulia Tymoshenko and her associates from humiliating imprisonment, but hopefully not too late to prevent the emergence of another dictatorship at its eastern borders.

02. 2012

Birds in the Bush

Any transition from autocracy to democracy is a tough endeavor. And, so far, there are many more failures on this thorny path than success stories. Colored revolutions in some post-Soviet republics might be a good example. Or today's developments in some Arab countries that experienced dramatic regime changes last winter called the Arab Spring. Actually, even the Balkan states still represent a very problematic case, despite a forceful engagement of external democratizing actors, primarily the EU but also, in some cases, NATO.

All these problems and failures provide international autocrats with a powerful argument. It may vary in rhetorical devices but its essence it is all the same: liberal democracy is a Western invention and imposition, unsuitable for our peculiar circumstances; any attempt to introduce it leads to chaos and bloodshed, political and economic collapse, national disintegration and loss of sovereignty. National unity and stability and, of course, full support for autocratic incumbents are presented as the only alternative to the democratization plague.

The strength of this rhetoric dwells in its reasonability. It does not appeal to any lofty ideals or bright utopian visions of the future. It offers a bird in the hand instead of a few in a bush; a well-known and lesser evil instead of an unknown

and probably bigger one; a bad peace instead of a good war, excluding thereby the option of a good peace from the political agenda even without mentioning it. The rhetoric is firmly based on common wisdom; it draws upon some traumatic experiences and deeply ingrained psychological complexes and phobias.

Throughout the first decade of the 21st century, it had been working well in Russia and seemed to have good prospects in years to come. A few years ago, however, the polished system of "managed democracy" constructed by the Kremlin "political technologists" was shaken seriously by the global economic crisis. And last December, mass protests in Moscow and other Russian cities against the electoral fraud challenged not only the system, but also its main creator and guardian, a charismatic "national leader" whose authority and popularity looked unquestionable. The specter of "colored revolutions" promoted allegedly by the sinister West and its local "fifth column" was suddenly resurrected in Russia, even though it seemingly long since dead and buried in Ukraine, Belarus, and Kyrgyzstan.

The reasons for the Russian awakening are rather clear. The causes, however, are more complicated. The 2008/2009 economic crisis was certainly less painful and damaging for the majority of Russians than the crisis of 1998 and, more generally, the total collapse of the Russian economy in the early 90s. The 2011 electoral fraud, however outrageous, was no greater than in previous elections and, frankly, did not affect radically the ultimate victory of Putin's "party of power" and its satellites. Both events, however, the crisis and the electoral fraud, triggered some feelings and energies that had accumulated within society for years.

The crisis drew mass attention to Russian backwardness, lack of reforms, corruption, nepotism, parasitic rent-seek-

ing, and humiliating dependence of the huge and ambitious country on the primitive export of raw materials. The electoral fraud has probably galvanized the feelings of dissatisfaction and disappointment and channeled them into the political realm – primarily against the ruling party, aptly labeled the "party of crooks and thieves" – and ultimately against its informal leader who had announced, by that time, his unfortunate decision to run for the presidency for a third time. De facto in meant that the four-year tenure of Dmitri Medvedev was just a fiction, a fake, a cynical conspiracy of two wiseacres aimed at bypassing the letter of law that forbids an incumbent to run for a third time. People dislike being fooled, especially twice in a row, in both parliamentary and presidential elections.

The causes of mass resentment, however, are deeper. The social contract that allowed authorities to curtail civic freedoms in exchange for some sort of stability and relative prosperity for the majority of the citizens was challenged by not only the crisis but also the lack of modernization and growing gap between Russia and the developed countries. In other words, the authorities exhausted the credit they got from the society and on which they drew during the two presidential terms of Vladimir Putin.

One may recollect here the political fate of Leonid Brezhnev who replaced his maverick predecessor Nikita Khrushchev and enjoyed some benefit of the doubt within his first decade, until the country fully stagnated, and he became himself an object of anecdotes, parodies, and popular contempt. An authoritarian leader who is neither respected nor frightening, loses his legitimacy. And this is exactly what is happening with Vladimir Putin who increasingly finds himself booed, ridiculed, and despised.

