Mariya Bunenko, UCLA

The Dysfunctional Structure of the Ukrainian Government

Ukraine gained independence from the Soviet Union on August 24, 1991. In the last eighteen years, the country has been involved in a remarkable experiment creating a democratic, capitalistic society where none previously existed. Today, the discussion is more important than ever. Ukraine is caught in the crossfire between the East and the West, authoritarianism and democracy, and a system of bribery and oligarchy as opposed to sound capitalism. The pressure from each side is evident in the structure of the Ukrainian government. The factors that led to the current structure and its outcomes, as well as their impact on Ukrainian viability and resilience amid the economic crisis, are the subject of this paper.

Leonid Kuchma was the second Ukrainian president after the fall of the Soviet Union. Following the collapse, Ukraine had enormous potential to develop a stable economic and political structure. However, the Kuchma administration neglected to supply the proper conditions for the evolution of a healthy economy. The result was a split system: an enormous black market and a minority of wealthy oligarchs who managed to privatize prized resources for pennies. Meanwhile, food and clothing shortages persisted throughout the 1990s.

Aside from throwing away valuable opportunities for development, Kuchma also faced numerous accusations of corruption, political assassination (specifically in the case of journalist Georgiy Gongadze), suppression of free speech and the opposition, arms trafficking, and theft.¹ Many historians branded Kuchma's rule “The Lost Years.” Most Ukrainians demanded a change of regime in

¹ “Leonid Kuchma.”
response to this vanished decade.\textsuperscript{2}

The Ukrainian constitution only permits two presidential terms. In 2004, Kuchma could no longer be reelected. The list of contenders was narrowed down to Victor Yanukovich and Victor Yushchenko. Yanukovich's platform clearly indicated a perpetuation of Kuchma's traditions. Twice arrested for theft and assault, Yanukovich, much like Kuchma, could barely speak Ukrainian, and his claim to fame in intellectual circles consisted of misspelling the word “professor.” Yanukovich was the avatar of the governmental status quo. He was wealthy, palpably corrupt, and armed with a pro-Russian, almost anti-Western platform. His campaign received immense financial and moral support from then Russian president Vladimir Putin, Ukrainian oligarchs, the previous Ukrainian administration, and the metropolitan of the Russian Orthodox Church.\textsuperscript{3} However, despite this backing, Yanukovich was unable to defeat the opposition, headed by Victor Yushchenko, whose candidacy and character were symbols of progress and intelligence.

Yushchenko was defeated in the first election, though it was deemed illegitimate. Watch groups from around the world noted numerous protocol violations, such as open fraud and voter intimidation, which invalidated Yanukovich's victory. Throughout November and December, the public peacefully protested the results in the center of the Ukrainian capital, Kiev, until a second round of elections was held on December 26, 2004.\textsuperscript{4} The final results, issued two days later, showed that fifty-one percent of the country voted for Yushchenko, while forty-four percent voted for Yanukovich. The latter's camp attempted to contest the results, but the Ukrainian Supreme Court could find no legitimate grounds for appeal. Thus, on January 23, 2005, Victor Yushchenko was inaugurated as the third president of

\textsuperscript{2}“Leonid Kuchma.”  
\textsuperscript{3}“Victor Yanukovich.”  
\textsuperscript{4}Grigorieva.”
Ukraine. 5

Changes in the Ukrainian constitution were a critical result of the 2004 election, although the reform process was actually begun by Leonid Kuchma in 2003. 6 Before leaving office, Kuchma wanted to establish a mixed system, wherein Parliament and political parties would play a greater role in government. Kuchma's rationale was that a mixed system would be the first step toward westernizing the Ukrainian political system. However, most analysts believe that Kuchma, who lacked an absolutely satisfying heir to the throne, actually wanted to limit presidential powers for the next head of state, whoever he might be. 7

Constitutional reform was buried until 2004. Then, in the very heat of the Orange Revolution, the reform passed. This resolved three unpleasant instances for both parliament and the outgoing president. First of all, both wanted to avoid violent clashes between the opposition and Kuchma. Second, Parliament wanted to legitimize the opposition's victory, possibly in the interest of self-preservation. Lastly, it allowed Kuchma, the perceived catalyst for the reform, to save face. 8

In its final form, the Ukrainian constitution granted the president two powers (aside from the nomination of certain ministers): the power to veto and the power to dissolve Parliament. 9

The power to dissolve Parliament can only be exercised if three conditions are met. First, the parliament does not form a coalition that includes a majority of the legislative body. Second, within thirty days, Parliament cannot begin proceedings. Lastly, within sixty days, the government structure – the nomination of certain ministers and the like – is not established. 10

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5 Ibid.
6 Pogrebinskii.
7 Ibid.
8 Ibid.
9 Ibid.
10 "Kuchma izmenil konstitutsionnii stroi."
On April 2, 2007, President Victor Yushchenko found Parliament to be in violation of the first condition and issued an order for its dissolution.\(^{11}\)

The political crisis that led to the dissolution order actually began on March 26, 2006, with the parliamentary elections. Yanukovich now headed the Party of Regions, which won the most seats that election, followed by the Bloc of Yulia Tymoshenko, and the President's party in third place.\(^{12}\) The Orange Coalition formed on June 22, 2006, consisting of the President's party (Our Ukraine), the Bloc of Yulia Tymoshenko, and the Socialist Party. Meanwhile, the Communist Party and the Party of Regions formed the opposition. Less than a month later, the Socialist Party left the Orange Coalition and entered the so-called “Anti-crisis” coalition with the Communists and the Party of the Regions. Yanukovich became the prime minister. In December of 2006, Parliament filed complaints against the President to the supreme court and the constitutional court to further stunt governmental operations.\(^{13}\)

In the meantime, the power struggles continued as Tymoshenko went into opposition, and the only parliamentary achievement to show for the year was an attempt to pass a law that made the cabinet of ministers the highest ruling body in the country. The president vetoed this legislation in January of 2007. European watch groups blamed the crisis on the lack of democratic institutions in Ukraine.\(^{14}\) Whether true or not, the political crisis made obvious that the president and Parliament had opposing goals in mind. A second parliamentary election, following the dissolution order, was finally held on September 30, 2007, after several rounds of talks between the president and contenders for prime minister. Yulia Tymoshenko became prime minister and the first crisis had seemingly passed.

