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12. Ukraine after Euromaidan: Increased Pluralism amid Patronal Politics

Ukraine's development after the turbulent events of Euromaidan and the ensuing Russian aggression saw increased space for political competition and social activism against the backdrop of continued patronage politics. Reinvigorated civil society mirrored the consolidation of Ukrainian society around the need to resist the foreign threat and implement sweeping reforms, while the disintegration of authoritarian vertical government and the collapse of the party system paved the way for the dissipation of power and the intensification of political struggle. Yet, high-level politics remained dominated by informal networks and patron-client relations, which trumped formal rules, undermined reform progress, and constrained post-2014 liberal gains. Struggles between representatives of vested interests and reformist forces will, to a great degree, determine Ukraine's ability to resist implantation of Russian authoritarian model and safeguard its democratic achievements.

Keywords: civil society, Euromaidan, informal networks, patronal politics, political institutions, reforms, Russian aggression

Introduction

Throughout its independence period, Ukraine's democratic development has been a series of uneven steps forward intermingled with drastic reversals. Until the Euromaidan revolution of 2013–2014, the political regime oscillated between periods of growing authoritarianism under Presidents Leonid Kuchma and Viktor Yanukovich and increased openness and competitiveness during the presidential tenures of Leonid Kravchuk and Viktor Yushchenko. Euromaidan, known also as the Revolution of Dignity, was a popular reaction against threatening monopolization of power under Yanukovich who first refused to sign the Association Agreement with the European Union (EU) and then oversaw beating of peaceful protesters by the special police force.

The escape of Yanukovich during the last days of Euromaidan was followed by the Russian occupation and annexation of Crimea and then the incursion of Russian military forces into two eastern Ukrainian regions, Donetsk and Luhansk oblasts (known together as Donbas). As a result, the new government had to resist Russian aggression and deal with severe economic recession while trying to meet public demands for structural reforms in a number of areas. Meanwhile, reinvigorated civil society and Western countries offered support to the new Ukrainian authorities in their reformist efforts.

While Euromaidan was not universally supported across the country – much more in the traditionally pro-European west and centre and markedly less by the generally pro-Russian east and south – the divisions between different parts of Ukraine began to reduce after the start of Russian aggression, with most regions turning against integration or cooperation with Russia and embracing European integration instead. This unique constellation of forces in Ukraine during 2014 in many regards shaped its future political trajectory.

Ukrainian Society after Euromaidan: New Trends and Transformations of Public Opinion

Euromaidan and the ensuing Russian aggression have influenced public opinion in Ukraine in several ways. First, much a stronger sense of national self-identification has taken root. While in 2013, 51% Ukrainian considered themselves primarily as citizens of Ukraine, in 2015 this number rose to 65% before slightly falling to 60% in 2016. National identification prevailed in all regions of the country, including in the south and the east, except in Donbas, where slightly more people still identified themselves with inhabitants of their region. Similar trends could be observed with sense of pride in being Ukrainian citizen: only 48% expressed their pride about that fact in 2013 compared with 67% in 2015 and 60% in 2016. Donbas, again, proved to be an exception, as the number of people proud of their Ukrainian citizenship fell in 2014–2016 (Bekeshkina, 2017: 15–16). An increase of national self-identification and patriotic sentiments came as somewhat unexpected results of the Russian military invasion, which

consolidated many Ukrainians from different regions around the common goal of resisting a foreign aggressor.

The tumultuous events of 2013–2014 have also had a significant impact on the foreign policy orientations of Ukrainians. During the tenure of Yanukovich, around a third of the population preferred joining a Russia-led customs union (later – Eurasian Economic Union, EEU) to membership in the EU, which, in turn, was supported by around 40%. Moreover, the majority of population wanted Ukraine to join *both* organizations at the same time (Zolkina, 2014: 13). After the start of Russian aggression, support for the Eurasian customs union all but collapsed, and in December 2016, a mere 11% supported membership in the EEU, whereas 58% were in favour of joining the EU. The establishment of a strong social consensus in favour of European integration was another sign of changing Ukrainian identity and a willingness of large parts of society to distance themselves from the Russian identity narratives.