To invigorate his faded image and, probably, to respond to the protests, he published in January two articles in "Izves-

tia" and "Nezavisimaya gazeta" that can be also considered an outline of the program of a presidential candidate. Surprisingly, in both pieces, he is firmly mired in the old rhetoric and completely fails to address the new challenges in a more or less constructive and comprehensive way. He praises himself and his team, "a group of like-minded people," for they arguably "led Russia out of the impasse of Civil War, broke the back of terrorism, restored territorial integrity and constitutional order, [and] revived the economy." So all that the "group of like-minded people" needs to do now is maintain stability and follow the course chosen back in 2000:

"In today's world stability is an asset that can only be earned by hard work and with openness to change and readiness for imminent, deliberate and calculated reform. The recurring problem in Russia's history is the aspiration of the elites for a leap, a revolution instead of gradual developments. Russia's experience – as well as the experience of the entire world – shows the destructiveness of historical leaps, of overthrowing in haste without creating."

The alarming phrases like "destructive leaps," "revolutions," and "overthrowing without creating" are evoked here to make obsolete any discussion about the essence of the "deliberate and calculated reforms" in either the past or the next decade. This raises a strong suspicion that the main concern of the author and his "group of like-minded people" is their personal stability, whereas all their rhetoric and politics are merely to facilitate it. The official response to the protests, or rather its complete inadequacy, simply confirms this suspicion. The smear campaign against the protesters and staunch refusal to investigate any of the numerous and well-documented cases of vote-rigging is just a sign of a more fundamental refusal to accept reality and engage seriously in the difficult task of modernization of the country.

The regime still relies on the silent majority mesmerized by the Soviet-style rhetoric of stability, national greatness, and the need to defend the besieged fortress from external and internal enemies. Its leaders disregard the emergence of the new generation that had not been traumatized by the failed attempt at democratization in the early 90s and is not hypnotized today by the magic word "stability." The regime seems also to neglect the fact that not only the younger generation but also Russians in general have much better access today to the external world, both real and virtual, than they had twenty or even ten years ago. And many of them are not eager to buy into mythical stories about national greatness and global anti-Russian conspiracy at face value. This does not mean they can no longer be tricked and manipulated. It means only that such manipulations now require much more subtle efforts and sophisticated techniques.

Luckily, the regime lacks such finesse. The pro-government propaganda is dull as usual and, in most cases, self-parodying. A short "horror" film entitled "Russia without Putin," designed to warn compatriots what may happen without the Leader, is illustrative. The film presents the nearest future in the most apocalyptic terms, with all possible disasters occurring to Russia, including not only Chinese occupation of Siberia but also a Georgian takeover of Abkhazia, South Ossetia and, nota bene, the neighboring Krasnodarski krai of the Russian Federation. To add insult to injury, the mean Georgians host the 2014 Winter Olympic games in occupied Sochi and do not allow the Russian sports team even to participate (http://youtu.be/OXEs3Y7IM9I – the video has been eventually removed from this link).

Back in the 1970s, as students, we indulged ourselves by reading the thoroughly propagandistic "Korea" magazine published in Russian by Pyongyang and available at Soviet newsstands. We read it aloud to our friends in dormito-

ries, small kitchens, and communal apartments, with a bottle of wine, or cups of tea, and laughed unrestrainedly. Its language was very similar to the Soviet propagandistic newspeak but much cruder, clumsier, and therefore even more ridiculous. By the end of the 1970s, however, our favorite magazine had disappeared from shelves. The Soviets had probably noticed the weird similarity between their own and North Korean propagandistic discourses, or the even more subversive similarity between the pompous glorifications of senile Kim Il Sung and Leonid Brezhnev.

The apparent rigidity and inevitable stagnation of Putin's regime is definitely bad news for Russia. The good news, however, is a resurgence of civil society and the emergence of leaders who have no ties to the old regime. To date, all the leaders of Russia have been either ancien regime loyalists or, as in the case of Boris Yeltsin, its dissenters. Only the Bolsheviks represented some sort of a counter-elite but certainly not any form of civility and civil society. The civic credentials of today's opposition leaders are also questionable in some cases. Both their words and deeds require a more detailed scrutiny, regardless of whether they are to replace the incumbents at some point in the future, or to form a coalition with the growing number of the regime defectors, or become the true civic opposition that Russia needs today no less than a responsible and perspicacious government.

03. 2012
Burden of 'Unity'

The danger looming in some Arab countries that radical Islamists might hijack anti-authoritarian revolutions poses a similar question in respect of future anti-government protests in Russia: how powerful and how radical are the nationalists within the protesters' camp, and how far would they proceed with their presumed radicalism if the incumbent regime were at some point to crumble?