On the heels of the first dissolution of Parliament, a fascinating statistic was published: in the

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\(^{11}\) Ibid.

\(^{12}\) “Khronika.”

\(^{13}\) Ibid.

\(^{14}\) “PASE nazvala 6 prichin”
sixteen years of Ukrainian independence, members of Parliament have gotten into over fifty fist fights.\textsuperscript{15} It was not surprising when a second political crisis was officially announced on March 6, 2008, less than half a year after Tymoshenko was named prime minister.\textsuperscript{16} This time, the reason was NATO. The president, the prime minister, and Ukrainian NATO representative asked that Ukraine be accepted into the Alliance. Yanukovich promptly organized a committee representing, in his words, the wishes of fifteen million Ukrainians who opposed Ukrainian membership in NATO.\textsuperscript{17} Additionally, Tymoshenko fixated her attention on demanding the resignation of the mayor of Kiev. She spent most of her time in office between December of 2007 and May 2008 in opposition to him. On May 13, 2008, Parliament barred the president’s State of the Nation address and Tymoshenko threatened to cease cooperation with the president on account of political differences.\textsuperscript{18} Throughout the summer and early fall, disagreements regarding Georgia, the Russian fleet's presence in the Black Sea, and the composition of the coalition resulted in fights between the president and Parliament. Tymoshenko's party blocked Parliament's ability to meet on numerous occasions. In early September, although Tymoshenko and Yushchenko publicly attempted to find common ground, Tymoshenko made several comments—one suggesting that the poisoning of the president was a political ploy on the part of Yushchenko—that were detrimental to the effort.\textsuperscript{19} As a result, on September 16, 2008, the Orange Coalition officially ceased to exist, citing creative differences regarding presidential powers. Most analysts, however, believe that the personal conflict between the president and the prime minister led to this collapse. When the president announced the second dissolution of Parliament on October 8, 2008, he cited “personal ambition and greed” as the causes of its inability to form another coalition following

\textsuperscript{15} “Za 16 let.”
\textsuperscript{16} “Khronika.”
\textsuperscript{17} “Na Ukraine ofcial’no priznali.”
\textsuperscript{18} “Khronika.”
\textsuperscript{19} Ibid.
Next, the president faced opposition from the Kiev Appellate Court, which barred him from dissolving Parliament. This issue was resolved by the President's dissolution of the court. The president marked December 7, 2008 for parliamentary elections. However, the gas conflict with Russia only exacerbated the disagreements within the Ukrainian government and prolonged the resolution process. These became particularly heated after Tymoshenko signed a contract with Putin on January 9, 2009 that was highly advantageous to Russia. The price of gas, $360 per one thousand cubic meters, exceeded even European payments to Russia. Yushchenko, who promised not to reevaluate the contracts in order to honor them vis-a-vis Europe, called them “detrimental and poorly-planned.”

More political squabbling followed the Gas War. On April 1, 2009, the Ukrainian Parliament, headed by Prime Minister Yulia Tymoshenko, voted to hold a presidential election on October 25, 2009. The president had personally asked for the elections to be held on January 17, 2010 to allow the electorate enough time to come to an informed decision. After still more bickering, the president's wish was granted.

In Ukraine, power struggles have occupied the majority of the government's time, to the point that the country is in free fall. When the world recession hit, the Ukrainian Parliament was preoccupied by coalitions, elections, and passing laws that ensured Parliament's primacy and preservation. Meanwhile, the Ukrainian currency has depreciated almost twofold in less than a year. The IMF and World Bank allotted Ukraine the number one spot in an index of countries that suffered the most from

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20 “Khronika.”
21 “Yushchenko Announces Date.”
22 Popov.
23 “Yushchenko ne budet peresmatrivat’ kontrakty.”
24 “Ukraine (sic) Politics.”
the financial crisis. Interestingly, both the IMF and the World Bank blamed the crisis on the lack of response from the Ukrainian government. This is not at all surprising, considering that since 2006, little, if any, legislation has been passed to address the Ukrainian economy. As a result of the constant tug-of-war between the president and Parliament and then in Parliament itself, Ukraine became a broken raft amidst an economic storm.

The obvious solution to the aforementioned crises, both political and economic, would be to institute a united, cohesive government. At the other end of the spectrum is an iron fist. However, the country is ready for neither option. It is highly likely that the country must first hit rock bottom in order to understand that survival through cohesion is more important than who becomes prime minister. The country is still in the throes of recovery after seventy years of Soviet rule. It has never had democratic or capitalist institutions. These cannot be conceived overnight, even with an especially bright president at the helm, as has been the case over the past five years. Only Westernization will allow Ukraine to develop beyond its third-world status. However, if the past eighteen years of stagnation can serve as evidence of the Ukrainian operating system, development may be an insurmountable task for any president, prime minister, or parliament.

Works Cited


25 Krasnikova.
26 Ibid.