Similar trends could be observed in public attitudes towards possible ways of guaranteeing the national security of Ukraine. During the whole independence period, most Ukrainians supported the nonaligned military status of Ukraine, while disapproving of membership in NATO and occasionally showing some support for participation in Russia-led security arrangements. After 2014, membership of NATO became the most popular option for satisfying the national security demands of Ukraine among the population, and slightly below 50% of Ukrainians favouring it during the last three years. Perhaps even more surprisingly, an absolute majority of Ukrainian citizens (up to 77% in May 2016) would vote for joining NATO if presented with such possibility in a referendum. This could be explained by the fact that NATO supporters are more willing to participate in a possible referendum than its opponents (Zolkina and Haran, 2017: 121–123). With the offer of NATO membership of Ukraine being off the table for the foreseeable future, changes in the public mood in Ukraine are symptomatic of the radical break that Ukrainian society has taken from the Russian sphere of influence.

Meanwhile, public attitudes towards democracy have also changed. Before 2014, a rather clear pattern of public opinion could be observed: Ukrainians wanted more democracy when it was lacking, but were gradually losing faith in it after they had experienced its features for some time (Sydorчук, 2013). Yet, two years after Euromaidan, public demand for democracy remained as strong as ever: in 2014, 53% Ukrainians preferred

it to any other kind of regime and in 2016 this number rose to 54%. However, the quality of democracy in Ukraine, according to the public opinion, was falling: from 5.5 points (out of 10 possible) in 2014 to 4.8 points in 2016. Strong support for democracy becomes even more pronounced taking into account ongoing military actions in Donbas: rarely do societies under threat of foreign military occupation demonstrate a willingness to go along with a democratic political regime.

On the other hand, liberal values are still far from universally shared by Ukrainians. Until Euromaidan, Ukrainian society has been frequently characterized as paternalistic, as many citizens expected the state to take care of them in every possible way (Kolokolova, 2014). After 2014, evidence from public opinion polls was more controversial. For instance, in November 2015, 45% Ukrainians still deemed the state responsible for providing citizens with everything they need, but 48% embraced a more liberal worldview agreeing that the state should only ensure a level playing field. When faced with a choice between material wellbeing and freedom, slightly more Ukrainians also preferred freedom (35% to 30%). However, the collective interests of society and state still trumped individual interests for 44% Ukrainians, while only 36% held the opposite view.¹

Weak participation of citizens in public life was also characteristic of Ukrainian society. Judging from the public opinion polls, nothing changed after Euromaidan: in October 2015, a majority of Ukrainians saw no increase in their willingness to join nongovernmental organizations (NGOs), engage in civic activity, control government activities, or participate in political life (Ilko Kucheriv Democratic Initiatives Foundation, 2016). In August 2016, only 32% stated their readiness to increase their involvement in decision-making processes if local government received new powers and even those willing to do so had in mind passive forms of participation, such as voting or doing public work.

In practice, however, Ukrainian civil society gained new impetus after 2014 and significantly escalated its role in the country's development. The rise of the national volunteer movement, which greatly aided the underperforming Ukrainian military during the critical first months of Russian aggression, was probably the most visible case in point (Kuzio,

1 The latter numbers are taken from the results of the public opinion poll conducted by the Ilko Kucheriv Democratic Initiatives Foundation and Ukrainian Sociology Service in October–November 2016, which was financially supported by the United Nations Development Program.

2017: 258–259). Proliferation of volunteer organizations around Ukraine came hand-in-hand with a drastic increase in the readiness of Ukrainians to contribute their money for the needs of the army and conflict-affected population. For instance, in November 2015, 47% of Ukrainians stated that they contributed money for charitable purposes during the previous year, with 65% of them giving money for Ukrainian army (Ilko Kucheriv Democratic Initiatives Foundation, 2017a).

Furthermore, an active part of civil society became important actors in decision-making processes at different levels. Immediately after Euromaidan, numerous NGOs and think tanks used the increased openness of the new government to influence its agenda and engage in designing and implementing public policies. The Reanimation Package of Reforms, a coalition of several dozen civil society organizations (CSOs), became the most successful civil society actor in the post-Euromaidan period, being able to advocate adoption and implementation of several crucial reformist pieces of legislation. In their relations with the government, many NGOs tried to secure support from Western countries and international organizations, such as the EU or International Monetary Fund (IMF), to exert more influence on the decisions made by the Ukrainian public authorities.