In the short to middle term this looks unlikely, though the regime's inability to deliver much-needed reforms in the country, to curb corruption, and to re-establish some sort of legitimacy for its rigid authoritarian policies, must all be considered potential contributory factors to the eventual inevitability of such a collapse.

Radical parties/groups or mere individuals in any political coalition are in a tricky position. On one hand, the dividing line between the radical and not-so-radical groups is often fluid and situation-related. On the other, any political opposition, especially anti-authoritarian, requires the broadest mobilization possible, involving opposition members of various colors and ideologies, who will quite naturally once more go their separate ways when victory has been achieved.

This was the case in most of the post-communist countries where democratic movements pursued an agenda that was not only anti-authoritarian but anti-imperialist and na-

tional-liberation. They all had a significant nationalist element, though this is now largely ignored or underestimated, probably because the deeply entrenched anti-nationalistic bias in Western scholarship and politics regards nationalism as incompatible with liberalism and democracy.

Russia is an imperial nation, but Russians have been always reluctant to frame their nationalism in terms of national liberation, though attempts have been made to represent Yeltsin's rebellion against Gorbachev and the ultimate dissolution of the Soviet Union as the emancipation of the Russian nation from the Russian empire. Within this model of thought, Russia is usually seen as the main, if not sole, victim of Russian imperialism:

"Russia was never an empire in the traditional Western sense of the word. If it was indeed a prison for anyone, it was for the Russians, who gained nothing from exploiting the colonies because Russia had no colonies – it had peripheries, to which it gave more than it took. One can understand why these borderlands were necessary: fundamentally the logic was based on military-political considerations. Russia is caught in the world's crosswinds, at the heart of Eurasia, protected from enemies by neither mountains nor seas.

Some territories – indeed the Caucasus – were necessary acquisitions only because they at the time were the sole means of putting an end to the constant incursions and halting the aggression. But the peripheries were not subjected to systematic exploitation because the Russian tsars had not learned this European science. Alas, it was the Russian people who carried all the burdens and obligations of nation-building. If anyone was enslaved – in the direct meaning of the word – it was the Russians." (Konstantin Krylov, http://www.dpni.org/articles/pul_s_blog/10789/).

The Russians were disadvantaged by their oppressive empire, whether ruled over by tsars or commissars. Their development was undoubtedly held back, but they enjoyed many privileges that other nationalities did not. As a group, they were spared from many dreadful policies, such as the extermination of the native populations (Siberia and the Far North), mass enslavement (Central Asians), genocide (Ukrainian peasants and Kazakh nomads), summary deportation (Chechens, Balkars, and Crimean Tatars), persecution (Poles and Germans), segregation (Jews), and more.

The professed self-victimization of Russians tends to obscure all these 'peripheral' developments, by promoting instead the myth of the 'mission civilisatrice'. It also opens up the dangerous possibility that they will abdicate the responsibility for the colonialism and imperialism that Russians as the main imperial stakeholders do bear, and, even more dangerously, shift that responsibility on to 'others' – Georgians, Poles, Ukrainians and, of course, the Jews who arguably ruled the Russian empire.

Very few Russian nationalists are disciplined, courageous, and honest enough to recognize that the much-needed emancipation of the Russian nation from the Russian empire requires primarily that they liberate themselves from the imperial myths and complexes deeply entrenched in the Russian psyche. The myth of a primordial 'Slavic-Orthodox unity' [Slavia Othodoxa] and eternal 'Russian-Ukrainian-Belarusian brotherhood' is crucial for the entire Russian (imperial) identity. Invented at the turn of the 17th century to portray Muscovy as the dynastic-cum-political and ecclesiastic-cum-spiritual successor to medieval Kyivan Rus, it effectively derailed the eventual development of modern (national) Russian identity, as well as the modern national identities of Ukrainians and Belarusians. The newborn Russian empire successfully appropriated all the sacred, primordial, spiritu-

al features of 'Slavia Orthodoxa' but imbued them also with state symbolism and a political agenda – something that never happened on that scale with similar pre-modern phenomena such as Muslim 'ummah' or Western 'Pax Christiana'.

The imperial identity that was forged in this way appeared to foster essentially pre-modern non-civic values and paternalism. Formed by specific imperial discourses and practices, it still is supported, in modified forms, by the dominant powerbrokers in both Russia and Belarus and, with some fluctuations, in Ukraine. The post-Soviet elites quite naturally resist any radical de-Sovietization of their fiefdoms since they cannot but feel that unmaking Soviets (or imperial, heavily mythologized 'Orthodox Slavs') into Russians, Ukrainians and Belarusians would mean, in particular, remaking obedient quasi-feudal subjects into free, self-confident citizens.

