Case Study: Ukraine: lost in chaos

Ukraine before constitutional amendments:

- semi-presidential regime
- president appoints prime minister
- half of the members of the parliament elected by proportional representation and the other half by the single-seat constituencies
- 1992-2004: competitive authoritarian regime; regular and severe incumbent abuses
- president tried to undermine the parliament, in order to be “the uniting, cementing force that keeps all of his allies together”
- strong and direct connection between government actors and business
- under Kuchma “electoral clientalism” (Birch 1997) developed, facilitated by the single mandate (majoritarian) district. This was the case of 1994 elections and for half of the deputies elected in 1998 and 2002 elections
- during the Kuchmas second term the centrists became quite strong; attempts to move Ukraine to authoritarian regime
- from 2002 and through 2004 Kuchma continually attempted to push changes in the Constitution; quest for continuity of power (re-election, election the president by the parliament or hand-picked successor)

Constitutional reforms:

- Shortly after becoming independent, Ukraine named a parliamentary commission to prepare a new constitution, adopted a multi-party system, and adopted legislative guarantees of civil and political rights for national minorities.
- June 28, 1996 - new democratic constitution which mandates a pluralistic political system with protection of basic human rights and liberties.
- January 1, 2006 main amendments –
  - shifted significant powers from the president to the prime minister and Supreme Rada
  - elimination of the mixed system with half of the members elected from single member districts to a proportional representation system with all of the members elected from party lists
  - a lowering of the threshold for parties electoral blocs of parties being eligible to enter parliament from 4% to 3%
I Governmental Structure

| President | • duty to prevent any actions of the legislative, executive and judicial branches of power that directly or indirectly infringe the supreme Law of Ukraine  
| • appoints the heads of the local state administrations, appoints the heads of the enforcement ministry-Ministry of Interior, National Security Agency, Prosecutor General(who can be dismissed only on the affirmation by the parliament) |
| Government | • the president nominates the defense and foreign ministers, and the Prosecutor General and Chief of the State Security Service (SBU), each of whom must be confirmed by the parliament  
| • the parliament (Supreme Rada) submits proposals for candidates for prime minister, who in turn nominates other ministers |
| Parliament | • 450-member, unicameral  
| • initiates legislation, ratifies international agreements, approves the budget  
| • parliament appoints prime minister proposed by the president on recommendation of the parliamentary majority |
| Constitutional Court, courts of general jurisdiction | ➢ special judicial body of constitutional control  
| ➢ administer justice in the form of civil, commercial, administrative and criminal legislation |

II Electoral system

Presidential elections
• elected for five-year term on the basis of universal, equal and direct suffrage, by secret ballot  
• the same person can not serve as a President of Ukraine for more than two consecutive terms
1991- Leonid Kravchuk  
1994- Leonid Kuchma
1999- Leonid Kuchma
2004- Viktor Yushchenko

October 31, 2004- widespread violation of democratic norms (Yanukovich and opposition leader Yushchenko each gained 39% and 40% of the vote)
November 21, 2004 run off election- widespread and significant violations; Orange Revolution
December 26th- re-vote- Yushchenko appeared the leader

Parliamentary elections:
- elected by secret ballot for four-year term through general, equal and direct suffrage
- 1994-all deputies elected by majoritarian electoral system, 1998, 2002- mixed system (half of the members elected by majoritarian and half by proportional representative electoral system)
- 2006- all 450 members are elected by proportional representation

III Party system:

Since the 2nd of April the parliament is dissolved on the basis of “Prime Minister Yanukovich usurping power in Parliament by recruiting deputies from rival parties to his coalition.” Yushchenko stated that according to the constitution only parties may change coalitions but not individuals.
According to the constitution, the president can dissolve parliament if:
- parliament works without a majority coalition for more than a month
- a Cabinet is not formed within two months
- parliament fails to convene for more than a month

Yushchenko insists that the first reason applies, as the joining of the majority by the defectors from the opposition de-legitimized the ruling coalition.
New election is to be held on the 30th of September

Parties and blocs in the Vrhovna/Supreme Rada after 2006 elections (before the dissolution):

<table>
<thead>
<tr>
<th>Parties and blocs</th>
<th>Votes</th>
<th>%</th>
<th>Seats</th>
<th>Political ideology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party of regions</td>
<td>8,148,745</td>
<td>32.14</td>
<td>186</td>
<td>Regionalism, Neoliberalism</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Pro-Russia</td>
</tr>
<tr>
<td>Bloc Yulia Tymoshenko</td>
<td>5,652,876</td>
<td>22.29</td>
<td>129</td>
<td>Social liberalism, Solidarism</td>
</tr>
<tr>
<td>Bloc Our Ukraine</td>
<td>3,539,140</td>
<td>13.95</td>
<td>81</td>
<td>Liberalism</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
<tr>
<td>Socialst Party of Ukraine</td>
<td>1,444,224</td>
<td>5.69</td>
<td>33</td>
<td>Socialism</td>
</tr>
<tr>
<td>Communist Party of Ukraine</td>
<td>929,591</td>
<td>3.66</td>
<td>21</td>
<td>Communism</td>
</tr>
</tbody>
</table>

**Degree of Consolidation:**

- Fragmentation – high fragmentation and coalition changing makes it hard to create majority coalition and reach consensus. This can partly be explained by strong president position which undermined the rationale for the formation of parties seeking control over the policy and government control functions of the legislature.
- Polarization - high polarization; different ideological positions
- Volatility – extreme volatility of parties from election to election and continual shifting of party memberships by deputies

**Exigencies of representation, concentration and participation:**

- Representation- with a high number of parties in parliament and extreme volatility citizens find it difficult to identify the parties and what programmatic position they represent.
- Concentration- yes, but could be weaker due to the last changes
- Participation- could say yes, but especially under Kuchma and single district (majoritarian) electoral form, districts were usually controlled by pro-presidential oligarchs, making it hard for other parties to get in.

**IV Conclusion and discussion**

**a) Hypothesis:**

1) Exclusive power of the president has allowed little room for consensus building in parliament to be translated into government policy, and has led to repeated clashes over basic institutional prerogatives. Such clashes have periodically led to attempts by one branch to eliminate the other by attempting to alter the country’s constitution. Issues of democratic representation and policy reform have often been subordinated to a fundamental struggle for power.

2) The new structure places a high priority on Ukraine’s political parties exercising responsibility for the government’s program. If a coalition can come together and do this, then an essential linkage between the voters’ decision and those of government will be forged. If they cannot, further political instability is likely. This will be
influences by whether or not the move to full proportional representation results in even more parties entering parliament and increases party fragmentation.

3) The move to a pure proportional representation system coupled with the changes in allocation of power to the parliament moved Ukraine to more of a parliamentary system. Despite of the undemocratic reasons behind these changes, the parliamentary system with proportional representation theoretically is argued (Lijphart) to be more democratic one.

b) Explanation of the seminar table

<table>
<thead>
<tr>
<th>Democracy with regard to specific qualities</th>
<th>Stability of Regime</th>
<th>Participation/Inclusion</th>
<th>Competition/Accountability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government System</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliamentary-presidential system</td>
<td>_</td>
<td>0</td>
<td>+/-</td>
</tr>
<tr>
<td>Party system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High polarization</td>
<td>_</td>
<td>0</td>
<td>+/-</td>
</tr>
<tr>
<td>High fragmentation</td>
<td>_</td>
<td>0</td>
<td>+/-</td>
</tr>
<tr>
<td>Electoral system</td>
<td>Proportional representation</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Legend:  
“+” = positive influence  
“-“ = negative influence  
“0” = no dominant influence
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