The stronger role of civil society was mirrored in public opinion. Unlike all state institutions, except the armed forces, CSOs, as well as volunteers, regularly enjoyed a positive balance of trust (meaning more people trusted them than did not trust them) throughout 2014–2016. President Poroshenko had positive balance of trust only during first months of his presidency, while public trust towards the Verkhovna Rada (Ukraine's unicameral parliament), the Cabinet of Ministers, as well as law-enforcement, the judiciary and prosecutor's bodies have been constantly (and strongly) negative. Similarly, the Ukrainian public saw civil society as one the most important drivers of reforms in both 2015 and 2016, while public attitudes towards the role of President, the Cabinet, and parliament in reforming the country were mostly negative.

A significant reduction in public trust in most state institutions since 2015 was not exceptional, as all previous Presidents enjoyed short honeymoon periods before losing the support of their voters. Different governments, therefore, used various instruments to compensate for existing legitimacy gaps. The post-Euromaidan government tried to capitalize on and associate itself with two main goals that it felt could resonate with the majority of the Ukrainian population. First, it presented itself as a bulwark

against Russian aggression, able to defend the society successfully from the dangers of Russian occupation and propaganda. Second, the ruling team struggled to create the image of genuine reformers addressing key demands of Euromaidan protesters and society in overhauling the corrupt and ineffective postcommunist socio-political and economic model.

Both instruments of supporting legitimacy proved to be shaky. After the initial period of national consolidation around the need to support the state in its fight against the foreign aggressor, more and more citizens started to doubt the government's commitment to defend the territorial integrity of the country. The start of the controversial Minsk process aimed at resolving the conflict in Donbas, of which Ukraine became a part, contributed especially to the erosion of public trust towards state efforts to counter Russian aggression. Most Ukrainians are currently unsatisfied with the progress of the Minsk process, and some of them even see it as evidence of the government's willingness to compromise Ukraine's national interests.² To counter such claims, the government has lately resorted to measures such as embracing an economic blockade of the noncontrolled territories in Donbas, which has received mixed reactions from Ukrainian and foreign experts (Szeligowski, 2017).

Similarly, the reform efforts of the new authorities lagged far behind public expectations (see the section "Reforms in Ukraine: Hanging in the Balance" for more on the issue of reforms in Ukraine after 2014). Unable to show tangible benefits quickly to its population through reform measures, the government faced strong pressure to adopt populist measures from the opposition, such as lowering the retirement age or prolonging the ban on sales of agricultural lands. So far the government has resisted such pressure in some cases, while in others it has succumbed to it, for instance by halting introduction of agricultural land sales. Nevertheless, support for populist measures in the society runs high, and the 2019 parliamentary elections could result in a significant increase in populist political forces in Verkhovna Rada.

2 In December 2016, only 12% of Ukrainians were satisfied with the results of the Minsk agreements, while 38% were dissatisfied with them and 28% had neutral attitudes towards them (Ilko Kucheriv Democratic Initiatives Foundation, 2017b).

New Parties, Old Elites

The complex nature of Ukraine's political transformations after Euromaidan could be seen in the related areas of party and electoral competition. Prior to Euromaidan, Yanukovich's Party of Regions dominated the Ukrainian political landscape, winning a plurality of votes in three consecutive parliamentary elections in 2006, 2007, and 2012. Unlike other prominent parties, which exploited ineffective tactics of maximizing their electoral support by fiercely competing against its rivals, the Party of Regions gradually improved its electoral gains by co-opting potential competitors and striking informal deals with key political players on its electoral field (Kudelia and Kuzio, 2014). For instance, Party of Regions found unlikely ally in Communist Party of Ukraine, which had served as its junior partner since 2006 elections. Three parties, *Batkivshchyna* led by former Prime Minister Yulia Tymoshenko (and later Arseniy Yatseniuk), UDAR under the leadership of Vitaliy Klychko, and nationalist *Svoboda*, represented parliamentary opposition.

After Euromaidan and the escape of Yanukovich, notable changes in Ukraine's party system started already with May 2014 presidential elections. The former middle-level opposition figure, Petro Poroshenko, was able to capitalize on both the abrupt fall in support for the discredited Party of Regions and the visible popular discontent with the three major opposition leaders of Euromaidan (Yatseniuk, Klychko, and *Svoboda's* Oleh Tyahnybok) and convincingly won the elections in the first round. Tymoshenko came second, far behind Poroshenko, while the third place was captured by another former opposition figure Oleh Liashko. Party of Regions failed to keep its unity, and three of its former and current members competed in the elections, each gaining very little support.