Unfortunately, it is not only the Russian government that is unable to recognize the problem. With the exception of a tiny group of committed liberals, the opposition fails to see it. In some cases they may agree to look again at Russian imperialist policies in the Caucasus and elsewhere, but they do not challenge the myth of 'Kyivan Russia' as the cornerstone of imperial identity and a major source of imperial resentments and anxiety. Nor they are eager to promote radical de-Sovietization, even though the entire project of making modern Russians without unmaking Soviets is highly problematic.

Alexei Navalny, one of the opposition leaders who defines himself as a liberal nationalist, explicitly supports the need to restore the "organic unity of Russia's past," from Kyivan Rus to the USSR (http://navalny.livejournal.com/139478.html). Neither 'Kyivan' nor Soviet myths are seen as obstacles to a new Russian identity or, more generally, the modernization of Russia. This makes him more of a liberal impe-

rialist than a liberal nationalist. When asked openly by Boris Akunin: "Do you regret that the USSR is no longer in existence?" he prevaricated only slightly:

"Everybody wants their country to be bigger, richer, stronger. That's perfectly normal, and it's what I want as well. .... The USSR was destroyed not by external forces, but by the Communist Party, the State Planning Committee and the Soviet political elite. ... That is historical fact. Another fact is that the core and the foundation of the Russian empire and the USSR was our country – Russia. And Russia remains, both economically and militarily, the dominant state of the region. Our task is to preserve and build on that. ... We should not deliberately be making plans for any expansion; our task is to become strong and rich ourselves, and then our neighbors will be part of our zone of influence; they won't have any option" (http://borisakunin.livejournal.com/49763.html).

While he emphasizes Russia's soft, rather than hard, power, he can certainly be regarded as a liberal. But his intention to build on Russia's economic and military [sic] dominance in the region sounds ambiguous enough to make all the neighbors nervous. Especially in view of his full support for recognizing the independence of South Ossetia, Abkhazia and Transnistria – hardly sustainable without Russian military occupation.

Observers are probably right when they interpret the ambiguity of many Navalny statements as a pragmatic (one might say opportunistic) desire to avoid alienating potential allies from either the liberal democratic or the radical nationalistic camp. His own views, however, on two crucial issues that determine, or rather obstruct, the development of a modern civic Russian identity – the Soviet legacy and 'East Slavic unity' – are not very different from those of his arch-rival Vladimir Putin.

In this regard, two strains of nationalism that have been competing in Russia for nearly two centuries – imperial/statist and ethno-cultural – have something very important in common: both of them are essentially non-civic. One of them, as Igor Torbakov notes, "worships the state, its power and international prestige"; the other one "glorifies the nation, its culture and faith" (*EurasiaNet*, Feb. 8, 2012). In practical matters, however, the difference is marginal: as soon as ethnic nationalists assume power, they pragmatically become statist. *Realpolitik* constrains radicals almost everywhere, and there are no reasons to believe that Russia, substantially integrated in the global economy and international institutions, would be any exception.

Economic hardship and ethnic resentment, allied with a general discontent with 'imperial-style' government, have resulted in the greater "popularity of ethnic nationalism at the expense of the imperial variety." However, this does not mean that radical nationalists are going to assume power in Russia or, even if they are, that they would pursue more jingoistic and fascistoid policies than the current incumbents.

In fact, the main problem of today's opposition, and of Mr. Navalny in particular, is that they would most likely simply become a reincarnation of Mr. Putin and his regime. Probably less corrupt and presumably more committed to genuine reforms, but nevertheless burdened with the same national myths and which will considerably hamper any attempts to modernize the country.

Index

Науково-популярне видання

Микола Рябчук

Gleichschaltung.
Authoritarian Consolidation in Ukraine 2010–2012

(англійською мовою)

Підписано до друку 28.05.2012. Формат 84x108/32.
Умов. друк. арк. 10,8. Папір офсетний. Друк офсетний.

Видавництво «К.І.С.»
04080 Київ–80, а/с 1, тел. (044) 462 5269
http://kis.kiev.ua
Свідоцтво про внесення до Державного реєстру
суб'єктів видавничої справи ДК №677 від 19.11.2001 р.

Віддруковано ТОВ ВПК «Експрес-поліграф»,
м. Київ, вул. Фрунзе, 476