The October 2014 preterm elections of the *Verkhovna Rada* ordered by President Poroshenko accelerated the overhaul of the party system in Ukraine. The transformation of public opinion after Euromaidan and the start of Russian aggression led to the collapsing popularity of most previously existing parties, both from the government and the opposition. As a result, politicians rushed to create new parties in order to secure their presence in the new parliament. Poroshenko reanimated the dormant *Solidarnist* party under the name of Petro Poroshenko Bloc (PPB), hoping to tie its future results to his personal popularity; Yatseniuk formed alliance

with several former members of *Batkivshchyna* to create the Popular Front (PF), and the Radical Party of Oleh Liashko became another electoral competitor. Even some members of Party of Regions decided to create a new political force, Opposition Bloc, in order to distance themselves from Yanukovich legacy.

At first glance, the elections resulted in the complete renewal of the Ukrainian parliament. Of the six parties able to pass the 5% threshold, only one, the Tymoshenko-led *Batkivshchyna*, had been represented in the previous parliament. Even so, it became the last among those six, barely passing the threshold. The PPB won the most seats followed by PF, OB, and the Radical Party. Another newcomer, *Samopomich*, headed by Lviv mayor Andriy Sadovyi, increased its popularity during the last weeks of the campaign and was able to enter the parliament comfortably as well. The Communist Party, which had won seats at every previous parliamentary elections, failed to enter *Verkhovna Rada* this time. *Svoboda*, meanwhile, did not overcome the electoral threshold, but gained a few seats in single member districts.³

However, the novelty of the parliamentary parties was quite deceptive, as representatives of the old elites controlled the majority of them (Sydorчук, 2017). *Samopomich* was the only exception, as none of its deputies had been represented in the previous parliaments. Furthermore, as before, new parties were created not from below, but by established political figures with the ultimate aim of competing for elected posts. Aside from *Svoboda*, which continued to rely on nationalist sentiments of some parts of the population, none of these parties displayed coherent ideology or could boast elaborate policy programs. Mostly, the success of the parties that were able to enter the parliament was due to their access to vast financial resources allowing them to use political advertisements and exploit loyal media outlets. Meanwhile, those political forces that represented a different, bottom-up approach to politics, but lacked significant funds, such as *Democratic Alliance* or *People's Force*, failed to get enough popular support.

A mixture of new brands and experienced political figure was also characteristic of October 2015 local elections. They signalled the end of

3 Ukraine uses a mixed electoral system for its parliamentary elections: half of 450 MPs are elected according to proportional representations, half – in single-member districts according to simple majority rule. On attempts to change the electoral model after Euromaidan, see the section “Reforms in Ukraine: hanging in the balance”.

regional monopolies previously held by Party of Regions and were held in a relatively free and fair manner, although they were again marred by intense use of vote bribery by political parties and candidates across full political spectrum. The PPB, although faced with decreasing popular support, was again able to win the most seats, which helped it to establish relative control over most of the regions by constructing formal or informal coalitions with influential local actors. Other parliamentary parties, mostly *Batkivshchyna* and *OB*, showed strong results in some regions, while in others, local or regional political parties gained the upper hand. Again, most of such regional forces (*UKROP*, *Vidrodzhennia*, *Our Land*) were formally new, but effectively controlled by prominent political or economic actors.

The results of the local elections presented a rather paradoxical situation. On the one hand, most of the parties and candidates that were able to win seats in local councils employed opposition rhetoric, as the *PF* refused to participate in the elections due to its catastrophic drop in popularity in 2015, and even members of the parliamentary coalition, save *PPB*, build their agitation around critique of the parliament and the cabinet. On the other hand, protest voting during the local elections did not result in significant renewal of local and regional elites that continued to be dominated by informal networks concentrated around established politicians and oligarchs. During the 2014 parliamentary elections, increased pluralism had not paved the way for outsider or genuinely new political forces to enter big politics.

Meanwhile, the internal organization of both the new parties and several old parties that managed to remain relevant in post-Euromaidan remained centralized, opaque and leader dependent. The 2016 party financial reports showed that most of them either lacked legally registered regional organizations or had them only on paper. Decision-making processes within parties also remained opaque: although major parties regularly reported about convening congresses and conferences, decisions there were usually adopted unanimously. Furthermore, from 2015–2016, party leaders tried to reinforce control over ordinary party members through changes to legislation, with varying degrees of success. For instance, in March 2016, the *PPB* stripped its two members of deputy mandates for their dissident behaviour, for the first time applying a controversial mandate included into the Constitution in 2004. Attempts to introduce similar

mechanism of mandate deprivation for deputies of local councils, however, failed due to opposition from smaller parties.

Institutional Changes: From Presidential Dominance to Competitive Patronalism

Excessive concentration of formal and informal powers in the hands of President Yanukovich was among the reasons behind the start of Euromaidan. After the presidential victory of Yanukovich in February 2010, he quickly established control over the parliament through manipulative engineering of parliamentary coalition and appointment of a subordinate Prime Minister. To further reinforce his power grip, in September 2010, he pressured the constitutional court to revisit the constitutional reform of 2004 and re-establish a semipresidential constitutional model of president-parliamentary type with increased presidential competences. Exploitation of law-enforcement bodies for prosecuting top opposition leaders and heavy use of administrative resource and vote-buying practices during 2012 parliamentary elections allowed Yanukovich to strengthen his control over the parliament and deprive the fragmented opposition from any influence on the decision-making process (Sydorчук, 2014: 139–141).

Naturally, the limitation of presidential power in the constitution was among the key demands of the protestors.⁴ Immediately after the escape of Yanukovich, the Verkhovna Rada satisfied these demands by restoring the premier-presidential subtype of semi-presidentialism that functioned in Ukraine from 2006–2010 and deprived the President of the dominant role in the formation of the Cabinet and his right to dismiss the Cabinet. Although the constitutional changes did not happen in strict accordance with existing procedures, they enjoyed widespread support among all key political actors and in society.

The reintroduction of premier-presidentialism, together with the significant discrediting of the idea of a strong President, contributed to the dissemination of executive power between President and Cabinet

4 In February 2014, the last month of Euromaidan, 63% of protestors supported restoration of constitutional model with restricted competences of president (Ilko Kucheriv Democratic Initiatives Foundation, 2014).

and enabled parliament, repressed in the Yanukovych era, to reclaim its role as an independent law-making institution. After May 2014, preterm presidential elections won Poroshenko and the re-installment of the Cabinet of Ministers led by Yatseniuk, the two heads of the executive were able to divide powers and responsibilities in mutually acceptable manner. Poroshenko took control of foreign and defence policies, trying to resist Russian aggression and secure international support for Ukraine's new government, while Yatseniuk became responsible for domestic policies (Yakymenko, 2014).

Further coexistence of the President and the Prime Minister turned out to be more consensual than during the previous period of premier-presidentialism. While the two heads of the executive sometimes held conflicting views on various political and policy issues, they were able to keep their disagreements low profile and prevent them from spilling over to institutional conflicts. At the same time, the presidential dominance seen under Yanukovych was also gone as the President tried to reach his goals through compromise and by striking bargains rather than through pressure or intimidation.

President Poroshenko agreed to support Yatseniuk as Prime Minister after the preterm parliamentary elections in October 2014, despite the presidential party, Petro Poroshenko Bloc (PPB), gaining the most seats in the Verkhovna Rada (Wilson, 2014). Division of power remained even after the downfall of Yatseniuk's Cabinet resulting from catastrophic drop in his popularity and tensions within the parliamentary coalition. New Prime Minister Volodymyr Groysman, inaugurated in April 2016, although a close ally of Poroshenko, managed to defend his power autonomy, while Yatseniuk's Popular Front (PF) preserved its control over several key ministerial posts, including the Ministers of the Interior and Justice. As a result, while the President and Prime minister now came from the same party, executive power was still distributed among several interest groups (Haran and Sydorchuk, 2016).

The ability of the premier-presidential model to stimulate an effective division of power has been long noted by scholars of comparative political regimes (Elgie, 2011: 31–34). In the case of Ukraine, as well as some other postcommunist countries, such division often comes not because of strict adherence to constitutional rules but through creation of several loci of power around which various political actors could coordinate their activities (Hale, 2016: 128). Thus, dissipation of formal powers limits the

ability of a single actor to subordinate all other actors and creates breeding ground for enhanced political competition. So far, the division of executive power has been accompanied by increased political contestation, although the President's popular mandate and control over security apparatus sometimes allows him to strengthen his power grip, as may be seen in the appointment of both Groysman and another of his close associates, Yuriy Lutsenko, as prosecutor general.

That said, more pluralism and competition after 2014 did not translate into the establishment of the effective rule of law. The decision-making process at the highest political level continued to be shaped not by formal institutions but by informal power networks concentrated around key political actors. These patronal power networks remained highly personalized and organized according to patron-client relations, where powerful patrons are able to distribute benefits and punishments among their clients in exchange for various forms of support from the latter (Hale, 2014: 20). Formal rules, under these circumstances, serve not as strict and universal limitations on actors' behaviour, but rather as tools that can be used selectively to strengthen one's power position or punish defectors.

Several key informal power networks have formed after Euromaidan, replacing the single hierarchical metanetwork that existed during Yanukovich's presidency. Probably the most powerful network has emerged around newly elected President Poroshenko. Even with limited constitutional competences, Poroshenko was able to establish effective control over numerous MPs, both PPB members and some nonaligned deputies, and important ministries, which were headed by Poroshenko loyalists according to PPB parliamentary "quota". Furthermore, the President used his rather extensive legal powers to oversee the functioning of the Prosecutor's General Office (PGO) and the Security Service, as well as retaining significant influence over the courts.

The former Prime Minister, Yatseniuk, remained the centrepiece of the second influential power network, which was represented both in parliament and in the Cabinet. Its influence diminished after Yatseniuk's resignation, but it is still a crucial veto player, able to obstruct the President's unilateral decisions. After the appointment of Groysman's Cabinet, the new Prime Minister, who was previously widely seen as a Poroshenko loyalist, was also able to form his own power network, which extended its control over various political actors through several important posts in the Cabinet of Ministers. Instances of tensions between Poroshenko and

Groysman, which sometimes manifested themselves in conflicting rhetoric, have already been noted in the press (Kravets and Zhartovska, 2017).

Several other power networks concentrated around oligarchs, including some having deputy mandates, also continued to influence decision-making processes in the country. Millionaire and former head of Dnipropetrovsk regional state administration, Ihor Kolomoiskyi, sometimes challenged Poroshenko using his influence over state enterprises, the mass media, and MPs from various factions, although lately his dissidence suffered a blow after the nationalization of Privatbank, the largest Ukrainian bank previously owned by him. The richest man in Ukraine and former close ally of ousted President Yanukovich, Rinat Akhmetov, lost much of his political and economic power but still preserved a grip over another prominent patronal network, which had a say in many decisions of both government and opposition.

Relations between these and other, smaller networks of power (including several formed around opposition figures) could be characterized as a combination of competition and cooperation and explained the outcomes of political processes better than interaction between formal institutions or between the government and opposition. While pro-government networks demonstrated a higher level of coordination among themselves than with networks controlled either by opposition actors or by opportunist oligarchs, tactical alliances between networks from opposing political camps or tensions inside the government were also rather common.

Furthermore, the constellation of networks did not remain static, as new networks, like the one concentrated around Groysman, arose, and established ones, such as the network of ex-premier Tymoshenko, had to change their configuration to remain relevant. Meanwhile, many political actors retained the possibility to switch sides and change their loyalties to different patrons, with the most obvious example being the MP and head of the parliamentary faction Oleh Liashko. This, again, contributed to increased pluralism among the country's political elites, even if such pluralism did not mean universal respect for the rule of law.

Increased competition among power networks also had its impact on the media environment in the country. During the Yanukovich era, the majority of prominent national media outlets largely avoided criticizing the authorities due to strong pressure from their owners, who were accommodating to the ruling elites, and widespread practices of self-censorship. After Euromaidan, media pluralism increased and journalists gained more

freedom in their activities. Yet, the dependence of media outlets on their owners did not disappear and continued to shape their editorial policies (Pörzgen, 2016). As a result, most TV, radio, and printed press remained integral parts of different power networks and were used by their political patrons to advance their interests. Increased political pluralism meant that critique of the government became a norm, but average journalistic standards have barely increased since 2014. Several media outlets independent of established political or economic actors gained more prominence, trying to cover developments in the country in unbiased and balanced way, but their influence continued to be significantly limited by lack of necessary financial resources.

Reforms in Ukraine: Hanging in the Balance

In addition to producing more openness, a change of government and preterm elections after Euromaidan created an opportunity to advance wide-ranging reforms. As was shown in the previous section, key political actors saw the universal application of law not as an ultimate aim, but as an obstacle to reaching their mostly short-term goals. On the other hand, representatives of key power networks had to react to strong external pressure coming both from the rejuvenated civil society and foreign states and international institutions offering crucial financial and technical assistance while pushing for democratic reforms (Lough and Solonenko, 2016). In many cases, a contradiction between government willingness to retain the selective rule of law and the necessity to adjust to requirements and demands put forth by important domestic and foreign actors resulted in half-baked reforms.

While the new reform-related legislation in many areas constituted a significant step forward, resistance from the political elites often made its effective enforcement impossible. Moreover, willingness to preserve informal rules that undermined genuine reforms was shared among both the government and parliamentary opposition. Civil society and foreign actors were key drivers behind reforms and, to achieve their aims, often cooperated with a group of reform-minded MPs from different factions across the government/opposition divide who tried to change the rules of

the game from within the system. The outcome of the reforms thus often hinged on the struggle between representatives of the established elites and advocates of changes coming from different parts of Ukrainian and Western societies.

The government's anticorruption efforts are a good case in point. Reacting to strong pressure from below and conditionality instruments applied by the EU and IMF, the parliament passed progressive anticorruption laws, including an unprecedented system for the electronic declaration of the income and assets of public officials. Furthermore, two new anticorruption bodies were created: the National Anti-Corruption Bureau (NABU) responsible for investigating corruption-related crimes of top officials and the National Agency on Prevention of Corruption (NAPC) in charge of monitoring and revealing corruption in the activities of civil servants and financing of political parties.

Since its inception, NABU has demonstrated willingness to investigate corrupt offences by top officials and politicians, including Head of State Fiscal Service Roman Nasirov, seen as a prominent figure in Poroshenko's informal power network, and Mykola Martynenko, one of the key sponsors of PF and a close ally of Yatseniuk. However, its actions were often compromised by a prosecutor's office that depended on the President and courts that remained vulnerable to political pressure. Furthermore, the President tried (unsuccessfully, so far) to prevent NABU from going too far in its investigations through pressuring his parliamentary faction to appoint a loyal auditor to the Auditing Commission, which should examine NABU actions and could give grounds for dismissing its director.

Meanwhile, NAPC lacks genuine independence despite a legally demanding and merit-based process of selection and high salaries for its members. The President and the Cabinet were able to establish control over most of its member through manipulating the work of the selection committee and presenting this institution as a scapegoat for most of the existing problems in fight against corruption. The NAPC's susceptibility to political pressure could be the main reason behind its disappointing results in preventing corruption during the first years of its existence.

Anticorruption efforts in post-Euromaidan Ukraine have so far resulted not only in half-hearted measures, but also in increased tensions between the government and independent-minded NGOs. In 2017, the Verkhovna Rada passed, and President Poroshenko signed, the law obliging all members of CSOs dealing with anticorruption issues to submit the

same electronic declarations that public officials submit. The move was widely seen as attempt of the ruling elites to put more pressure on the most outspoken civil society activists, as well as discrediting them in the eyes of society. Although the EU and its member states unequivocally condemned this decision, Ukrainian parliament has so far refused to repeal it.

Similarly, judicial reform progressed much more on paper than in reality. In June 2016, the Verkhovna Rada adopted constitutional changes aimed at limiting the President's and the parliament's influence on judges. Since then, however, both institutions have tried to retain their *de facto* control over Ukraine's court system. In September 2016, for instance, the parliament refused to dismiss several prominent judges notorious for their politically motivated decisions made during Yanukovich era. This decision was seen as the parliament's attempt to keep the judges who were vulnerable to political influence in place. In general, the executive retained its strong grip on the judiciary through both formal and informal instruments. These included control over the appointment and resignation of judges through political influence on judicial bodies that were only formally independent, enabling corruption that allowed law-enforcement bodies to keep judges in check, and cultivating a general pattern of subservient judges. The renewal of judges, seen by the Ukrainian public as another crucial task of the reform, also stalled and its prospects are unclear.

The limited nature of the reforms also restricted political competition to some degree. While both President Poroshenko and members of the parliamentary coalition promised to introduce proportional electoral system with regional preferential lists (so called "open lists"), no changes to the present mixed system for parliamentary elections were made. A combination of "closed" party lists and first-past-the-post single-member districts favoured pro-government candidates and party leaders, and thus neither the majority nor the opposition was interested in changing this model. In a similar fashion, a new electoral system for local elections introduced in 2015 *de facto* retained "closed party lists", although they were presented as "open lists", again playing into the hands of the party leadership.

Attempts by the leading parties, both in the government and opposition, to reify the existing party system could also be seen in the party finance reform launched with the adoption of the profile law in October 2015. On the one hand, the new model introduced several progressive changes aimed at increasing financial transparency and accountability of parties, such as the obligation of all parties to submit comprehensive

financial reports identifying all donors and recipients of their funds each quarter, and the introduction of public funding. Yet public funding was limited only to parties that crossed the 5% threshold in the 2014 elections, i.e. only to parliamentary parties. Starting from the 2019 parliamentary elections, the threshold will be lowered to 2%, but in the meantime, the danger of the cartelization of the Ukrainian party system could manifest itself (Katz and Mair, 1995).

The most effective reform measures were undertaken notably in the areas where the governing elites saw little danger to their interests from changing the status quo. Among these, decentralization reform is probably the most promising initiative of the Ukrainian authorities since 2014. Redistribution of resources and competences among different levels of the government has already led to significant enrichment of many local communities and their increased ability to manage the development of their territories. Perhaps most importantly, decentralization has already led to notable shifts in public opinion: in November 2016, 46% of Ukrainians saw improvements resulting from the use of new funds by their local authorities whereas only 5% saw changes for the worse (Kyiv International Institute of Sociology, 2016). Prospects for finalizing the reform hinge on delicate political issues, as the parliament refused to adopt constitutional changes on decentralization because they were bundled together with Ukraine's commitment under the Minsk process.⁵

Conclusion

Euromaidan created a democratic opening in Ukraine and laid the ground for increased political competition and pluralism, which replaced the increasingly authoritarian regime of President Yanukovich. The

5 According to the Minsk agreement signed in February 2015, Ukraine, among other things, committed itself to providing "special status" to the territories in Donbas controlled by Russian proxies. Faced with strong resistance to implementing this clause from the majority of MPs, President Poroshenko decided to combine this provision with the constitutional Bill on decentralization supported at that time by most parliamentary factions. However, when the norm on the "special status" appeared in the draft of constitutional changes, parliamentary support for the draft effectively vanished, and the final vote was postponed indefinitely.

dissemination of formal powers through constitutional reform was mirrored in the division of competences between the President and Cabinet and strengthening of the parliament. There were dramatic shifts in the party system: the once-dominant Party of Regions broke down, while only one party represented in previous parliaments managed to pass the threshold in the 2014 preterm elections. Civil society received a shot in the arm and significantly increased its influence on the decision-making processes in the country, often with the help of Western countries and international organizations providing financial and technical assistance to the Ukrainian government.

Yet the democratic gains in Ukraine after 2014 were limited by a predominance of informal power networks that continued to shape the outcomes of political process to a much higher degree than formal institutions and were able to capture most of the new parties that came to prominence after Euromaidan. While competition between these networks definitely increased, they functioned with little respect for the formal rules, undermining prospects for the effective establishment of the rule of law and genuine government accountability. A prevalence of short-term interests among key political players also limited the effectiveness of numerous reforms that the government embarked on to meet the strong demand from civil society and its international partners.

So far, Ukraine has resisted the pronounced illiberal turn seen recently in some countries in Eastern Europe and has even experienced more openness and freedom compared to the Yanukovich era, although still not on par with most of the postcommunist EU member states. However and paradoxically, a continuation of the reform process could produce a backlash from Ukraine's vested interests unwilling to lose their grip on power. A continuation of the slow-burning conflict in Donbas and multifaceted Russian aggression also pose a risk to the implantation of still fragile liberal values in Ukrainian society, and the government has already used the need to counter foreign encroachment as a pretext for limiting some of the post-Euromaidan democratic gains.

Tensions and, sometimes, open conflicts between representatives of established power networks and advocates of change within the state institutions and civil society will to a great degree shape the future of Ukraine's democratic development. Much will also depend on the ability of the government to present the society with clear benefits of a pluralistic political environment, which could serve as strong deterrent against

future authoritarian reversals. Finally, as Ukraine now struggles to resist the encroachment of the Russian autocratic socio-political model, whether existing democratic practices in Ukraine succeed and thrive will have profound impact on the prospects of democracy in the broader Eastern European region as well.

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